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Senate

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND.]

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer.

Gracious Father, help us not to lose our sense of humor. Free us to laugh at ourselves when we do the wrong thing at the right time or the right thing at an inappropriate time. Sometimes we say things that make us cringe when we review the day. When we take ourselves too seriously we tighten up and become tense. Little issues become so crucial we miss the big issues confronting us. We worry about what others think of us.

Relieve us of our assumed importance and help us realize they seldom do think of us. Forgive us for all the good energy we waste on checking our own popularity pulse. Make us so secure in Your love that we can lighten up, and then, listen up to what You want us to be and do about what really matters. Make us carefree, but never careless. In the name of Jesus who taught us that by worrying we could not add one cubit to our stature, but by seeking first Your kingdom all things that are truly important would be ours as well. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, is recognized.

THE SENATE CHAPLAIN

Mr. LOTT. Thank you, Mr. President.

Again, I want to express our appreciation for the wonderful words of our Chaplain, as he offers the blessing in this institution and helps us maintain our balance as we do our jobs.

SCHEDULE

Mr. LOTT. Mr. President, today, we will immediately begin considering S. 1745, the Department of Defense authorization bill. Under the terms of the consent agreement reached last week, Senators may debate the bill this morning. However, no amendments will be in order prior to 2:15 p.m. today.

I hope the Senate can make substantial progress on the DOD bill today and this evening. I expect to complete action on that bill this week. All Senators can, therefore, expect rollcall votes throughout the day.

The Senate will recess between the hours of 12:30 and 2:15 for the weekly policy conferences to meet. As a reminder to all Senators, at 9:30 on Thursday, the Senate will resume consideration of the nomination of Alan Greenspan to be Chairman of the Federal Reserve Board. Under a consent order, a vote will occur at 2 p.m. Thursday on the Greenspan nomination, and that will be followed by votes on the other nominees to the Federal Reserve Board.

I also hope that this week the Senate may act on legislation regarding the church burnings, Mr. President. We are very close to a bipartisan resolution on this matter. We need to express the outrage of the Senate, and we need to make sure that our law enforcement officials have whatever tools they need to investigate these despicable acts and take appropriate action to find the guilty parties and help bring an end to these activities across our country.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. LOTT. Mr. President, I want to say, before I yield the floor, that I am very pleased that we are ready to go now with the Department of Defense authorization bill. The committee has been ready to go for about 3 weeks. There have been some problems that are being ironed out with other committees. I know that in the years I have been on the Armed Services Committee this has been the most cooperative atmosphere we have had in the committee.

I think we have a good bill. I know there are going to be some very serious amendments offered and debated. We will have plenty of opportunity to express our concerns and to change the bill in ways that Members feel strongly about.

I commend, again, the chairman of the committee, Senator THURMOND from South Carolina, for the leadership he has shown on this bill. He said that we were not going to wait way into the summer and get tangled up into the appropriations process. We are going to have the authorization bill ready. He did that. The bill was ready by the Memorial Day recess. I appreciate him and have enjoyed so much working with him. I know he is raring to go, so, Mr. Chairman, it is yours.

I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The PRESIDING OFFICER (Mr. BROWN). Under the previous order, the Senate will proceed, for debate only, to the consideration of S. 1745, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1745) to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services, with amendments, as follows:

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1745

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 1997''.

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

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

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

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

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Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Reserve components.
Sec. 106. Defense Inspector General.
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Sec. 108. Defense health program.
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Sec. 112. Army assistance for Chemical Demilitarization Citizens' Advisory Commissions.

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Sec. 122. Penguin missile program.
Sec. 123. Nuclear attack submarine programs.
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Sec. 3157. Extension of applicability of notice-and-wait requirement regarding proposed cooperation agreements.
Sec. 3158. Redesignation of Defense Environmental Restoration and Waste Management Program as Defense Nuclear Waste Management Program.
Sec. 3159. Commission on Maintaining United States Nuclear Weapons Expertise.
Sec. 3160. Sense of Senate regarding reliability and safety of remaining nuclear forces.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authorized uses of stockpile funds.
Sec. 3302. Disposal of certain materials in National Defense Stockpile.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

TITLE XXXV—PANAMA CANAL COMMISSION

Sec. 3501. Short title.
Sec. 3502. Authorization of expenditures.
Sec. 3503. Purchase of vehicles.
Sec. 3504. Expenditures in accordance with other laws.

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 1997 for procurement for the Army as follows:

(1) For aircraft, $1,508,515,000.

(2) For missiles, $1,160,829,000.

(3) For weapons and tracked combat vehicles, $1,460,115,000.

(4) For ammunition, $1,156,728,000.

(5) For other procurement, $3,298,940,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1997 for procurement for the Navy as follows:

(1) For aircraft, $6,911,352,000.

(2) For weapons, including missiles and torpedoes, $1,513,263,000.

(3) For shipbuilding and conversion, $6,567,330,000.

(4) For other procurement, $3,005,040,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1997 for procurement for the Marine Corps in the amount of $816,107,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1997 for procurement for the Air Force as follows:

(1) For aircraft, $7,003,528,000.

(2) For missiles, $2,847,177,000.

(3) For other procurement, $5,880,519,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1997 for Defense-wide procurement in the amount of $1,908,012,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1997 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, $224,000,000.

(2) For the Air National Guard, $305,800,000.

(3) For the Army Reserve, $90,000,000.

(4) For the Naval Reserve, $40,000,000.

(5) For the Air Force Reserve, $40,000,000.

(6) For the Marine Corps Reserve, $60,000,000.

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1997 for procurement for the Inspector General of the Department of Defense in the amount of $2,000,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 1997 the amount of $802,847,000 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 PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1997 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 $269,470,000.

SEC. 109. DEFENSE NUCLEAR AGENCY.

Of the amounts authorized to be appropriated for the Department of Defense under section 104, $7,900,000 shall be available for the Defense Nuclear Agency.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT OF JAVELIN MISSILE SYSTEM.

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

SEC. 112. ARMY ASSISTANCE FOR CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS.

Subsections (b) and (f) of section 172 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2341; 50 U.S.C. 1521 note) are each amended by striking out ''Assistant Secretary of the Army (Installations, Logistics and Environment)'' and inserting in lieu thereof ''Assistant Secretary of the Army (Research, Development and Acquisition)''.

Subtitle C—Navy Programs

SEC. 121. EA–6B AIRCRAFT REACTIVE JAMMER PROGRAM.

(a) LIMITATION.—None of the funds appropriated pursuant to section 102(a)(1) for modifications or upgrades of EA–6B aircraft may be obligated, other than for a reactive jammer program for such aircraft, until 30 days after the date on which the Secretary of the Navy submits to the congressional defense committees in writing—

(1) a certification that some or all of such funds have been obligated for a reactive jammer program for EA–6B aircraft; and

(2) a report that sets forth a detailed, well-defined program for—

(A) developing a reactive jamming capability for EA–6B aircraft; and

(B) upgrading the EA–6B aircraft of the Navy to incorporate the reactive jamming capability.

(b) CONTINGENT TRANSFER OF FUNDS TO AIR FORCE.—(1) If the Secretary of the Navy has not submitted the certification and report described in subsection (a) to the congressional defense committees before June 1, 1997, then, on that date, the Secretary of Defense shall transfer to Air Force, out of appropriations available to the Navy for fiscal year 1997 for procurement of aircraft, the amount equal to the amount appropriated to the Navy for fiscal year 1997 for modifications and upgrades of EA–6B aircraft.

(2) Funds transferred to the Air Force pursuant to paragraph (1) shall be available for maintaining and upgrading the jamming capability of EF–111 aircraft.

SEC. 122. PENGUIN MISSILE PROGRAM.

(a) MULTIYEAR PROCUREMENT AUTHORITY.—The Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into multiyear procurement contracts for the procurement of not more than 106 Penguin missile systems.

(b) LIMITATION ON TOTAL COST.—The total amount obligated or expended for procurement of Penguin missile systems under contracts under subsection (a) may not exceed $84,800,000.

SEC. 123. NUCLEAR ATTACK SUBMARINE PROGRAMS.

(a) AMOUNTS AUTHORIZED.—(1) Of the amount authorized to be appropriated by section 102(a)(3)—

(A) $804,100,000 shall be available for construction of the third vessel (designated SSN–23) in the Seawolf attack submarine class;

(B) $296,200,000 shall be available for long-lead and advance construction and procurement of components for construction of a submarine (previously designated by the Navy as the New Attack Submarine) beginning in fiscal year 1998 to be built by Electric Boat Division; and

(C) $701,000,000 shall be available for long-lead and advance construction and procurement of components for construction of a second submarine (previously designated by the Navy as the New Attack Submarine) beginning in fiscal year 1999 to be built by Newport News Shipbuilding.

(2) Funds authorized to be appropriated by section 201(2) for the design of the submarine previously designated by the Navy as the New Attack Submarine shall be available for obligation and expenditure under contracts with Electric Boat Division and Newport News Shipbuilding to carry out the provisions of the ''Memorandum of Agreement Among the Department of the Navy, Electric Boat Corporation (EB) and Newport News Shipbuilding and Drydock Company (NNS) Concerning the New Attack Submarine'', dated April 5, 1996, relating to design data transfer, design improvements, integrated process teams, updated design base, and other research and development initiatives related to the design of such submarine.

(b) CONTRACTS AUTHORIZED.—(1) The Secretary of the Navy is authorized, using funds available pursuant to subparagraphs (B) and (C) of subsection (a)(1), to enter into contracts with Electric Boat Division and Newport News Shipbuilding, and suppliers of components, during fiscal year 1997 for—

(A) the procurement of long-lead components for the submarines referred to in such subparagraphs; and

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

(2) The Secretary of the Navy may enter into a contract or contracts under this section with the shipbuilder of the submarine referred to in subsection (a)(1)(B) only if the Secretary enters into a contract or contracts under this section with the shipbuilder of the submarine referred to in subsection (a)(1)(C).

(c) COMPETITION AND LIMITATIONS ON OBLIGATIONS.—(1)(A) Of the amounts made available pursuant to subsection (a)(1), not more than $100,000,000 may be obligated or expended until the Secretary of Defense 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 described in subparagraph (B) will be provided for under one or more contracts that are entered into after a competition between Electric Boat Division and Newport News Shipbuilding in which the Secretary of the Navy solicits competitive proposals and awards the contract or contracts on the basis of price.

(B) The submarines referred to in subparagraph (A) are nuclear attack submarines that are to be constructed beginning—

(i) after fiscal year 1999; or

(ii) if four submarines are to be procured as provided for in the plan required under section 131(c) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 209), after fiscal year 2001.

(2) Of the amounts made available pursuant to subsection (a)(1), not more than $100,000,000 may be obligated or expended until the Under Secretary of Defense for Acquisition and Technology submits to the committees referred to in paragraph (1) a written report that describes in detail—

(A) the oversight activities undertaken by the Under Secretary up to the date of the report pursuant to section 131(b)(2)(C) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 207), and the plans for the future development and improvement of the nuclear attack submarine program of the Navy;

(B) the implementation of, and activities conducted under, the program required to be established by the Director of the Defense Advanced Research Projects Agency by section 131(i) of such Act (110 Stat. 210) for the development and demonstration of advanced submarine technologies and a rapid prototype acquisition strategy for both land-based and at-sea subsystem and system demonstrations of such technologies; and

(C) all research, development, test, and evaluation programs, projects, or activities within the Department of Defense which, in the opinion of the Under Secretary, are designed to contribute to the development and demonstration of advanced submarine technologies leading to a more capable, more affordable nuclear attack submarine, together with a specific identification of ongoing involvement, and plans for future involvement, in any such program, project, or activity by Electric Boat Division, Newport News Shipbuilding, or both.

(d) REFERENCES TO SHIPBUILDERS.—For purposes of this section—

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

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

SEC. 124. ARLEIGH BURKE CLASS DESTROYER PROGRAM.

(a) FUNDING.—(1) Subject to paragraph (3), funds authorized to be appropriated by section 102(a)(3) may be made available for contracts entered into in fiscal year 1996 under subsection (b)(1) of section 135 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211) for construction for the third of the three Arleigh Burke class destroyers covered by that subsection. Such funds are in addition to amounts made available for such contracts by the second sentence of subsection (a) of that section.

(2) Subject to paragraph (3), funds authorized to be appropriated by section 102(a)(3) may be made available for contracts entered

into in fiscal year 1997 under subsection (b)(2) of such section 135 for construction (including advance procurement) for the Arleigh Burke class destroyers covered by such subsection (b)(2).

(3) The aggregate amount of funds available under paragraphs (1) and (2) for contracts referred to in such paragraphs may not exceed $3,483,030,000.

(4) Within the amount authorized to be appropriated by section 102(a)(3), $750,000,000 is authorized to be appropriated for advance procurement for construction for the Arleigh Burke class destroyers authorized by subsection (b).

(b) AUTHORITY FOR PROCUREMENT OF TWELVE VESSELS.—The Secretary of the Navy is authorized to construct 12 Arleigh Burke class destroyers in accordance with subsections (c) and (d).

(c) CONTRACTS.—(1) The Secretary is authorized, in fiscal year 1998, to enter into contracts for the construction of three Arleigh Burke class destroyers covered by subsection (b), subject to the availability of appropriations for such destroyers.

(2) The Secretary is authorized, in fiscal year 1999, to enter into contracts for the construction of three Arleigh Burke class destroyers covered by subsection (b), subject to the availability of appropriations for such destroyers. The destroyers covered by this paragraph are in addition to the destroyers covered by paragraph (1).

(3) The Secretary is authorized, in fiscal year 2000, to enter into contracts for the construction of three Arleigh Burke class destroyers covered by subsection (b), subject to the availability of appropriations for such destroyers. The destroyers covered by this paragraph are in addition to the destroyers covered by paragraphs (1) and (2).

(4) The Secretary is authorized, in fiscal year 2001, to enter into contracts for the construction of three Arleigh Burke class destroyers covered by subsection (b), subject to the availability of appropriations for such destroyers. The destroyers covered by this paragraph are in addition to the destroyers covered by paragraphs (1), (2), and (3).

(d) 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 (c)—

(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 1997; and

(C) any funds that are appropriated after the date of the enactment of the Department of Defense Appropriations Act, 1997, 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 (c) 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.

Subtitle D—Air Force Programs

SEC. 131. MULTIYEAR CONTRACTING AUTHORITY FOR THE C–17 AIRCRAFT PROGRAM.

(a) MULTIYEAR CONTRACTS AUTHORIZED.—The Secretary of the Air Force may, pursuant to section 2306b of title 10, United States Code (except as provided in subsection (b)(1)), enter into one or more multiyear contracts for the procurement of not more than a total of 80 C–17 aircraft.

(b) CONTRACT PERIOD.—(1) Notwithstanding section 2306b(k) of title 10, United States Code, the period covered by a contract entered into on a multiyear basis under the authority of subsection (a) may exceed five years, but may not exceed seven years.

(2) Paragraph (1) shall not be construed as prohibiting the Secretary of the Air Force from entering into a multiyear contract for a period of less than seven years. In determining to do so, the Secretary shall consider whether—

(A) sufficient funding is provided for in the future-years defense program for procurement, within the shorter period, of the total number of aircraft to be procured (within the number set forth in subsection (a)); and

(B) the contractor is capable of delivering that total number of aircraft within the shorter period.

(c) OPTION TO CONVERT TO ONE-YEAR PROCUREMENTS.—Each multiyear contract for the procurement of C–17 aircraft authorized by subsection (a) shall include a clause that permits the Secretary of the Air Force—

(1) to terminate the contract as of September 30, 1998, without a modification in the price of each aircraft and without incurring any obligation to pay the contractor termination costs; and

(2) to then enter into follow-on one-year contracts with the contractor for the procurement of C–17 aircraft (within the total number of aircraft authorized under subsection (a)) at a negotiated price that is not to exceed the price that is negotiated before September 30, 1998, for the annual production contract for the C–17 aircraft in lot VIII and subsequent lots.

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 1997 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,958,140,000.

(2) For the Navy, $9,041,534,000.

(3) For the Air Force, $14,788,356,000.

(4) For Defense-wide activities, $9,662,542,000, of which—

(A) $252,038,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $21,968,000 is authorized for the Director of Operational Test and Evaluation.

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

(a) FISCAL YEAR 1997.—Of the amounts authorized to be appropriated by section 201, $4,005,787,000 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. DEFENSE NUCLEAR AGENCY.

Of the amounts authorized to be appropriated for the Department of Defense under section 201, $221,330,000 shall be available for the Defense Nuclear Agency.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. SPACE LAUNCH MODERNIZATION.

(a) FUNDING.—Funds appropriated pursuant to the authorization of appropriations in section 201(3) are authorized to be made available for space launch modernization for purposes and in amounts as follows:

(1) For the Evolved Expendable Launch Vehicle program, $44,457,000.

(2) For a competitive reusable launch vehicle technology program, $25,000,000.

(b) LIMITATIONS.—(1) Of the funds made available for the reusable launch vehicle technology program pursuant to subsection (a)(2), the total amount obligated for such purpose may not exceed the total amount allocated in the fiscal year 1997 current operating plan of the National Aeronautics and Space Administration for the Reusable Space Launch program of the National Aeronautics and Space Administration.

(2) None of the funds made available for the Evolved Expendable Launch Vehicle program pursuant to subsection (a)(1) may be obligated until the Secretary of Defense certifies to Congress that the Secretary has made available for obligation the funds, if any, that are made available for the reusable launch vehicle technology program pursuant to subsection (a)(2).

SEC. 212. DEPARTMENT OF DEFENSE SPACE ARCHITECT.

(a) REQUIRED PROGRAM ELEMENT.—The Secretary of Defense shall include the kinetic energy tactical anti-satellite program of the Department of Defense as an element of the space control architecture being developed by the Department of Defense Space Architect.

(b) LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated pursuant to this Act, or otherwise made available to the Department of Defense for fiscal year 1997, may be obligated or expended for the Department of Defense Space Architect until the Secretary of Defense certifies to Congress that—

(1) the Secretary is complying with the requirement in subsection (a);

(2) funds appropriated for the kinetic energy tactical anti-satellite program for fiscal year 1996 have been obligated in accordance with section 218 of Public Law 104–106 and the Joint Explanatory Statement of the Committee of Conference accompanying S. 1124 (House Report 104–450 (104th Congress, second session)); and

(3) the Secretary has made available for obligation the funds appropriated for the kinetic energy tactical anti-satellite program for fiscal year 1997 in accordance with this Act.

SEC. 213. SPACE-BASED INFRARED SYSTEM PROGRAM.

(a) FUNDING.—Funds appropriated pursuant to the authorization of appropriations in section 201(3) are authorized to be made available for the Space-Based Infrared System program for purposes and in amounts as follows:

(1) For Space Segment High, $192,390,000.

(2) For Space Segment Low (the Space and Missile Tracking System), $247,221,000.

(3) For Cobra Brass, $6,930,000.

(b) CONDITIONAL TRANSFER OF MANAGEMENT OVERSIGHT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall transfer the management oversight responsibilities for the Space and Missile Tracking System from the Secretary of the Air Force to the Director of the Ballistic Missile Defense Organization.

(c) CERTIFICATION.—If, within the 30-day period described in subsection (b), the Secretary of Defense submits to Congress a certification that the Secretary has established a program baseline for the Space-Based Infrared System that satisfies the requirements of section 216(a) of Public Law 104–106 (110 Stat. 220), then subsection (b) of this section shall cease to be effective on the date on

which the Secretary submits the certification.

SEC. 214. RESEARCH FOR ADVANCED SUBMARINE TECHNOLOGY.

Section 132 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 210) is repealed.

SEC. 215. CLEMENTINE 2 MICRO-SATELLITE DEVELOPMENT PROGRAM.

(a) AMOUNT FOR PROGRAM.—Of the amount authorized to be appropriated under section 201(3), $50,000,000 shall be available for the Clementine 2 micro-satellite near-Earth asteroid interception mission.

(b) LIMITATION.—None of the funds authorized to be appropriated pursuant to this Act for the global positioning system (GPS) Block II F Satellite system may be obligated until the Secretary of Defense certifies to Congress that—

(1) funds appropriated for fiscal year 1996 for the Clementine 2 Micro-Satellite development program have been obligated in accordance with Public Law 104–106 and the Joint Explanatory Statement of the Committee of Conference accompanying S. 1124 (House Report 104–450 (104th Congress, second session)); and

(2) the Secretary has made available for obligation the funds appropriated for fiscal year 1997 for the Clementine 2 micro-satellite development program in accordance with this section.

SEC. 216. TACTICAL UNMANNED AERIAL VEHICLE PROGRAM.

No official of the Department of Defense may enter into a contract for the procurement of (including advance procurement for) a higher number of Dark Star (tier III) low observable, high altitude endurance unmanned aerial vehicles than is necessary to complete procurement of a total of three such vehicles until flight testing has been completed.

SEC. 217. DEFENSE AIRBORNE RECONNAISSANCE PROGRAM.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report comparing the Predator unmanned aerial vehicle program with the Dark Star (tier III) low observable, high altitude endurance unmanned aerial vehicle program. The report shall contain the following:

(1) A comparison of the capabilities of the Predator unmanned aerial vehicle with the capabilities of the Dark Star unmanned aerial vehicle.

(2) A comparison of the costs of the Predator program with the costs of the Dark Star program.

(3) A recommendation on which program should be funded in the event that funds are authorized to be appropriated, and are appropriated, for only one of the two programs in the future.

(b) LIMITATION ON USE OF FUNDS PENDING SUBMISSION OF REPORT.—Funds appropriated pursuant to section 104 may not be obligated for any contract to be entered into after the date of the enactment of this Act for the procurement of Predator unmanned aerial vehicles until the date that is 60 days after the date on which the Secretary of Defense submits the report required by subsection (a).

SEC. 218. COST ANALYSIS OF F–22 AIRCRAFT PROGRAM.

(a) REVIEW OF PROGRAM.—The Secretary of Defense shall direct the Cost Analysis Improvement Group in the Office of the Secretary of Defense to review the F–22 aircraft program, analyze and estimate the production costs of the program, and submit to the Secretary a report on the results of the review.

(b) REPORT.—Not later than March 30, 1997, the Secretary shall transmit to the congressional defense committees the report prepared under paragraph (1), together with the Secretary's views on the matters covered by the report.

(c) LIMITATION ON USE OF FUNDS PENDING SUBMISSION OF REPORT.—Not more than 92 percent of the funds appropriated for the F–22 aircraft program pursuant to the authorization of appropriations in section 103(1) may be expended until the Secretary of Defense submits the report required by subsection (b).

SEC. 219. F–22 AIRCRAFT PROGRAM REPORTS.

(a) ANNUAL REPORT.—(1) At the same time as the President submits the budget for a fiscal year to Congress pursuant to section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit to Congress a report on event-based decision-making for the F–22 aircraft program for that fiscal year. The Secretary shall submit the report for fiscal year 1997 not later than October 1, 1996.

(2) The report for a fiscal year shall include the following:

(A) A discussion of each decision (known as an ''event-based decision'') that is expected to be made during that fiscal year regarding whether the F–22 program is to proceed into a new phase or into a new administrative subdivision of a phase.

(B) The criteria (known as ''exit criteria'') to be applied, for purposes of making the event-based decision, in determining whether the F–22 aircraft program has demonstrated the specific progress necessary for proceeding into the new phase or administrative subdivision of a phase.

(b) REPORT ON EVENT-BASED DECISIONS.—Not later than 30 days after an event-based decision has been made for the F–22 aircraft program, the Secretary of Defense shall submit to Congress a report on the decision. The report shall include the following:

(1) A discussion of the commitments made, and the commitments to be made, under the program as a result of the decision.

(2) The exit criteria applied for purposes of the decision.

(3) How, in terms of the exit criteria, the program demonstrated the specific progress justifying the decision.

SEC. 220. NONLETHAL WEAPONS AND TECHNOLOGIES PROGRAMS.

(a) FUNDING.—Of the amount authorized to be appropriated under section 201(2), $15,000,000 shall be available for joint service research, development, test, and evaluation of nonlethal weapons and nonlethal technologies under the program element established pursuant to subsection (b).

(b) NEW PROGRAM ELEMENT REQUIRED.—The Secretary of Defense shall establish a new program element for the funds authorized to be appropriated under subsection (a). The funds within that program element shall be administered by the executive agent designated for joint service research, development, test, and evaluation of nonlethal weapons and nonlethal technologies.

(c) LIMITATION PENDING RELEASE OF FUNDS.—(1) None of the funds authorized to be appropriated for the Department of Defense for fiscal year 1997 for foreign comparative testing (program element 605130D) may be obligated until the funds authorized to be appropriated in section 219(d) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 223) are released for obligation by the executive agent referred to in subsection (b).

(2) Not more than 50 percent of the funds authorized to be appropriated for the Department of Defense for fiscal year 1997 for NATO research and development (program element 603790D) may be obligated until the funds authorized to be appropriated in subsection (a) are released for obligation by the executive agent referred to in subsection (b).

SEC. 221. COUNTERPROLIFERATION SUPPORT PROGRAM.

(a) FUNDING.—Of the funds authorized to be appropriated to the Department of Defense under section 201(4), $176,200,000 shall be available for the Counterproliferation Support Program, of which $75,000,000 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 1997 to counterproliferation programs, projects, and activities identified as areas for progress by the Counterproliferation Program Review Committee established by section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 2751 note). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(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.

(c) LIMITATION ON USE OF FUNDS FOR TECHNICAL STUDIES AND ANALYSES PENDING RELEASE OF FUNDS.—(1) None of the funds authorized to be appropriated to the Department of Defense for fiscal year 1997 for program element 605104D, relating to technical studies and analyses, may be obligated or expended until the funds referred to in paragraph (2) have been released to the program manager of the tactical anti-satellite technology program for implementation of that program.

(2) The funds for release referred to in paragraph (1) are as follows:

(A) Funds authorized to be appropriated by section 218(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 222) that are available for the program referred to in paragraph (1).

(B) Funds authorized to be appropriated to the Department for fiscal year 1997 by this Act for the Counterproliferation Support Program that are to be made available for that program.

SEC. 222. FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS AND UNIVERSITY-AFFILIATED RESEARCH CENTERS.

(a) CENTERS COVERED.—Funds authorized to be appropriated for the Department of Defense for fiscal year 1997 under 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 1997; and

(B) for each such center, the proposed funding level and the estimated personnel level for fiscal year 1997.

(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 authorized to be appropriated for the Department of Defense for fiscal year 1997 for FFRDCs and UARCs under section 201 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.

Subtitle C—Ballistic Missile Defense

SEC. 231. UNITED STATES COMPLIANCE POLICY REGARDING DEVELOPMENT, TESTING, AND DEPLOYMENT OF THEATER MISSILE DEFENSE SYSTEMS.

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

(1) Pursuant to article VI(a) of the ABM Treaty, the United States is bound by the following obligations:

(A) Not to give missiles, launchers, or radars (other than antiballistic missile interceptor missiles, launchers, or radars) capabilities to counter strategic ballistic missiles or elements of strategic ballistic missiles in the flight trajectory.

(B) Not to test missiles, launchers, or radars (other than antiballistic missile interceptor missiles, launchers, or radars) in an antiballistic missile mode.

(2) It is a sovereign right and obligation of the parties to the ABM Treaty, on a unilateral basis, to establish compliance standards to implement the obligations specified in article VI(a) of the ABM Treaty.

(3) From October 3, 1972 (the date on which the ABM Treaty entered into force) to the present, the United States has maintained unilateral compliance standards with regard to the obligations specified in Article VI(a) of the ABM Treaty, and those standards have changed over time to accommodate evolving technical, political, and strategic circumstances.

(4) Pursuant to article XIII of the ABM Treaty, the parties established the Standing Consultative Commission in which to ''consider questions concerning compliance with the obligations assumed and related situations which may be considered''.

(b) COMPLIANCE POLICY.—It is the policy of the United States that 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 (c)), 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.

(c) ABM-QUALIFYING FLIGHT TEST DEFINED.—For purposes of this section, an ABM-qualifying flight test is a flight test against a ballistic missile which, in that flight test, exceeds—

(1) a range of 3,500 kilometers; or

(2) a velocity of 5 kilometers per second.

SEC. 232. PROHIBITION ON USE OF FUNDS TO IMPLEMENT AN INTERNATIONAL AGREEMENT CONCERNING THEATER MISSILE DEFENSE SYSTEMS.

(a) PROHIBITION ON FUNDING.—Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1997 may not be obligated or expended to implement any 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 defense systems for purposes of the ABM Treaty; or

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

(b) EXCEPTIONS.—Subsection (a) does not apply—

(1) to the extent otherwise provided in a law that is enacted after the date of the enactment of this Act; or

(2) to expenditures to implement any agreement or understanding described in subsection (a) that is entered into in the exercise of the treaty-making power under the Constitution.

SEC. 233. CONVERSION OF ABM TREATY TO MULTILATERAL TREATY.

(a) FISCAL YEAR 1997.—During fiscal year 1997, the United States shall not be bound by any international agreement entered into by the President that would substantively modify the ABM Treaty, including any agreement that would add one or more countries as signatories to the treaty or would otherwise convert the treaty from a bilateral treaty to a multilateral treaty, unless the agreement is entered pursuant to the treaty making power of the President under the Constitution.

(b) RELATIONSHIP TO OTHER LAW.—This section shall not be construed as superseding section 232 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2701) for any fiscal year other than fiscal year 1997, including any fiscal year after fiscal year 1997.

SEC. 234. FUNDING FOR UPPER TIER THEATER MISSILE DEFENSE SYSTEMS.

(a) FUNDING.—Funds authorized to be appropriated under section 201(4) shall be available for purposes and in amounts as follows:

(1) For the Theater High Altitude Area Defense (THAAD) System, $621,798,000.

(2) For the Navy Upper Tier (Theater Wide) system, $304,171,000.

(b) LIMITATION.—None of the funds appropriated or otherwise made available for the Department of Defense pursuant to this or any other Act may be obligated or expended by the Office of the Under Secretary of Defense for Acquisition and Technology for official representation activities, or related activities, until the Secretary of Defense certifies to Congress that—

(1) the Secretary has made available for obligation the funds provided under subsection (a) for the purposes specified in that subsection and in the amounts appropriated pursuant to that subsection; and

(2) the Secretary has included the Navy Upper Tier theater missile defense system in the theater missile defense core program.

SEC. 235. ELIMINATION OF REQUIREMENTS FOR CERTAIN ITEMS TO BE INCLUDED IN THE ANNUAL REPORT ON THE BALLISTIC MISSILE DEFENSE PROGRAM.

Section 224(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 2431 note), is amended—

(1) by striking out paragraphs (3), (4), (7), (9), and (10); and

(2) by redesignating paragraphs (5), (6), and (8), as paragraphs (3), (4), and (5), respectively.

SEC. 236. ABM TREATY DEFINED.

In 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, signed in Moscow on May 26, 1972, with related protocol, signed in Moscow on July 3, 1974.

Subtitle D—Other Matters

SEC. 241. LIVE-FIRE SURVIVABILITY TESTING OF F–22 AIRCRAFT.

(a) AUTHORITY FOR RETROACTIVE WAIVER.—The Secretary of Defense may, in accordance with section 2366(c) of title 10, United States Code, waive for the F–22 aircraft program the survivability tests required by that section, notwithstanding that such program has entered full-scale engineering development.

(b) REPORTING REQUIREMENT.—(1) If the Secretary of Defense submits in accordance with section 2366(c)(1) of title 10, United States Code, a certification that live-fire testing of the F–22 aircraft would be unreasonably expensive and impractical, the Secretary of Defense shall require that F–22 aircraft components and subsystems be made available for any alternative live-fire test program.

(2) The components and subsystem required by the Secretary to be made available for such a program shall be components that—

(A) could affect the survivability of the F–22 aircraft; and

(B) are sufficiently large and realistic that meaningful conclusions about the survivability of F–22 aircraft can be drawn from the test results.

(c) FUNDING.—Funds available for the F–22 aircraft program may be used for carrying out any alternative live-fire testing program for F–22 aircraft.

SEC. 242. LIVE-FIRE SURVIVABILITY TESTING OF V–22 AIRCRAFT.

(a) AUTHORITY FOR RETROACTIVE WAIVER.—The Secretary of Defense may, in accordance with section 2366(c) of title 10, United States Code, waive for the V–22 aircraft program the survivability tests required by that section, notwithstanding that such program has entered engineering and manufacturing development.

(b) ALTERNATIVE SURVIVABILITY TEST REQUIREMENTS.—If the Secretary of Defense submits in accordance with section 2366(c)(1) of title 10, United States Code, a certification that live-fire testing of the V–22 aircraft would be unreasonably expensive and

impractical, the Secretary of Defense shall require that a sufficient number of components critical to the survivability of the V–22 aircraft be tested in an alternative live-fire test program involving realistic threat environments that meaningful conclusions about the survivability of V–22 aircraft can be drawn from the test results.

(c) FUNDING.—Funds available for the V–22 aircraft program may be used for carrying out any alternative live-fire testing program for V–22 aircraft.

Subtitle E—National Oceanographic Partnership

SEC. 251. SHORT TITLE.

This subtitle may be cited as the ''National Oceanographic Partnership Act''.

SEC. 252. NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.

(a) PROGRAM REQUIRED.—(1) Subtitle C of title 10, United States Code, is amended by inserting after chapter 663 the following new chapter:

''CHAPTER 665—NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM

''Sec.
''7901. National Oceanographic Partnership Program.
''7902. National Ocean Research Leadership Council.
''7903. Partnership program projects.

''§ 7901. National Oceanographic Partnership Program

''(a) ESTABLISHMENT.—The Secretary of the Navy shall establish a program to be known as the 'National Oceanographic Partnership Program'.

''(b) PURPOSES.—The purposes of the program are as follows:

''(1) To promote the national goals of assuring national security, advancing economic development, protecting quality of life, and strengthening science education and communication through improved knowledge of the ocean.

''(2) To coordinate and strengthen oceanographic efforts in support of those goals by—

''(A) identifying and carrying out partnerships among Federal agencies, institutions of higher education, industry, and other members of the oceanographic scientific community in the areas of data, resources, education, and communication; and

''(B) reporting annually to Congress on the program.

''§ 7902. National Ocean Research Leadership Council

''(a) COUNCIL.—There is a National Ocean Research Leadership Council (hereinafter in this chapter referred to as the 'Council').

''(b) MEMBERSHIP.—The Council is composed of the following members:

''(1) The Secretary of the Navy who shall be the chairman of the Council.

''(2) The Administrator of the National Oceanic and Atmospheric Administration, who shall be the vice chairman of the Council.

''(3) The Director of the National Science Foundation.

''(4) The Administrator of the National Aeronautics and Space Administration.

''(5) The Commandant of the Coast Guard.

''(6) With their consent, the President of the National Academy of Sciences, the President of the National Academy of Engineering, and the President of the Institute of Medicine.

''(7) Up to five members appointed by the Chairman from among individuals who will represent the views of ocean industries, institutions of higher education, and State governments.

''(c) TERM OF OFFICE.—The term of office of a member of the Council appointed under paragraph (7) of subsection (b) shall be two years, except that any person appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

''(d) ANNUAL REPORT.—Not later than March 1 of each year, the Council shall submit to Congress a report on the National Oceanographic Partnership Program. The report shall contain the following:

''(1) A description of activities of the program carried out during the fiscal year before the fiscal year in which the report is prepared. The description also shall include a list of the members of the Ocean esearch Partnership Coordinating Group (established pursuant to subsection (e)), the Ocean Research Advisory Panel (established pursuant to subsection (f)), and any working groups in existence during the fiscal year covered.

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

''(3) 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.

''(4) A description of the involvement of the program with Federal interagency coordinating entities.

''(5) The amounts requested, in the budget submitted to Congress pursuant to section 1105(a) of title 31 for the fiscal year following the fiscal year in which the report is prepared, for the programs, projects, and activities of the program and the estimated expenditures under such programs, projects, and activities during such following fiscal year.

''(e) OCEAN RESEARCH PARTNERSHIP COORDINATING GROUP.—(1) The Council shall establish an Ocean Research Partnership Coordinating Group consisting of not more than 10 members appointed by the Council from among officers and employees of the Government, persons employed in the maritime industry, educators at institutions of higher education, and officers and employees of State governments.

''(2) The Council shall designate a member of the Coordinating Group to serve as Chairman of the group.

''(3) The Council shall assign to the Coordinating Group responsibilities that the Council considers appropriate. The Coordinating Group shall be subject to the authority, direction, and control of the Council in the performance the assigned responsibilities.

''(f) OCEAN RESEARCH ADVISORY PANEL.—(1) The Council shall establish an Ocean Research Advisory Panel consisting of members appointed by the Council from among persons eminent in the fields of oceanography, ocean sciences, or marine policy (or related fields) who are representative of the interests of governments, institutions of higher education, and industry in the matters covered by the purposes of the National Oceanographic Partnership Program (as set forth in section 7901(b) of this title).

''(2) The Council shall assign to the Advisory Panel responsibilities that the Council consider appropriate. The Coordinating Group shall be subject the authority, direction, and control of the Council to in the performance of the assigned responsibilities.

''§ 7903. Partnership program projects

''(a) SELECTION OF PARTNERSHIP PROJECTS.—The National Ocean Research Leadership Council shall select the partnership projects that are to be considered eligible for support under the National Oceanographic Partnership Program. A project partnership may be established by any instrument that the Council considers appropriate, including a memorandum of understanding, a cooperative research and development agreement, and any similar instrument.

''(b) CONTRACT AND GRANT AUTHORITY.—(1) The Council may authorize one or more of the departments and agencies of the Federal Government represented on the Council to enter into contracts or to make grants for the support of partnership projects selected under subsection (a).

''(2) Funds appropriated or otherwise made available for the National Oceanographic Partnership Program may be used for contracts entered into or grants awarded under authority provided pursuant to paragraph (1).''.

(2) The table of chapters at the beginning of subtitle C of title 10, United States Code, and at the beginning of part IV of such subtitle, are each amended by inserting after the item relating to chapter 663 the following:

''665. National Oceanographic Partnership Program ..... 7901''.

(b) INITIAL APPOINTMENTS OF COUNCIL MEMBERS.—The Chairman of the National Ocean Research Leadership Council established under section 7902 of title 10, United States Code, as added by subsection (a)(1), shall make the appointments required by subsection (b)(7) of such section not later than December 1, 1996.

(c) FIRST ANNUAL REPORT OF NATIONAL OCEAN RESEARCH LEADERSHIP COUNCIL.—The first annual report required by section 7902(d) of title 10, United States Code, as added by subsection (a)(1), shall be submitted to Congress not later than March 1, 1997. The first report shall include, in addition to the information required by such section, information about the terms of office, procedures, and responsibilities of the Ocean Research Advisory Panel established by the Council.

(d) FUNDING.—Of the funds authorized to be appropriated by section 201(2), $13,000,000 shall be available for the National Oceanographic Partnership Program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1997 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, $18,147,623,000.
(2) For the Navy, $20,298,339,000.
(3) For the Marine Corps, $2,279,477,000.
(4) For the Air Force, $17,953,039,000.
(5) For Defense-wide activities, $9,863,942,000.
(6) For the Army Reserve, $1,094,436,000.
(7) For the Naval Reserve, $851,027,000.
(8) For the Marine Corps Reserve, $110,367,000.
(9) For the Air Force Reserve, $1,493,553,000.
(10) For the Army National Guard, $2,218,477,000.
(11) For the Air National Guard, $2,692,473,000.
(12) For the Defense Inspector General, $136,501,000.
(13) For the United States Court of Appeals for the Armed Forces, $6,797,000.
(14) For Environmental Restoration, Army, $356,916,000.
(15) For Environmental Restoration, Navy, $302,900,000.
(16) For Environmental Restoration, Air Force, $414,700,000.

(17) For Environmental Restoration, Defense-wide, $258,500,000.

(18) For Drug Interdiction and Counterdrug Activities, Defense-wide, $793,824,000.

(19) For Medical Programs, Defense, $9,375,988,000.

(20) For Cooperative Threat Reduction programs, $327,900,000.

(21) For Overseas Humanitarian, Disaster, and Civic Aid programs, $49,000,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1997 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, $947,900,000.

(2) For the National Defense Sealift Fund, $1,268,002,000.

SEC. 303. DEFENSE NUCLEAR AGENCY.

Of the amounts authorized to be appropriated for the Department of Defense under section 301(5), $88,083,000 shall be available for the Defense Nuclear Agency.

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 1997 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.

(a) FUNDING.—Of the amounts authorized to be appropriated pursuant to this Act, $14,526,000 may be made available to the Civil Air Patrol Corporation.

(b) AMOUNT FOR SEARCH AND RESCUE OPERATIONS.—Of the amount made available pursuant to subsection (a), not more than 75 percent of such amount may be available for costs other than the costs of search and rescue missions.

SEC. 306. SR–71 CONTINGENCY RECONNAISSANCE FORCE.

Of the funds authorized to be appropriated by section 301(4), $30,000,000 is authorized to be made available for the SR–71 contingency reconnaissance force.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 311. FUNDING FOR SECOND AND THIRD MARITIME PREPOSITIONING SHIPS OUT OF NATIONAL DEFENSE SEALIFT FUND.

(a) NATIONAL DEFENSE SEALIFT FUND.—To the extent provided in appropriations Acts, funds in the National Defense Sealift Fund may be obligated and expended for the purchase and conversion, or construction, of a total of three ships for the purpose of enhancing Marine Corps prepositioning ship squadrons.

(b) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated under section 302(2), $240,000,000 is authorized to be appropriated for the purpose stated in subsection (a).

SEC. 312. NATIONAL DEFENSE SEALIFT FUND.

Section 2218 of title 10, United States Code, is amended—

(1) in subsection (c)(1)(E), by striking out ‘‘, but only for vessels built in United States shipyards’’;

(2) in subsection (f)—

(A) in paragraph (1)—

(i) by striking out ‘‘five’’ and inserting in lieu thereof ‘‘ten’’; and

(ii) by striking out ‘‘(c)(1)’’ and inserting in lieu thereof ‘‘(c)(1)(A)’’; and

(B) in paragraph (2), by striking out ‘‘(c)(1)’’ and inserting in lieu thereof ‘‘(c)(1)(A)’’; and

(3) in subsection (j), by striking out ‘‘(c)(1) (A), (B), (C), and (D)’’ and inserting in lieu thereof ‘‘(c)(1) (A), (B), (C), (D), and (E)’’.

SEC. 313. NONLETHAL WEAPONS CAPABILITIES.

Of the amount authorized to be appropriated under section 301, $5,000,000 shall be available for the immediate procurement of nonlethal weapons capabilities to meet existing deficiencies in inventories of such capabilities, of which—

(1) $2,000,000 shall be available for the Army; and

(2) $3,000,000 shall be available for the Marine Corps.

SEC. 314. RESTRICTION ON COAST GUARD FUNDING.

No funds are authorized by this Act to be appropriated to the Department of Defense for the Coast Guard within budget subfunction 054.

Subtitle C—Depot-Level Activities

SEC. 321. DEPARTMENT OF DEFENSE PERFORMANCE OF CORE LOGISTICS FUNCTIONS.

Section 2464(a) of title 10, United States Code is amended by striking out paragraph (2) and inserting in lieu thereof the following:

‘‘(2) The Secretary of Defense shall maintain within the Department of Defense those logistics activities and capabilities that are necessary to provide the logistics capability described in paragraph (1). The logistics activities and capabilities maintained under this paragraph shall include all personnel, equipment, and facilities that are necessary to maintain and repair the weapon systems and other military equipment identified under paragraph (3).

‘‘(3) The Secretary of Defense, in consultation with the Joint Chiefs of Staff, shall identify the weapon systems and other military equipment that it is necessary to maintain and repair within the Department of Defense in order to maintain within the department the capability described in paragraph (1).

‘‘(4) The Secretary shall require that the core logistics functions identified pursuant to paragraph (3) be performed in Government-owned, Government-operated facilities of the Department of Defense by Department of Defense personnel using Department of Defense equipment.’’.

SEC. 322. INCREASE IN PERCENTAGE LIMITATION ON CONTRACTOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS.

(a) FIFTY PERCENT LIMITATION.—Section 2466(a) of title 10, United States Code, is amended by striking out ‘‘40 percent’’ in the first sentence and inserting in lieu thereof ‘‘50 percent’’.

(b) INCREASE DELAYED PENDING RECEIPT OF STRATEGIC PLAN FOR THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR.—(1) Notwithstanding the first sentence of section 2466(a) of title 10, United States Code (as amended by subsection (a)), until the strategic plan for the performance of depot-level maintenance and repair is submitted under section 325, not more than 40 percent of the funds made available in a fiscal year to a military department or a Defense Agency for depot-level maintenance and repair workload may be used to contract for the performance by non-Federal Government personnel of such workload for the military department or the Defense Agency.

(2) In paragraph (1), the term ‘‘depot-level maintenance and repair workload’’ has the meaning given such term in section 2466(f) of title 10, United States Code.

SEC. 323. REPORT ON DEPOT-LEVEL MAINTENANCE AND REPAIR.

Subsection (e) of section 2466 of title 10, United States Code, is amended to read as follows:

‘‘(e) REPORT.—(1) Not later than February 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each military department and Defense Agency—

‘‘(A) the percentage of the funds referred to in subsection (a) that were used during the preceding fiscal year for performance of depot-level maintenance and repair workloads by Federal Government personnel; and

‘‘(B) the percentage of the funds referred to in subsection (a) that were used during the preceding fiscal year to contract for the performance of depot-level maintenance and repair workloads by non-Federal Government personnel.

‘‘(2) Not later than 90 days after the date on which the Secretary submits the annual report under paragraph (1), the Comptroller General shall submit to the Committees on Armed Services and on Appropriations of the Senate and the Committees on National Security and on Appropriations of the House of Representatives the Comptroller's views on whether the Department of Defense has complied with the requirements of subsection (a) for the fiscal year covered by the report.’’.

SEC. 324. DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOAD DEFINED.

Section 2466 of title 10, United States Code, is amended by adding at the end the following:

‘‘(f) DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOAD DEFINED.—In this section, the term ‘depot-level maintenance and repair workload’—

‘‘(1) means material maintenance requiring major overhaul or complete rebuilding of parts, assemblies, or subassemblies, and testing and reclamation of equipment as necessary, including all aspects of software maintenance;

‘‘(2) includes those portions of interim contractor support, contractor logistics support, or any similar contractor support for the performance of services described in paragraph (1); and

‘‘(3) does not include ship modernization and other repair activities that—

‘‘(A) are funded out of appropriations available to the Department of Defense for procurement; and

‘‘(B) were not considered to be depot-level maintenance and repair workload activities under regulations of the Department of Defense in effect on February 10, 1996.’’.

SEC. 325. STRATEGIC PLAN RELATING TO DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) STRATEGIC PLAN REQUIRED.—(1) As soon as possible after 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 strategic plan for the performance of depot-level maintenance and repair.

(2) The strategic plan shall cover the performance of depot-level maintenance and repair for the Department of Defense in fiscal years 1998 through 2007. The plan shall provide for maintaining the capability described

in section 2464 of title 10, United States Code.

(b) ADDITIONAL MATTERS COVERED.—The Secretary of Defense shall include in the strategic plan submitted under subsection (a) a detailed discussion of the following matters:

(1) For each military department, as determined after consultation with the Secretary of that military department and the Chairman of the Joint Chiefs of Staff, the depot-level maintenance and repair activities and workloads that are necessary to perform within the Department of Defense in order to maintain the core logistics capability required by section 2464 of title 10, United States Code.

(2) For each military department, as determined after consultation with the Secretary of that military department and the Chairman of the Joint Chiefs of Staff, the depot-level maintenance and repair activities and workloads that the Secretary of Defense plans to perform within the Department of Defense in order to satisfy the requirements of section 2466 of title 10, United States Code.

(3) For the activities identified pursuant to paragraphs (1) and (2), a discussion of which specific existing weapon systems or other existing equipment, and which specific planned weapon systems or other planned equipment, are weapon systems or equipment for which it is necessary to maintain a core depot-level maintenance and repair capability within the Department of Defense.

(4) The core capabilities, including sufficient skilled personnel, equipment, and facilities, that—

(A) are of sufficient size—

(i) to ensure a ready and controlled source of the technical competencies, and the maintenance and repair capabilities, that are 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) are assigned a sufficient workload to ensure cost efficiency and technical proficiency in peacetime.

(5) The environmental liability issues associated with any projected privatization of the performance of depot-level maintenance and repair, together with detailed projections of the cost to the United States of satisfying environmental liabilities associated with such privatized performance.

(6) Any significant issues and risks concerning exchange of technical data on depot-level maintenance and repair between the Federal Government and the private sector.

(7) Any deficiencies in Department of Defense financial systems that hinder effective evaluation of competitions (whether among private-sector sources or among depot-level activities owned and operated by the Department of Defense and private-sector sources), and merit-based selections (among depot-level activities owned and operated by the Department of Defense), for a depot-level maintenance and repair workload, together with plans to correct such deficiencies.

(9) The type of facility (whether a private sector facility or a Government owned and operated facility) in which depot-level maintenance and repair of any new weapon systems that will reach full scale development is to be performed.

(10) The workloads necessary to maintain Government owned and operated depots at 50 percent, 70 percent, and 85 percent of operating capacity.

(11) A plan for improving the productivity of the Government owned and operated depot maintenance and repair facilities, together with management plans for changing administrative and missions processes to achieve productivity gains, a discussion of any barriers to achieving desired productivity gains at the depots, and any necessary changes in civilian personnel policies that are necessary to improve productivity.

(12) The criteria used to make decisions on whether to convert to contractor performance of depot-level maintenance and repair, the officials responsible for making the decision to convert, and any depot-level maintenance and repair workloads that are proposed to be converted to contractor performance before the end of fiscal year 2001.

(13) A detailed analysis of savings proposed to be achieved by contracting for the performance of depot-level maintenance and repair workload by private sector sources, together with the report on the review of the analysis (and the assumptions underlying the analysis) provided for under subsection (c).

(c) INDEPENDENT REVIEW OF SAVINGS ANALYSIS.—The Secretary shall provide for a public accounting firm (independent of Department of Defense influence) to review the analysis referred to in subsection (b)(13) and the assumptions underlying the analysis for submission to the committees referred to in subsection (a) and to the Comptroller General.

(d) REVIEW BY COMPTROLLER GENERAL.—(1) At the same time that the Secretary of Defense transmits the strategic plan under subsection (a), the Secretary shall transmit a copy of the plan (including the report of the public accounting firm provided for under subsection (c)) to the Comptroller General of the United States and make available to the Comptroller General all information used by the Department of Defense in preparing the plan and analysis.

(2) Not later than 60 days after the date on which the Secretary submits the strategic plan required by subsection (a), the Comptroller General shall transmit to Congress a report containing a detailed analysis of the strategic plan.

(e) ADDITIONAL REPORTING REQUIREMENT FOR COMPTROLLER GENERAL.—Not later than February 1, 1997, the Comptroller General shall submit to the committees referred to in subsection (a) a report on the effectiveness of the oversight by the Department of Defense of the management of existing contracts with private sector sources of depot-level maintenance and repair of weapon systems, the adequacy of Department of Defense financial and information systems to support effective decisions to contract for private sector performance of depot-level maintenance and repair workloads that are being or have been performed by Government personnel, the status of reengineering efforts at depots owned and operated by the United States, and any overall management weaknesses within the Department of Defense that would hinder effective use of contracting for the performance of depot-level maintenance and repair.

SEC. 326. ANNUAL REPORT ON COMPETITIVE PROCEDURES.

(a) ANNUAL REPORT.—Section 2469 of title 10, United States Code, is amended by adding at the end the following:

''(d) ANNUAL REPORT.—Not later than March 31 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 describing the competitive procedures used during the preceding fiscal year for competitions referred to in subsection (a).''.

(b) FIRST REPORT.—The first report under subsection (d) of section 2469 of title 10, United States Code (as added by subsection (a)), shall be submitted not later than March 31, 1997.

SEC. 327. ANNUAL RISK ASSESSMENTS REGARDING PRIVATE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE WORK.

(a) REPORTS.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following:

''§ 2473. Reports on privatization of depot-level maintenance work

''(a) ANNUAL RISK ASSESSMENTS.—(1) Not later than January 1 of each year, the Joint Chiefs of Staff shall submit to the Secretary of Defense a report on the privatization of the performance of the various depot-level maintenance workloads of the Department of Defense.

''(2) The report shall include with respect to each depot-level maintenance workload the following:

''(A) An assessment of the risk to the readiness, sustainability, and technology of the Armed Forces in a full range of anticipated scenarios for peacetime and for wartime of—

''(i) using public entities to perform the workload;

''(ii) using private entities to perform the workload; and

''(iii) using a combination of public entities and private entities to perform the workload.

''(B) The recommendation of the Joint Chiefs as to whether public entities, private entities, or a combination of public entities and private entities could perform the workload without jeopardizing military readiness.

''(3) Not later than 30 days after receiving the report under paragraph (2)(B), the Secretary shall transmit the report to Congress. If the Secretary does not concur in the recommendation made by the Joint Chiefs pursuant to paragraph (2)(B), the Secretary shall include in the report under this paragraph—

''(A) the recommendation of the Secretary; and

''(B) a justification for the differences between the recommendation of the Joint Chiefs and the recommendation of the Secretary.

''(b) ANNUAL REPORT ON PROPOSED PRIVATIZATION.—(1) Not later than February 28 of each year, the Joint Chiefs of Staff shall submit to the Secretary of Defense a report on each depot-level maintenance workload of the Department of Defense that the Joint Chiefs believe could be converted to performance by private entities during the next fiscal year without jeopardizing military readiness.

''(2) Not later than 30 days after receiving a report under paragraph (1), the Secretary shall transmit the report to Congress. If the Secretary does not concur in the proposal of the Joint Chiefs in the report, the Secretary shall include in the report under this paragraph—

''(A) each depot-level maintenance workload of the Department that the Secretary proposes to be performed by private entities during the fiscal year concerned; and

''(B) a justification for the differences between the proposal of the Joint Chiefs and the proposal of the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

''2473. Reports on privatization of depot-level maintenance work.''.

SEC. 328. EXTENSION OF AUTHORITY FOR NAVAL SHIPYARDS AND AVIATION DEPOTS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

(a) EXTENSION OF AUTHORITY.—Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510) is amended by striking out ''expires on September 30, 1995'' and inserting in lieu thereof ''may not be exercised after September 30, 1997''.

(b) REVIVAL OF EXPIRED AUTHORITY.—The authority provided in section 1425 of the National Defense Authorization Act for Fiscal Year 1991 may be exercised after September 30, 1995, subject to the limitation in subsection (e) of such section as amended by subsection (a) of this section.

SEC. 329. LIMITATION ON USE OF FUNDS FOR F–18 AIRCRAFT DEPOT MAINTENANCE.

Of the amounts authorized to be appropriated by section 301(2), not more than $5,000,000 may be used for the performance of depot maintenance on F–18 aircraft until 30 days after the date on which the Secretary of Defense submits to the congressional defense committees a report on aviation depot maintenance. The report shall contain the following:

(1) The results of a competition which the Secretary shall conduct between all Department of Defense aviation depots for selection for the performance of depot maintenance on F–18 aircraft.

(2) An analysis of the total cost of transferring the F–18 aircraft depot maintenance workload to an aviation depot not performing such workload as of the date of the enactment of this Act.

SEC. 330. DEPOT MAINTENANCE AND REPAIR AT FACILITIES CLOSED BY BRAC.

The Secretary may not contract for the performance by a private sector source of any of the depot maintenance workload performed as of the date of the enactment of this Act at Sacramento Air Logistics Center or the San Antonio Air Logistics Center until the Secretary—

(1) publishes criteria for the evaluation of bids and proposals to perform such workload;

(2) conducts a competition for the workload between public and private entities;

(3) pursuant to the competition, determines in accordance with the criteria published under paragraph (1) that an offer submitted by a private sector source to perform the workload is the best value for the United States; and

(4) submits to Congress the following—

(A) a detailed comparison of the cost of the performance of the workload by civilian employees of the Department of Defense with the cost of the performance of the workload by that source; and

(B) an analysis which demonstrates that the performance of the workload by that source will provide the best value for the United States over the life of the contract.

Subtitle D—Environmental Provisions

SEC. 341. ESTABLISHMENT OF SEPARATE ENVIRONMENTAL RESTORATION TRANSFER ACCOUNTS FOR EACH MILITARY DEPARTMENT.

(a) ESTABLISHMENT.—(1) Section 2703 of title 10, United States Code, is amended to read as follows:

"§ 2703. Environmental restoration transfer accounts

''(a) ESTABLISHMENT OF TRANSFER ACCOUNTS.—

''(1) ESTABLISHMENT.—There are hereby established in the Department of Defense the following accounts:

''(A) An account to be known as the 'Defense Environmental Restoration Account'.

''(B) An account to be known as the 'Army Environmental Restoration Account'.

''(C) An account to be known as the 'Navy Environmental Restoration Account'.

''(D) An account to be known as the 'Air Force Environmental Restoration Account'.

''(2) TREATMENT OF APPROPRIATIONS.—All sums appropriated to the Department of Defense to carry out functions of the Secretary of Defense or of the Secretaries of the military departments relating to environmental restoration under this chapter or under any other provision of law shall be appropriated to the transfer account concerned.

''(3) REQUIREMENT OF AUTHORIZATION OF APPROPRIATIONS.—No funds may be appropriated to a transfer account unless such sums have been specifically authorized by law.

''(4) AVAILABILITY OF FUNDS IN TRANSFER ACCOUNTS.—Amounts appropriated to a transfer account shall remain available until transferred under subsection (b).

''(b) AUTHORITY TO TRANSFER TO OTHER ACCOUNTS.—Amounts in a transfer account shall be available for transfer by the Secretary of Defense (in the case of the Defense Environmental Restoration Account) or by the Secretary of a military department (in the case of the environmental restoration account of that military department) to any appropriation account or fund of the Department of Defense (including an account or fund of a military department) for obligation from the account or fund to which transferred.

''(c) OBLIGATION OF TRANSFERRED AMOUNTS.—Funds transferred under subsection (b) may only be obligated or expended from the account or fund to which transferred in order to carry out the environmental restoration functions of the Secretary of Defense and the Secretaries of the military departments under this chapter and under any other provision of law.

''(d) BUDGET REPORTS.—In proposing the budget for any fiscal year pursuant to section 1105 of title 31, the President shall set forth separately the amounts requested for environmental restoration programs of the Department of Defense and of each of the military departments under this chapter and under any other Act.

''(e) AMOUNTS RECOVERED.—The following amounts shall be credited to the appropriate environmental restoration account:

''(1) Amounts recovered under CERCLA for response actions.

''(2) Any other amounts recovered from a contractor, insurer, surety, or other person to reimburse the Department of Defense or a military department for any expenditure for environmental response activities.

''(f) PAYMENTS OF FINES AND PENALTIES.—None of the funds appropriated to the Defense Environmental Restoration Account for fiscal years 1995 through 1999, or to any environmental restoration account of a military department for fiscal years 1997 through 1999, may be used for the payment of a fine or penalty (including any supplemental environmental project carried out as part of such penalty) imposed against the Department of Defense or a military department unless the act or omission for which the fine or penalty is imposed arises out of an activity funded by the environmental restoration account concerned and the payment of the fine or penalty has been specifically authorized by law.''.

(2) The table of sections at the beginning of chapter 160 of title 10, United States Code, is amended by striking out the item relating to section 2703 and inserting in lieu thereof the following new item:

''2703. Environmental restoration transfer accounts.''.

(b) REFERENCES.—Any reference to the Defense Environmental Restoration Account in any Federal law, Executive Order, regulation, delegation of authority, or document of or pertaining to the Department of Defense shall be deemed to refer to the appropriate environmental restoration account established under section 2703(a)(1) of title 10, United States Code (as amended by subsection (a)(1)).

(c) CONFORMING AMENDMENT.—Section 2705(g)(1) of title 10, United States Code, is amended by striking out ''the Defense Environmental Restoration Account'' and inserting in lieu thereof ''the environmental restoration account concerned''.

(d) TREATMENT OF UNOBLIGATED BALANCES.—Any unobligated balances that remain in the Defense Environmental Restoration Account under section 2703(a) of title 10, United States Code, as of the effective date specified in subsection (e) shall be transferred on such date to the Defense Environmental Restoration Account established under section 2703(a)(1) of title 10, United States Code (as amended by subsection (a)(1)).

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) October 1, 1996; or

(2) the date of the enactment of this Act.

SEC. 342. DEFENSE CONTRACTORS COVERED BY REQUIREMENT FOR REPORTS ON CONTRACTOR REIMBURSEMENT COSTS FOR RESPONSE ACTIONS.

Section 2706(d)(1)(A) of title 10, United States Code, is amended by striking out ''100'' and inserting in lieu thereof ''20''.

SEC. 343. REPEAL OF REDUNDANT NOTIFICATION AND CONSULTATION REQUIREMENTS REGARDING REMEDIAL INVESTIGATIONS AND FEASIBILITY STUDIES AT CERTAIN INSTALLATIONS TO BE CLOSED UNDER THE BASE CLOSURE LAWS.

Section 334 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1340; 10 U.S.C. 2687 note) is repealed.

SEC. 344. PAYMENT OF CERTAIN STIPULATED CIVIL PENALTIES.

(a) AUTHORITY.—The Secretary of Defense may pay to the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507) stipulated civil penalties assessed under CERCLA in amounts, and using funds, as follows:

(1) Using funds authorized to be appropriated to the Army Environmental Restoration Account established under section 2703(a)(1)(B) of title 10, United States Code, as amended by section 341 of this Act, $34,000 assessed against Fort Riley, Kansas, under CERCLA.

(2) Using funds authorized to be appropriated to the Navy Environmental Restoration Account established under section 2703(a)(1)(C) of that title, as so amended, $30,000 assessed against the Naval Education and Training Center, Newport, Rhode Island, under CERCLA.

(3) Using funds authorized to be appropriated to the Air Force Environmental Restoration Account established under section 2703(a)(1)(D) of that title, as so amended—

(A) $550,000 assessed against the Massachusetts Military Reservation, Massachusetts, under CERCLA, of which $500,000 shall be for the supplemental environmental project for a groundwater modeling project that constitutes a part of the negotiated settlement of a penalty against the reservation; and

(B) $10,000 assessed against F.E. Warren Air Force Base, Wyoming, under CERCLA.

(4) Using funds authorized to be appropriated to the Department of Defense Base Closure Account 1990 by section 2406(a)(13) of this Act, $50,000 assessed against Loring Air Force Base, Maine, under CERCLA.

(b) CERCLA DEFINED.—In this section, the term ''CERCLA'' means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 345. AUTHORITY TO WITHHOLD LISTING OF FEDERAL FACILITIES ON NATIONAL PRIORITIES LIST.

Section 120(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(d)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking ''Not later than 18 months after the enactment of the Superfund Amendments and Reauthorization Act of 1986, the Administrator'' and inserting the following:

''(1) IN GENERAL.—The Administrator''; and

(3) by striking ''Such criteria'' and all that follows through the end of the subsection and inserting the following:

''(2) APPLICATION OF CRITERIA.—

''(A) IN GENERAL.—Subject to subparagraph (B), the criteria referred to in paragraph (1) shall be applied in the same manner as the criteria are applied to facilities that are owned or operated by persons other than the United States.

''(B) RESPONSE UNDER OTHER LAW.—That the head of the department, agency, or instrumentality that owns or operates a facility has arranged with the Administrator or appropriate State authorities to respond appropriately, under authority of a law other than this Act, to a release or threatened release of a hazardous substance shall be an appropriate factor to be taken into consideration for the purposes of section 105(a)(8)(A).

''(3) COMPLETION.—Evaluation and listing under this subsection shall be completed in accordance with a reasonable schedule established by the Administrator.''.

SEC. 346. AUTHORITY TO TRANSFER CONTAMINATED FEDERAL PROPERTY BEFORE COMPLETION OF REQUIRED REMEDIAL ACTIONS.

Section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)) is amended—

(1) by redesignating subparagraph (A) as clause (i) and clauses (i), (ii), and (iii) of that subparagraph as subclauses (I), (II), and (III), respectively;

(2) by striking ''After the last day'' and inserting the following:

''(A) IN GENERAL.—After the last day'';

(3) by redesignating subparagraph (B) as clause (ii) and clauses (i) and (ii) of that subparagraph as subclauses (I) and (II), respectively;

(4) by redesignating subparagraph (C) as clause (iii);

(5) by striking ''For purposes of subparagraph (B)(i)'' and inserting the following:

''(B) COMPLETION OF CONSTRUCTION.—For purposes of subparagraph (A)(ii)(I)''; and

(6) by adding at the end the following:

''(C) DEFERRAL.—The Administrator (in the case of real property at a Federal facility that is listed on the National Priorities List) or the Governor of the State in which the facility is located (in the case of real property at a Federal facility not listed on the National Priorities List) may defer the requirement of subparagraph (A)(ii) with respect to the property if the Administrator or the Governor, as the case may be, determines that—

''(i) the property is suitable for transfer; and

''(ii) the contract of sale or other agreement governing the transfer between the United States and the transferee of the property contains assurances that all appropriate remedial action will be taken with respect to any releases or threatened releases at or from the property that occurred or existed prior to the transfer.''.

SEC. 347. CLARIFICATION OF MEANING OF UNCONTAMINATED PROPERTY FOR PURPOSES OF TRANSFER BY THE UNITED STATES.

Section 120(h)(4)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(4)(A)) is amended in the first sentence by striking ''stored for one year or more, known to have been released,'' and inserting ''known to have been released''.

SEC. 348. SHIPBOARD SOLID WASTE CONTROL.

(a) IN GENERAL.—Section 3(c) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(c)) is amended—

(1) in paragraph (1), by striking ''Not later than'' and inserting ''Except as provided in paragraphs (2) and (3), not later than''; and

(2) by striking paragraphs (2), (3), and (4) and inserting the following:

''(2)(A) Subject to subparagraph (B), any ship described in subparagraph (C) may discharge, without regard to the special area requirements of Regulation 5 of Annex V to the Convention, the following non-plastic, non-floating garbage:

''(i) A slurry of seawater, paper, cardboard, or food waste that is capable of passing through a screen with openings no larger than 12 millimeters in diameter.

''(ii) Metal and glass that have been shredded and bagged so as to ensure negative buoyancy.

''(B)(i) Garbage described subparagraph (A)(i) may not be discharged within 3 nautical miles of land.

''(ii) Garbage described in subparagraph (A)(ii) may not be discharged within 12 nautical miles of land.

''(C) This paragraph applies to any ship that is owned or operated by the Department of the Navy that, as determined by the Secretary of the Navy—

''(i) has unique military design, construction, manning, or operating requirements; and

''(ii) cannot fully comply with the special area requirements of Regulation 5 of Annex V to the Convention because compliance is not technologically feasible or would impair the operations or operational capability of the ship.

''(3)(A) Not later than December 31, 2000, the Secretary of the Navy shall prescribe and publish in the Federal Register standards to ensure that each ship described in subparagraph (B) is, to the maximum extent practicable without impairing the operations or operational capabilities of the ship, operated in a manner that is consistent with the special area requirements of Regulation 5 of Annex V to the Convention.

''(B) Subparagraph (A) applies to surface ships that are owned or operated by the Department of the Navy that the Secretary plans to decommission during the period beginning on January 1, 2001, and ending on December 31, 2005.

''(C) At the same time that the Secretary publishes standards under subparagraph (A), the Secretary shall publish in the Federal Register a list of the ships covered by subparagraph (B).''.

(b) SENSE OF CONGRESS.—

(1) COMPLIANCE WITH ANNEX V.—It is the sense of Congress that it should be an objective of the Navy to achieve full compliance with Annex V to the Convention as part of the Navy's development of ships that are environmentally sound.

(2) DEFINITION.—In this subsection, the terms ''Convention'' and ''ship'' have the meanings provided in section 2(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)).

SEC. 349. COOPERATIVE AGREEMENTS FOR THE MANAGEMENT OF CULTURAL RESOURCES ON MILITARY INSTALLATIONS.

(a) AUTHORITY TO ENTER INTO AGREEMENTS.—Chapter 159 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2694. Cooperative agreements for management of cultural resources on military installations

''(a) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary of Defense and the Secretaries of the military departments may enter into cooperative agreements with States, local governments, and appropriate public and private entities in order to provide for the preservation, management, maintenance, and rehabilitation of cultural resources on military installations.

''(b) INAPPLICABILITY OF CERTAIN FEDERAL FINANCIAL MANAGEMENT LAWS.—A cooperative agreement under subsection (a) shall not be treated as a cooperative agreement for purposes of chapter 63 of title 31.

''(c) LIMITATION ON AUTHORITY TO CARRY OUT AGREEMENTS.—The authority of the Secretary of Defense or the Secretary of a military department to carry out an agreement entered into under subsection (a) shall be subject to the availability of funds for that purpose.

''(d) DEFINITION.—For purposes of this section, the term 'cultural resource' means any of the following:

''(1) A building, structure, site, district, or object eligible for or included in the National Register of Historic Places maintained under section 101(a) of the National Historic Preservation Act (16 U.S.C. 470a(a)).

''(2) A cultural item as that term is defined in section 2(3) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001(3)).

''(3) An archaeological resource as that term is defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)).

''(4) An archaeological artifact collection and associated records covered by section 79 of title 36, Code of Federal Regulations.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''2694. Cooperative agreements for management of cultural resources on military installations.''.

SEC. 350. REPORT ON WITHDRAWAL OF PUBLIC LANDS AT EL CENTRO NAVAL AIR FACILITY, CALIFORNIA.

(a) REPORT.—Not later than March 15, 1997, the Secretary of Defense, acting through the Deputy Under Secretary of Defense for Environmental Security, shall submit to the congressional defense committees a report that assesses the effects of the proposed withdrawal of public lands at El Centro Naval Air Facility, California, on the operational and training requirements of the Department of Defense at that facility.

(b) REPORT ELEMENTS.—The report under subsection (a) shall—

(1) describe in detail the operational and training requirements of the Department of Defense at El Centro Naval Air Facility;

(2) assess the effects of the proposed withdrawal on such operational and training requirements;

(3) describe the relationship, if any, of the proposed withdrawal to the withdrawal of other public lands under the California Desert Protection Act of 1994 (Public Law 103–433);

(4) assess the additional responsibilities, if any, of the Navy for land management at the facility as a result of the proposed withdrawal; and

(5) assess the costs, if any, to the Navy resulting from the proposed withdrawal.

SEC. 351. USE OF HUNTING AND FISHING PERMIT FEES COLLECTED AT CLOSED MILITARY RESERVATIONS.

Subparagraph (B) of section 101(b)(4) of the Act of September 15, 1960 (commonly known as the ''Sikes Act''; 16 U.S.C. 670a(b)(4)), is amended to read as follows:

''(B) the fees collected under this paragraph—

''(i) shall be expended at the military reservation with respect to which collected; or

''(ii) if collected with respect to a military reservation that is closed, shall be available for expenditure at any other military reservation for purposes of the protection, conservation, and management of fish and wildlife at such reservation.''.

Subtitle E—Other Matters

SEC. 361. FIREFIGHTING AND SECURITY-GUARD FUNCTIONS AT FACILITIES LEASED BY THE GOVERNMENT.

Section 2465(b) of title 10, United States Code, is amended—

(1) by striking out ''or'' at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ''; or''; and

(3) by adding at the end the following:

''(4) to a contract to be carried out at a private facility at which a Federal Government activity is located pursuant to a lease of the facility to the Government.''.

SEC. 362. AUTHORIZED USE OF RECRUITING FUNDS.

(a) AUTHORITY.—Chapter 31 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 520c. Authorized use of recruiting funds

''(a) MEALS AND REFRESHMENTS.—Under regulations prescribed by the Secretary concerned, funds appropriated to the Department of Defense for recruitment of military personnel may be expended for small meals and refreshments that are provided in the performance of personnel recruiting functions of the armed forces to—

''(1) persons who have enlisted under the Delayed Entry Program authorized by section 513 of this title;

''(2) persons who are objects of armed forces recruiting efforts;

''(3) influential persons in communities when assisting the military departments in recruiting efforts;

''(4) members of the armed forces and Federal Government employees when attending recruiting events in accordance with a requirement to do so; and

''(5) other persons when contributing to recruiting efforts by attending recruiting events.

''(b) ANNUAL REPORT.—Not later than February 1 of each year, the Secretary of Defense shall submit to Congress a report on the extent to which the authority under subsection (a) was exercised during the fiscal year ending in the preceding year.

''(c) TERMINATION OF AUTHORITY.—(1) The authority in subsection (a) may not be exercised after September 30, 2001.

''(2) No report is required under subsection (b) after 2002.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''520c. Authorized use of recruiting funds.''.

SEC. 363. NONCOMPETITIVE PROCUREMENT OF BRAND-NAME COMMERCIAL ITEMS FOR RESALE IN COMMISSARY STORES.

(a) CLARIFICATION OF EXCEPTION TO COMPETITIVE PROCUREMENT.—Section 2486 of title 10, United States Code, is amended by adding at the end the following:

''(e) The Secretary of Defense may not, under the exception provided in section 2304(c)(5) of this title, use procedures other than competitive procedures for the procurement of a brand-name commercial item for resale in commissary stores unless the commercial item is regularly sold outside of commissary stores under the same brand name as the commercial item will be sold in commissary stores.''.

(b) EFFECT ON EXISTING CONTRACTS.—The amendment made by subsection (a) shall not affect the terms, conditions, or duration of any contract entered into by the Secretary of Defense before the date of the enactment of this Act for the procurement of commercial items for resale in commissary stores.

SEC. 364. ADMINISTRATION OF MIDSHIPMEN'S STORE AND OTHER NAVAL ACADEMY SUPPORT ACTIVITIES AS NONAPPROPRIATED FUND INSTRUMENTALITIES.

(a) IN GENERAL.—(1) Chapter 603 of title 10, United States Code, is amended by striking out sections 6970 and 6971 and inserting in lieu thereof the following new section:

''§ 6970. Midshipmen's store and Naval Academy shops, laundry, and dairy: nonappropriated fund accounts

''(a) IN GENERAL.—Under regulations prescribed by the Secretary of the Navy, the Superintendent of the Naval Academy shall administer a nonappropriated fund account for each of the Academy activities referred to in subsection (b).

''(b) ACTIVITIES.—Subsection (a) applies to the following Academy activities:

''(1) The midshipmen's store.

''(2) The barber shop.

''(3) The cobbler shop.

''(4) The tailor shop.

''(5) The dairy.

''(6) The laundry.

''(c) CREDITING OF REVENUE.—The Superintendent shall credit to each account administered with respect to an activity under subsection (a) all revenue received from the activity.''.

(2) The table of sections at the beginning of such chapter is amended by striking out the items relating to sections 6970 and 6971 and inserting in lieu thereof the following new item:

''6970. Midshipmen's store and Naval Academy shops, laundry, and dairy: nonappropriated fund accounts.''.

(b) EMPLOYMENT STATUS OF EMPLOYEES OF ACTIVITIES.—Section 2105 of title 5, United States Code, is amended by striking out subsection (b).

SEC. 365. ASSISTANCE TO COMMITTEES INVOLVED IN INAUGURATION OF THE PRESIDENT.

(a) IN GENERAL.—Section 2543 of title 10, United States Code, is amended to read to read as follows:

''§ 2543. Equipment and services: Presidential inaugural committees

''(a) ASSISTANCE AUTHORIZED.—The Secretary of Defense may provide the assistance referred to in subsection (b) to the following committees:

''(1) An Inaugural Committee established under the first section of the Presidential Inaugural Ceremonies Act (36 U.S.C. 721).

''(2) A joint committee of the Senate and House of Representatives appointed under section 9 of that Act (36 U.S.C. 729).

''(b) ASSISTANCE.—The following assistance may be provided under subsection (a):

''(1) Planning and carrying out activities relating to security and safety.

''(2) Planning and carrying out ceremonial activities.

''(3) Loan of property.

''(4) Any other assistance that the Secretary considers appropriate.

''(c) REIMBURSEMENT.—(1) An inaugural committee referred to in subsection (a)(1) shall reimburse the Secretary for any costs incurred in connection with the provision to the committee of assistance referred to in subsection (b)(4).

''(2) Costs reimbursed under paragraph (1) shall be credited to the appropriations from which the costs were paid. The amount credited to an appropriation shall be proportionate to the amount of the costs charged to that appropriation.

''(d) LOANED PROPERTY.—(1) Property loaned for a presidential inauguration under subsection (b)(3) shall be returned within nine days after the date of the ceremony inaugurating the President.

''(2) An inaugural committee referred to in subsection (a)(1) shall give good and sufficient bond for the return in good order and condition of property loaned to the committee under subsection (b)(3).

''(3) An inaugural committee referred to in subsection (a)(1) shall—

''(A) indemnify the United States for any loss of, or damage to, property loaned to the committee under subsection (b)(3); and

''(B) defray any expense incurred for the delivery, return, rehabilitation, replacement, or operation of the property.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 152 of such title is amended by striking out the item relating to section 2543 and inserting in lieu thereof the following:

''2543. Equipment and services: Presidential inaugural committees.''.

SEC. 366. DEPARTMENT OF DEFENSE SUPPORT FOR SPORTING EVENTS.

(a) LOCAL SUPPORT.—The Secretary of Defense may authorize the commander of a military installation or other facility of the Department of Defense or the commander of a specified or unified combatant command to provide assistance for the World Cup Soccer Games, the Goodwill Games, the Olympics, and any other major civilian sporting event in support of essential security and safety at such event, but only in accordance with an agreement entered into by the Secretary and one or more organizations sponsoring the event and only to the extent that the essential security and safety needs cannot reasonably be met by a source other than the Department of Defense.

(b) AGREEMENT.—(1) An agreement entered into with an organization under this section shall provide for the Department of Defense to be reimbursed for amounts expended by the Department of Defense in providing support for the event, except that the agreement—

(A) may not require reimbursement to be made by an organization before the sporting event covered by the agreement is complete and all of the costs under the organization's other contractual obligations relating to the event have been paid; and

(B) shall include a clause providing that the amount of the reimbursement shall be the lesser of—

(i) the amount, if any, of the organization's surplus funds remaining after payment of all of the costs referred to in subparagraph (A); or

(ii) the amount expended by the Department in providing support for the event.

(2) The Secretary of Defense may include in the agreement such additional terms and conditions as the Secretary considers appropriate in the interests of the Federal Government.

(3) Paragraph (1) does not apply to support for civilian sporting events known as of the date of the enactment of this Act as ''Special Olympics'' or ''Paralympics''.

(c) INAPPLICABILITY TO EVENTS ALREADY FUNDED.—This section does not apply with respect to a sporting event for which funds have been appropriated before the date of the enactment of this Act.

(d) SURPLUS FUNDS DEFINED.—For the purposes of this section, the term ''surplus funds'', with respect to an organization sponsoring a sporting event, means the amount equal to the excess of—

(1) the total amount of the funds received by the organization for the event other than revenues derived from any tax, over

(2) the total amount expended by the organization for payment of all of the costs under the organization's contractual obligations (other than an agreement entered into with the Secretary of Defense under this section) that relate to the event.

SEC. 367. RENOVATION OF BUILDING FOR DEFENSE FINANCE AND ACCOUNTING SERVICE CENTER, FORT BENJAMIN HARRISON, INDIANA.

(a) TRANSFER AUTHORITY.—Subject to subsection (b), the Secretary of Defense may transfer funds available to the Department of Defense for the Defense Finance and Accounting Service for a fiscal year for operation and maintenance to the Administrator of General Services for paying the costs of planning, design, and renovation of Building One, Fort Benjamin Harrison, Indiana, for use as a Defense Finance and Accounting Service Center.

(b) AUTHORITY SUBJECT TO AUTHORIZATIONS AND APPROPRIATIONS.—To the extent provided in appropriations Acts—

(1) of funds appropriated for fiscal year 1997, $9,000,000 may be transferred pursuant to subsection (a); and

(2) of funds appropriated for fiscal years 1998, 1999, 2000, and 2001, funds may be transferred pursuant to subsection (a) in such amounts as are authorized to be transferred in an Act enacted after the date of the enactment of this Act.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1997, as follows:

(1) The Army, 495,000, of which not more than 80,300 may be commissioned officers.

(2) The Navy, 407,318, of which not more than 56,165 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, 381,222, of which not more than 74,445 may be commissioned officers.

SEC. 402. TEMPORARY FLEXIBILITY RELATING TO PERMANENT END STRENGTH LEVELS.

Section 691(d) of title 10, United States Code, is amended by striking out ''not more than 0.5 percent'' and inserting in lieu thereof ''not more than 5 percent''.

SEC. 403. AUTHORIZED STRENGTHS FOR COMMISSIONED OFFICERS IN GRADES O–4, O–5, AND O–6.

(a) ARMY, AIR FORCE, AND MARINE CORPS.—The table in section 523(a)(1) of title 10, United States Code, is amended to read as follows:

''Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in the grade of:		
	Major	Lieutenant Colonel	Colonel
Army:			
20,000	6,848	5,253	1,613
25,000	7,539	5,642	1,796
30,000	8,231	6,030	1,980
35,000	8,922	6,419	2,163
40,000	9,614	6,807	2,347
45,000	10,305	7,196	2,530
50,000	10,997	7,584	2,713
55,000	11,688	7,973	2,897
60,000	12,380	8,361	3,080
65,000	13,071	8,750	3,264
70,000	13,763	9,138	3,447
75,000	14,454	9,527	3,631
80,000	15,146	9,915	3,814
85,000	15,837	10,304	3,997
90,000	16,529	10,692	4,181
95,000	17,220	11,081	4,364
100,000	17,912	11,469	4,548
110,000	19,295	12,246	4,915
120,000	20,678	13,023	5,281
130,000	22,061	13,800	5,648
170,000	27,593	16,908	7,116
Air Force:			
35,000	9,216	7,090	2,125
40,000	10,025	7,478	2,306
45,000	10,835	7,866	2,487
50,000	11,645	8,253	2,668
55,000	12,454	8,641	2,849
60,000	13,264	9,029	3,030
65,000	14,073	9,417	3,211
70,000	14,883	9,805	3,392
75,000	15,693	10,193	3,573
80,000	16,502	10,582	3,754
85,000	17,312	10,971	3,935
90,000	18,121	11,360	4,115
95,000	18,931	11,749	4,296
100,000	19,741	12,138	4,477
105,000	20,550	12,527	4,658
110,000	21,360	12,915	4,838
115,000	22,169	13,304	5,019
120,000	22,979	13,692	5,200
125,000	23,789	14,081	5,381
Marine Corps:			
10,000	2,525	1,480	571
12,500	2,900	1,600	592
15,000	3,275	1,720	613
17,500	3,650	1,840	633
20,000	4,025	1,960	654
22,500	4,400	2,080	675
25,000	4,775	2,200	695''.

(b) NAVY.—The table in section 523(a)(2) of title 10, United States Code, is amended to read as follows:

''Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in grade of:		
	Lieutenant Commander	Commander	Captain
Navy:			
30,000	7,331	5,018	2,116
33,000	7,799	5,239	2,223
36,000	8,267	5,460	2,330
39,000	8,735	5,681	2,437
42,000	9,203	5,902	2,544
45,000	9,671	6,123	2,651
48,000	10,139	6,343	2,758
51,000	10,606	6,561	2,864
54,000	11,074	6,782	2,971
57,000	11,541	7,002	3,078
60,000	12,009	7,222	3,185
63,000	12,476	7,441	3,292
66,000	12,944	7,661	3,398
70,000	13,567	7,954	3,541
90,000	16,683	9,419	4,254''.

(c) REPEAL OF TEMPORARY AUTHORITY FOR VARIATIONS IN END STRENGTHS.—The following provisions of law are repealed:

(1) Section 402 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1639; 10 U.S.C. 523 note).

(2) Section 402 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2743; 10 U.S.C. 523 note).

(3) Section 402 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 286; 10 U.S.C. 523 note).

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on September 1, 1997.

SEC. 404. EXTENSION OF REQUIREMENT FOR RECOMMENDATIONS REGARDING APPOINTMENTS TO JOINT 4-STAR OFFICER POSITIONS.

Section 604(c) of title 10, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 2000''.

SEC. 405. INCREASE IN AUTHORIZED NUMBER OF GENERAL OFFICERS ON ACTIVE DUTY IN THE MARINE CORPS.

Section 526(a)(4) of title 10, United States Code, is amended by striking out ''68'' and inserting in lieu thereof ''80''.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1997, as follows:

(1) The Army National Guard of the United States, 366,758.

(2) The Army Reserve, 214,925.

(3) The Naval Reserve, 96,304.

(4) The Marine Corps Reserve, 42,000.

(5) The Air National Guard of the United States, 108,594.

(6) The Air Force Reserve, 73,281.

(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, 1997, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 22,798.

(2) The Army Reserve, 11,475.

(3) The Naval Reserve, 16,603.

(4) The Marine Corps Reserve, 2,559.

(5) The Air National Guard of the United States, 10,378.

(6) The Air Force Reserve, 655.

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1997 a total of $69,878,430,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1997.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. EXTENSION OF AUTHORITY FOR TEMPORARY PROMOTIONS FOR CERTAIN NAVY LIEUTENANTS WITH CRITICAL SKILLS.

Section 5721(g) of title 10, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

SEC. 502. EXCEPTION TO BACCALAUREATE DEGREE REQUIREMENT FOR APPOINTMENT IN THE NAVAL RESERVE IN GRADES ABOVE O–2.

Section 12205(b)(3) of title 10, United States Code, is amended by inserting ''or the Seaman to Admiral program'' after ''(NAVCAD) program''.

SEC. 503. TIME FOR AWARD OF DEGREES BY UNACCREDITED EDUCATIONAL INSTITUTIONS FOR GRADUATES TO BE CONSIDERED EDUCATIONALLY QUALIFIED FOR APPOINTMENT AS RESERVE OFFICERS IN GRADE O–3.

Section 12205(c)(2)(C) of title 10, United States Code, is amended by striking out ''three years'' and inserting in lieu thereof ''eight years''.

SEC. 504. CHIEF WARRANT OFFICER PROMOTIONS.

(a) REDUCTION OF MINIMUM TIME IN GRADE REQUIRED FOR CONSIDERATION FOR PROMOTION.—Section 574(e) of title 10, United States Code, is amended by striking out ''three years of service'' and inserting in lieu thereof ''two years of service''.

(b) BELOW-ZONE SELECTION.—Section 575(b)(1) of such title is amended by inserting ''chief warrant officer, W–3,'' in the first sentence after ''to consider warrant officers for selection for promotion to the grade of''.

SEC. 505. FREQUENCY OF PERIODIC REPORT ON PROMOTION RATES OF OFFICERS CURRENTLY OR FORMERLY SERVING IN JOINT DUTY ASSIGNMENTS.

Section 662(b) of title 10, United States Code, is amended by striking out ''not less often than every six months'' in the parenthetical in the first sentence and inserting in lieu thereof ''not less often than every twelve months''.

Subtitle B—Matters Relating to Reserve Components

SEC. 511. CLARIFICATION OF DEFINITION OF ACTIVE STATUS.

Section 101(d)(4) of title 10, United States Code, is amended by striking out ''a reserve commissioned officer, other than a commissioned warrant officer,'' and inserting in lieu thereof the following: ''a member of a reserve component''.

SEC. 512. AMENDMENTS TO RESERVE OFFICER PERSONNEL MANAGEMENT ACT PROVISIONS.

(a) SERVICE REQUIREMENT FOR RETIREMENT IN HIGHEST GRADE HELD.—Section 1370(d) of title 10, United States Code, is amended—

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

(2) in paragraph (2)(A), by striking out ''(A)'';

(3) by redesignating paragraph (2)(B) as paragraph (3); and

(4) in paragraph (3), as so redesignated—

(A) by designating the first sentence as subparagraph (A);

(B) by designating the second sentence as subparagraph (B) and realigning such subparagraph, as so redesignated, flush to the left margin;

(C) in subparagraph (B), as so redesignated, by striking out ''the preceding sentence'' and inserting in lieu thereof ''subparagraph (A)''; and

(D) by adding at the end the following:

''(C) If a person covered by subparagraph (A) has completed at least six months of satisfactory service in grade, the person was serving in that grade while serving in a position of adjutant general required under section 314 of title 32 or while serving in a position of assistant adjutant general subordinate to such a position of adjutant general, and the person has failed to complete three years of service in that grade solely because the person's appointment to such position has been terminated or vacated as described in section 324(b) of such title, then such person may be credited with satisfactory service in that grade, notwithstanding the failure to complete three years of service in that grade.

''(D) To the extent authorized by the Secretary of the military department concerned, a person who, after having been recommended for promotion in a report of a promotion board but before being promoted to the recommended grade, served in a position for which that grade is the minimum authorized grade may be credited for purposes of subparagraph (A) as having served in that grade for the period for which the person served in that position while in the next lower grade. The period credited may not include any period before the date on which the Senate provides advice and consent for the appointment of that person in the recommended grade.

''(E) To the extent authorized by the Secretary of the military department concerned, a person who, after having been extended temporary Federal recognition as a reserve officer of the Army National Guard in a particular grade under section 308 of title 32 or temporary Federal recognition as a reserve officer of the Air National Guard in a particular grade under such section, served in a position for which that grade is the minimum authorized grade may be credited for purposes of subparagraph (A) as having served in that grade for the period for which the person served in that position while extended the temporary Federal recognition, but only if the person was subsequently extended permanent Federal recognition as a reserve officer in that grade and also served in that position after being extended the permanent Federal recognition.''.

(b) EXCEPTION TO REQUIREMENT FOR RETENTION OF RESERVE OFFICERS UNTIL COMPLETION OF REQUIRED SERVICE.—Section 12645(b)(2) of such title is amended by inserting ''or a reserve active-status list'' after ''active-duty list''.

(c) TECHNICAL CORRECTION.—Section 14314(b)(2)(B) of such title is amended by striking out ''of the Air Force''.

SEC. 513. REPEAL OF REQUIREMENT FOR PHYSICAL EXAMINATIONS OF MEMBERS OF NATIONAL GUARD CALLED INTO FEDERAL SERVICE.

(a) REPEAL.—Section 12408 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 is amended by striking out the item relating to section 12408.

SEC. 514. AUTHORITY FOR A RESERVE ON ACTIVE DUTY TO WAIVE RETIREMENT SANCTUARY.

Section 12686 of title 10, United States Code, is amended—

(1) by inserting ''(a) LIMITATION.—'' before ''Under regulations''; and

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

''(b) WAIVER.—(1) The Secretary concerned may authorize a member described in paragraph (2) to waive the applicability of the limitation under subsection (a) to the member for the period of active duty described in that paragraph. A member shall exercise any such waiver option, if at all, before the period of active duty begins.

''(2) The authority provided in paragraph (1) applies to a member of a reserve component who is on active duty (other than for training) pursuant to an order to active duty under section 12301 of this title that specifies a period of less than 180 days.''.

SEC. 515. RETIREMENT OF RESERVES DISABLED BY INJURY OR DISEASE INCURRED OR AGGRAVATED DURING OVERNIGHT STAY BETWEEN INACTIVE DUTY TRAINING PERIODS.

Paragraph (2) of section 1204 of title 10, United States Code, is amended to read as follows:

''(2) the disability is a result of—

''(A) performing active duty or inactive-duty training;

''(B) traveling directly to or from the place at which such duty is performed; or

''(C) an injury, illness, or disease incurred or aggravated 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 of the member's residence;''.

SEC. 516. RESERVE CREDIT FOR PARTICIPATION IN THE HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

(a) CREDIT AUTHORIZED.—Section 2126 of title 10, United States Code, is amended—

(1) by striking out ''Service performed'' and inserting in lieu thereof ''(a) SERVICE NOT CREDITABLE.—Except as provided in subsection (b), service performed''; and

(2) by adding at the end the following:

''(b) EXCEPTION.—(1) The Secretary concerned may authorize service performed by a member of the program in pursuit of a course of study under this subchapter to be counted in accordance with this subsection if the member—

''(A) completes the course of study;

''(B) completes the active duty obligation imposed under section 2123(a) of this title; and

''(C) possesses a specialty designated by the Secretary concerned as critically needed in wartime.

''(2) Service credited under paragraph (1) counts only for the following purposes:

''(A) Award of retirement points for computation of years of service under section 12732 of this title and for computation of retired pay under section 12733 of this title.

''(B) Computation of years of service creditable under section 205 of title 37.

''(3) For purposes of paragraph (2)(A), a member may be credited in accordance with paragraph (1) with not more than 50 points for each year of participation in a course of study that the member satisfactorily completes as a member of the program.

''(4) Service may not be counted under paragraph (1) for more than four years of participation in a course of study as a member of the program.

''(5) A member who is dropped from the program under section 2123(c) of this title may not receive any credit under paragraph (1) for participation in a course of study as a member of the program. Any credit awarded for participation in the program before the member is dropped shall be rescinded.

''(6) A member is not entitled to any retroactive award of, or increase in, pay or allowances under title 37 by reason of an award of service credit under paragraph (1).''.

(b) AWARD OF RETIREMENT POINTS.—(1) Section 12732(a)(2) of such title is amended—

(A) by inserting after clause (C) the following:

''(D) Points credited for the year under section 2126(b) of this title.''; and

(B) in the matter following clause (D), as inserted by paragraph (1), by striking out ''and (C)'' and inserting in lieu thereof ''(C), and (D)''.

(2) Section 12733(3) of such title is amended by striking out ''or (C)'' and inserting in lieu thereof ''(C), or (D)''.

SEC. 517. REPORT ON GUARD AND RESERVE FORCE STRUCTURE.

(a) REPORT.—Not later than March 1, 1997, the Secretary of Defense shall submit to Congress a report on the current force structure and the projected force structure of the National Guard and the other reserve components.

(b) REPORT ELEMENTS.—The report required by subsection (a) shall address the following:

(1) The role of specific guard and reserve units in the current force structure of the guard and reserves.

(2) The projected role of specific guard units and reserve units in a major regional contingency.

(3) Whether or not the current force structure of the guard and reserves is excess to the combat readiness requirements of the Armed Forces and, if so, to what extent.

(4) The effect of decisions relating to the force structure of the guard and reserves on combat readiness within the tiered structure of combat readiness applied to the Armed Forces.

Subtitle C—Officer Education Programs

SEC. 521. INCREASED AGE LIMIT ON APPOINTMENT AS A CADET OR MIDSHIPMAN IN THE SENIOR RESERVE OFFICERS' TRAINING CORPS AND THE SERVICE ACADEMIES.

(a) SENIOR RESERVE OFFICERS' TRAINING CORPS.—Section 2107(a) of title 10, United States Code, is amended by striking out ''25 years of age'' and inserting in lieu thereof ''27 years of age''.

(b) UNITED STATES MILITARY ACADEMY.—Section 4346(a) of title 10, United States Code, is amended by striking out ''twenty-second birthday'' and inserting in lieu thereof ''twenty-third birthday''.

(c) UNITED STATES NAVAL ACADEMY.—Section 6958(a)(1) of title 10, United States Code, is amended by striking out ''twenty-second birthday'' and inserting in lieu thereof ''twenty-third birthday''.

(d) UNITED STATES AIR FORCE ACADEMY.—Section 9346(a) of title 10, United States Code, is amended by striking out ''twenty-second birthday'' and inserting in lieu thereof ''twenty-third birthday''.

SEC. 522. DEMONSTRATION PROJECT FOR INSTRUCTION AND SUPPORT OF ARMY ROTC UNITS BY MEMBERS OF THE ARMY RESERVE AND NATIONAL GUARD.

(a) IN GENERAL.—The Secretary of the Army shall carry out a demonstration project in order to assess the feasibility and advisability of providing instruction and similar support to units of the Reserve Officers Training Corps of the Army through members of the Army Reserve (including members of the Individual Ready Reserve) and members of the Army National Guard.

(b) PROJECT REQUIREMENTS.—(1) The Secretary shall carry out the demonstration project at least one institution.

(2) In order to enhance the value of the project, the Secretary may take actions to ensure that members of the Army Reserve and the Army National Guard provide instruction and support under the project in a variety of innovative ways.

(c) INAPPLICABILITY OF LIMITATION ON RESERVES IN SUPPORT OF ROTC.—The assignment of a member of the Army Reserve or the Army National Guard to provide instruction or support under the demonstration project shall not be treated as an assignment of the member to duty with a unit of a Reserve Officer Training Corps program for purposes of section 12321 of title 10, United States Code.

(d) REPORTS.—Not later than February 1 in each of 1998, 1999, 2000, and 2001, the Secretary shall submit to Congress a report assessing the activities under the project during the preceding year. The report submitted in 2000 shall include the Secretary's recommendation as to the advisability of continuing or expanding the authority for the project.

(e) TERMINATION.—The authority of the Secretary to carry out the demonstration project shall expire four years after the date of the enactment of this Act.

Subtitle D—Other Matters

SEC. 531. RETIREMENT AT GRADE TO WHICH SELECTED FOR PROMOTION WHEN A PHYSICAL DISABILITY IS FOUND AT ANY PHYSICAL EXAMINATION.

Section 1372(3) of title 10, United States Code, is amended by striking out ''his physical examination for promotion'' and inserting in lieu thereof ''a physical examination''.

SEC. 532. LIMITATIONS ON RECALL OF RETIRED MEMBERS TO ACTIVE DUTY.

(a) NUMBER ON ACTIVE DUTY CONCURRENTLY.—Subsection (c) of section 688 of title 10, United States Code, is amended—

(1) by striking out ''(c) Except in time of war, or of national emergency declared by Congress or the President after November 30, 1980, not'' and inserting in lieu thereof ''(c)(1) Not''; and

(2) by adding at the end the following:

''(2) Not more than 25 officers of any one armed force may be serving on active duty concurrently pursuant to orders to active duty issued under this section.''.

(b) OFFICERS RETIRED ON SELECTIVE EARLY RETIREMENT BASIS.—Such section is amended by adding at the end the following:

''(e) The following officers may not be ordered to active duty under this section:

''(1) An officer who retired under section 638 of this title.

''(2) An officer who—

''(A) after having been notified that the officer was to be considered for early retirement under section 638 of this title by a board convened under section 611(b) of this title and before being considered by that board, requested retirement under section 3911, 6323, or 8911 of this title; and

''(B) was retired pursuant to that request.''.

(c) LIMITATION OF PERIOD OF RECALL SERVICE.—Such section, as amended by subsection (b), is further amended by adding at the end the following:

''(f)(1) A member ordered to active duty under subsection (a) may not serve on active duty pursuant to orders under such subsection for more than 12 months within the 24 months following the first day of the active duty to which ordered under this section.

''(2) Paragraph (1) does not apply to the following:

''(A) A chaplain who is assigned to duty as a chaplain for the period of active duty to which ordered.

''(B) A health care professional (as characterized by the Secretary concerned) who is assigned to duty as a health care professional for the period of the active duty to which ordered.

''(C) Any officer assigned to duty with the American Battle Monuments Commission for the period of active duty to which ordered.''.

(d) WAIVER FOR PERIODS OF WAR OR NATIONAL EMERGENCY.—Such section, as amended by subsection (c), is further amended by adding at the end the following:

''(g)(1) Subsection (c)(1) does not apply in time of war or of national emergency declared by Congress or the President after November 30, 1980.

''(2) Subsections (c)(2), (e), and (f) do not apply in time of war or of national emergency declared by Congress or the President.''.

SEC. 533. DISABILITY COVERAGE FOR OFFICERS GRANTED EXCESS LEAVE FOR EDUCATIONAL PURPOSES.

(a) ELIGIBILITY FOR RETIREMENT.—Section 1201 of title 10, United States Code, is amended—

(1) by inserting ''(a) RETIREMENT.—'' before ''Upon a determination'';

(2) by striking out ''a member of a regular component of the armed forces entitled to basic pay, or any other member of the armed forces entitled to basic pay who has been called or ordered to active duty (other than for training under section 10148(a) of this title) for a period of more than 30 days,'' and inserting in lieu thereof ''a member described in subsection (b)'';

(3) by inserting after ''incurred while entitled to basic pay'' the following: ''or incurred while absent as described in section 502(b) of title 37 to participate in an educational program (even though not entitled to basic pay by operation of such section)''; and

(4) by adding at the end the following:

''(b) ELIGIBLE MEMBERS.—This section applies to the following members:

''(1) A member of a regular component of the armed forces entitled to basic pay.

''(2) Any other member of the armed forces entitled to basic pay who has been called or ordered to active duty (other than for training under section 10148(a) of this title) for a period of more than 30 days.

''(3) A member of a regular component of the armed forces who is on active duty but is absent as described in section 502(b) of title 37 to participate in an educational program.''.

(b) ELIGIBILITY FOR PLACEMENT ON TEMPORARY DISABILITY RETIREMENT LIST.—Section 1202 of title 10, United States Code, is amended—

(1) by inserting ''(a) TEMPORARY RETIREMENT.—'' before ''Upon a determination''; and

(2) by striking out ''a member of a regular component of the armed forces entitled to basic pay, or any other member of the armed forces entitled to basic pay who has been called or ordered to active duty (other than for training under section 10148(a) of this title) for a period of more than 30 days,'' and inserting in lieu thereof ''a member described in section 1201(b) of this title''.

(c) ELIGIBILITY FOR SEPARATION.—Section 1203 of title 10, United States Code, is amended—

(1) by inserting ''(a) SEPARATION.—'' before ''Upon a determination'';

(2) by striking out ''a member of a regular component of the armed forces entitled to basic pay, or any other member of the armed forces entitled to basic pay who has been called or ordered to active duty (other than for training under section 10148(a) of this title) for a period of more than 30 days,'' and inserting in lieu thereof ''a member described in section 1201(b) of this title''; and

(3) by inserting after ''incurred while entitled to basic pay'' the following: ''or incurred while absent as described in section 502(b) of title 37 to participate in an educational program (even though not entitled to basic pay by operation of such section)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to physical disabilities incurred on or after such date.

SEC. 534. UNIFORM POLICY REGARDING RETENTION OF MEMBERS WHO ARE PERMANENTLY NONWORLDWIDE ASSIGNABLE.

(a) POLICY REQUIRED.—Chapter 59 of title 10, United States Code, is amended by inserting after section 1176 the following:

"§ 1177. Uniform policy regarding retention of members who are permanently nonworldwide assignable

''The Secretary of Defense shall prescribe regulations setting forth uniform policies and procedures regarding retention of members of the Army, Navy, Air Force, and Marine Corps who are permanently nonworldwide assignable for medical reasons.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1176 the following:

''1177. Uniform policy regarding retention of members who are permanently nonworldwide assignable.''.

SEC. 535. AUTHORITY TO EXTEND PERIOD FOR ENLISTMENT IN REGULAR COMPONENT UNDER THE DELAYED ENTRY PROGRAM.

(a) AUTHORITY.—Section 513(b) of title 10, United States Code, is amended by inserting after the first sentence the following: ''The Secretary concerned may extend the 365-day period for a person for up to 180 additional days if the Secretary determines that it is in the best interests of the armed force under the Secretary's jurisdiction to do so.''.

(b) TECHNICAL AMENDMENTS.—Section 513(b) of such title, as amended by subsection (a), is further amended—

(1) by inserting ''(1)'' after ''(b)'';

(2) by designating the third sentence as paragraph (2) and realigning such paragraph, as so designated, flush to the left margin; and

(3) in paragraph (2), as so designated, by striking out ''the preceding sentence'' and inserting in lieu thereof ''paragraph (1)''.

SEC. 536. CAREER SERVICE REENLISTMENTS FOR MEMBERS WITH AT LEAST 10 YEARS OF SERVICE.

Subsection (d) of section 505 of title 10, United States Code, is amended to read as follows:

''(d)(1) The Secretary concerned may accept a reenlistment in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, for a period determined under this subsection.

''(2) In the case of a member who has less than 10 years of service in the armed forces as of the day before the first day of the period for which reenlisted, the period for which the member reenlists shall be at least two years but not more than six years.

''(3) In the case of a member who has at least 10 years of service in the armed forces as of the day before the first day of the period for which reenlisted, the Secretary concerned may accept a reenlistment for either—

''(A) a specified period of at least two years but not more than six years; or

''(B) an unspecified period.

''(4) No enlisted member is entitled to be reenlisted for a period that would expire before the end of the member's current enlistment.''.

SEC. 537. REVISIONS TO MISSING PERSONS AUTHORITIES.

(a) REPEAL OF APPLICABILITY OF AUTHORITIES TO DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES AND CONTRACTOR EMPLOYEES.—(1) Section 1501 of title 10, United States Code, is amended—

(A) by striking out subsection (c) and inserting in lieu thereof the following new subsection (c):

''(c) COVERED PERSONS.—Section 1502 of this title applies in the case of 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.''; and

(B) by striking out subsection (f).

(2) Section 1503(c) of such title is amended—

(A) in paragraph (1), by striking out ''one individual described in paragraph (2)'' and inserting in lieu thereof ''one military officer'';

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

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(3) Section 1504(d) of such title is amended—

(A) by striking out the text of paragraph (1) and inserting in lieu thereof the following new text: ''A board under this section shall be composed of at least three members who are officers having the grade of major or lieutenant commander or above.''; and

(B) in paragraph (4), by striking out ''section 1503(c)(4)'' and inserting in lieu thereof ''section 1503(c)(3)''.

(4) Paragraph (1) of section 1513 of such title is amended to read as follows:

''(1) The term 'missing person' means a member of the armed forces on active duty who is in a missing status.''.

(b) REPORT ON PRELIMINARY ASSESSMENT OF STATUS.—(1) Section 1502 of title 10, United States Code, is amended—

(A) in subsection (a)(2)—

(i) by striking out ''48 hours'' and inserting in lieu thereof ''10 days''; and

(ii) by striking out ''theater component commander with jurisdiction over the missing person'' and inserting in lieu thereof ''Secretary concerned'';

(B) by striking out subsection (b);

(C) by redesignating subsection (c) as subsection (b); and

(D) in subsection (b), as so redesignated, by striking out the second sentence.

(2) Section 1503(a) of such title is amended by striking out ''section 1502(b)'' and inserting in lieu thereof ''section 1502(a)''.

(3) Section 1513 of such title is amended by striking out paragraph (8).

(c) REPEAL OF REQUIREMENTS FOR COUNSELS FOR MISSING PERSONS.—(1) Section 1503 of title 10, United States Code, is amended—

(A) by striking out subsection (f); and

(B) by redesignating subsections (g) through (k) as subsections (f) through (j), respectively.

(2) Section 1504 of such title is amended—

(A) by striking out subsection (f); and

(B) by redesignating subsections (g) through (m) as subsections (f) through (l), respectively.

(3) Such section 1503 is further amended—

(A) in subsection (g)(3), as redesignated by paragraph (1)(B) of this subsection, by striking out ''subsection (j)'' and inserting in lieu thereof ''subsection (i)'';

(B) in subsection (h)(1), as so redesignated, by striking out ''subsection (h)'' and inserting in lieu thereof ''subsection (g)'';

(C) in subsection (i), as so redesignated—

(i) by striking out ''subsection (i)'' in the matter preceding paragraph (1) and inserting in lieu thereof ''subsection (h)''; and

(ii) in paragraph (1)(B), by striking out ''subsection (h)'' and inserting in lieu thereof ''subsection (g)''; and

(D) in subsection (j), as so redesignated, by striking out ''subsection (i)'' and inserting in lieu thereof ''subsection (h)''.

(4) Such section 1504 of such title is amended—

(A) in subsection (a), by striking out ''section 1503(i)'' and inserting in lieu thereof ''section 1503(h)'';

(B) in subsection (e)(1), by striking out ''section 1503(h)'' and inserting in lieu thereof ''section 1503(g)'';

(C) in subsection (f), as redesignated by paragraph (2)(B) of this subsection, by striking out ''subsection (i)'' each place it appears in paragraphs (4)(D) and (5)(B) and inserting in lieu thereof ''subsection (h)'';

(D) in subsection (g)(3)(A), as so redesignated, by striking out ''and the counsel for the missing person appointed under subsection (f)'';

(E) in subsection (j), as so redesignated—

(i) in paragraph (1)—

(I) by striking out ''subsection (j)'' in the matter preceding subparagraph (A) and inserting in lieu thereof ''subsection (i)'';

(II) by inserting ''and'' at the end of subparagraph (A);

(III) by striking out subparagraph (B); and

(IV) by redesignating subparagraph (C) as subparagraph (B) and in that subparagraph, as so redesignated, by striking out ''subsection (g)(5)'' and inserting in lieu thereof ''subsection (f)(5)''; and

(ii) in paragraph (2), by striking out ''subparagraph (C)'' and inserting in lieu thereof ''subparagraph (B)'';

(F) in subsection (k), as redesignated by paragraph (2)(B) of this subsection, by striking out ''subsection (k)'' in the matter preceding paragraph (1) and inserting in lieu thereof ''subsection (j)''; and

(G) in subsection (l), as so redesignated, by striking out ''subsection (k)'' and inserting in lieu thereof ''subsection (l)''.

(5) Section 1505(c) of such title is amended—

(A) in paragraph (2), by striking out ''(A) the designated missing person's counsel for that person, and (B)''; and

(B) in paragraph (3), by striking out '', with the advice'' and all that follows through ''paragraph (2),''.

(6) Section 1509(a) of such title is amended by striking out ''section 1504(g)'' and inserting in lieu thereof ''section 1504(f)''.

(d) FREQUENCY OF SUBSEQUENT REVIEWS.—Subsection (b) of section 1505 of title 10, United States Code, is amended to read as follows:

''(b) FREQUENCY OF SUBSEQUENT REVIEWS.—The Secretary concerned shall conduct inquiries into the whereabouts and status of a person under subsection (a) upon receipt of information that may result in a change of status of the person. The Secretary concerned shall appoint a board to conduct such inquiries.''.

(e) REPEAL OF STATUTORY PENALTIES FOR WRONGFUL WITHHOLDING OF INFORMATION.—Section 1506 of title 10, United States Code, is amended—

(1) by striking out subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(f) INFORMATION TO ACCOMPANY RECOMMENDATION OF STATUS OF DEATH.—Section 1507(b) of title 10, United States Code, is amended by striking out paragraphs (3) and (4).

(g) REPEAL OF RIGHT OF JUDICIAL REVIEW.—Section 1508 of title 10, United States Code, is repealed.

(h) SCOPE OF PREENACTMENT REVIEW.—(1) Section 1509 of title 10, United States Code, is amended—

(A) in subsection (b)—

(i) by striking out paragraph (1); and

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively;

(B) by striking out subsection (c);

(C) by redesignating subsection (d) as subsection (c); and

(D) in subsection (c), as so redesignated—

(i) by striking out paragraph (1); and

(ii) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(2) The section heading of such section is amended by striking out ''**, special interest cases**''.

(i) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 76 of title 10, United States Code, is amended—

(1) in the item relating to section 1509, by striking out '', special interest cases''; and

(2) by striking out the item relating to section 1509.

SEC. 538. INAPPLICABILITY OF SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940 TO THE PERIOD OF LIMITATIONS FOR FILING CLAIMS FOR CORRECTIONS OF MILITARY RECORDS.

(a) EXTENSION OF PERIOD.—Section 1552(b) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

(2) by adding at the end the following:

''(2) Notwithstanding the provisions of section 205 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 525), and any other provision of law, the three-year period for filing a request for correction of records is not extended by reason of military service. However, in determining under paragraph (1) whether it is in the interest of justice to excuse a failure timely to file a request for correction, the board shall consider the claimant's military service and its effect on the claimant's ability to file a claim.''.

(b) EFFECTIVE DATE.—Paragraph (2) of section 1552(b) of such title, as added by subsection (a), shall take effect three years after the date of the enactment of this Act.

SEC. 539. MEDAL OF HONOR FOR CERTAIN AFRICAN-AMERICAN SOLDIERS WHO SERVED IN WORLD WAR II.

(a) INAPPLICABILITY OF TIME LIMITATIONS.—Notwithstanding the time limitations in section 3744(b) of title 10, United States Code, or any other time limitation, the President may award the Medal of Honor to each person identified in subsection (b), each such person having distinguished himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty while serving in the United States Army during World War II.

(b) APPLICABILITY.—The authority in this section applies with respect to the following persons:

(1) Vernon J. Baker, who served as a first lieutenant in the 370th Infantry Regiment, 92nd Infantry Division.

(2) Edward A. Carter, who served as a staff sergeant in the 56th Armored Infantry Battalion, 12th Armored Division.

(3) John R. Fox, who served as a first lieutenant in the 366th Infantry Regiment, 92nd Infantry Division.

(4) Willy F. James, Jr., who served as a private first class in the 413th Infantry Regiment, 104th Infantry Division.

(5) Ruben Rivers, who served as a staff sergeant in the 761st Tank Battalion.

(6) Charles L. Thomas, who served as a first lieutenant in the 614th Tank Destroyer Battalion.

(7) George Watson, who served as a private in the 29th Quartermaster Regiment.

(c) POSTHUMOUS AWARD.—The Medal of Honor may be awarded under this section posthumously, as provided in section 3752 of title 10, United States Code.

(d) PRIOR AWARD.—The Medal of Honor may be awarded under this section for service for which a Distinguished-Service Cross, or other award, has been awarded.

Subtitle E—Commissioned Corps of the Public Health Service

SEC. 561. APPLICABILITY TO PUBLIC HEALTH SERVICE OF PROHIBITION ON CREDITING CADET OR MIDSHIPMEN SERVICE AT THE SERVICE ACADEMIES.

Section 971(b) of title 10, United States Code, is amended—

(1) in subsection (a), by inserting before the period at the end the following: ''or an officer in the Commissioned Corps of the Public Health Service''; and

(2) in subsection (b)—

(A) by striking out ''and'' at the end of paragraph (2);

(B) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ''; and''; and

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

''(4) no officer in the Commissioned Corps of the Public Health Service may be credited with service as a midshipman at the United States Naval Academy or as a cadet at the United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy.''.

SEC. 562. EXCEPTION TO GRADE LIMITATIONS FOR PUBLIC HEALTH SERVICE OFFICERS ASSIGNED TO THE DEPARTMENT OF DEFENSE.

Section 206 of the Public Health Service Act (42 U.S.C. 207 et seq.) is amended by adding at the end thereof the following new subsection:

''(f) EXCEPTION TO GRADE LIMITATIONS FOR OFFICERS ASSIGNED TO DEPARTMENT OF DEFENSE.—In computing the maximum number of commissioned officers of the Public Health Service authorized by law to hold a grade which corresponds to the grade of captain, major, lieutenant colonel, or colonel, there may be excluded from such computation officers who hold such a grade while the officers are assigned to duty in the Department of Defense.''.

Subtitle F—Defense Economic Adjustment, Diversification, Conversion, and Stabilization

SEC. 571. AUTHORITY TO EXPAND LAW ENFORCEMENT PLACEMENT PROGRAM TO INCLUDE FIREFIGHTERS.

Section 1152(g) of title 10, United States Code, is amended—

(1) by striking out ''(g) CONDITIONAL EXPANSION OF PLACEMENT TO INCLUDE FIREFIGHTERS.—(1) Subject to paragraph (2), the'' and inserting in lieu thereof ''(g) AUTHORITY TO EXPAND PLACEMENT TO INCLUDE FIREFIGHTERS.—The''; and

(2) in paragraph (2), by striking out the first sentence.

SEC. 572. TROOPS-TO-TEACHERS PROGRAM IMPROVEMENTS.

(a) SEPARATED MEMBERS OF THE ARMED FORCES.—(1) Subsection (a) of section 1151 of title 10, United States Code, is amended by striking out ''may establish'' and inserting in lieu thereof ''shall establish''.

(2) Such section is further amended—

(A) in subsection (f)(2), by striking out ''five school years'' in subparagraphs (A) and (B) and inserting in lieu thereof ''two school years''; and

(B) in subsection (h)(3)(A), by striking out ''five consecutive school years'' and inserting in lieu thereof ''two consecutive school years''.

(3) Subsection (g)(2) of such section is amended—

(A) by striking out the comma after ''section 1174a of this title'' and inserting in lieu thereof ''or''; and

(B) by striking out '', or retires pursuant to the authority provided in section 4403 of the National Defense Authorization Act for fiscal year 1993 (Public Law 102–484; 10 U.S.C. 1293 note)''.

(4) Subsection (h)(3)(B) of such section is amended—

(A) in clause (i), by striking out ''$25,000'' and inserting in lieu thereof ''$17,000'';

(B) in clause (ii)—

(i) by striking out ''40 percent'' and inserting in lieu thereof ''25 percent''; and

(ii) by striking out ''$10,000'' and inserting in lieu thereof ''$8,000''; and

(C) by striking out clauses (iii), (iv), and (v).

(b) SAVINGS PROVISION.—The amendments made by this section do not effect obligations under agreements entered into in accordance with section 1151 of title 10, United States Code, before the date of the enactment of this Act.

Subtitle G—Armed Forces Retirement Home

SEC. 581. REFERENCES TO ARMED FORCES RETIREMENT HOME ACT OF 1991.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101–510; 24 U.S.C. 401 et seq.).

SEC. 582. ACCEPTANCE OF UNCOMPENSATED SERVICES.

(a) AUTHORITY.—Part A is amended by adding at the end the following:

''SEC. 1522. AUTHORITY TO ACCEPT CERTAIN UNCOMPENSATED SERVICES.

''(a) AUTHORITY TO ACCEPT SERVICES.—Subject to subsection (b) and notwithstanding section 1342 of title 31, United States Code, the Chairman of the Retirement Home Board or the Director of each establishment of the Retirement Home may accept from any person voluntary personal services or gratuitous services unless the acceptance of the voluntary services is disapproved by the Retirement Home Board.

''(b) REQUIREMENTS AND LIMITATIONS.—(1) The Chairman of the Retirement Home Board or the Director of the establishment accepting the services shall notify the person of the scope of the services accepted.

''(2) The Chairman or Director shall—

''(A) supervise the person providing the services to the same extent as that official would supervise a compensated employee providing similar services; and

''(B) ensure that the person is licensed, privileged, has appropriate credentials, or is otherwise qualified under applicable laws or regulations to provide such services.

''(3) A person providing services accepted under subsection (a) may not—

''(A) serve in a policymaking position of the Retirement Home; or

''(B) be compensated for the services by the Retirement Home.

''(c) AUTHORITY TO RECRUIT AND TRAIN PERSONS PROVIDING SERVICES.—The Chairman of the Retirement Home Board or the Director of an establishment of the Retirement Home may recruit and train persons to provide services authorized to be accepted under subsection (a).

''(d) STATUS OF PERSONS PROVIDING SERVICES.—(1) Subject to paragraph (3), while providing services accepted under subsection (a) or receiving training under subsection (c), a person shall be considered to be an employee of the Federal Government only for purposes of the following provisions of law:

''(A) Subchapter I of chapter 81 of title 5, United States Code (relating to compensation for work-related injuries).

''(B) Chapter 171 of title 28, United States Code (relating to claims for damages or loss).

''(2) A person providing services accepted under subsection (a) shall be considered to be an employee of the Federal Government under paragraph (1) only with respect to services that are within the scope of the services accepted.

''(3) For purposes of determining the compensation for work-related injuries payable under chapter 81 of title 5, United States Code (pursuant to this subsection) to a person providing services accepted under subsection (a), the monthly pay of the person for such services shall be deemed to be the amount determined by multiplying—

''(A) the average monthly number of hours that the person provided the services, by

''(B) the minimum wage determined in accordance with section 6(a)(1) of the Fair

Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)).

''(e) REIMBURSEMENT OF INCIDENTAL EXPENSES.—The Chairman of the Retirement Board or the Director of the establishment accepting services under subsection (a) may provide for reimbursement of a person for incidental expenses incurred by the person in providing the services accepted under subsection (a). The Chairman or Director shall determine which expenses qualify for reimbursement under this subsection.''.

(b) FEDERAL STATUS OF RESIDENTS PAID FOR PART-TIME OR INTERMITTENT SERVICES.—Paragraph (2) of section 1521(b) (24 U.S.C. 421(b)) is amended to read as follows:

''(2) being an employee of the United States for any purpose other than—

''(A) subchapter I of chapter 81 of title 5, United States Code (relating to compensation for work-related injuries); and

''(B) chapter 171 of title 28, United States Code (relating to claims for damages or loss).''.

SEC. 583. DISPOSAL OF REAL PROPERTY.

(a) DISPOSAL AUTHORIZED.—Notwithstanding title II the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.), title VIII of such Act (40 U.S.C. 531 et seq.), section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), or any other provision of law relating to the management and disposal of real property by the United States, but subject to subsection (d), the Retirement Home Board may, by sale or otherwise, convey all right, title, and interest of the United States in a parcel of real property, including improvements thereof, consisting of approximately 49 acres located in Washington, District of Columbia, east of North Capitol Street, and recorded as District Parcel 121/19.

(b) MANNER, TERMS, AND CONDITIONS OF DISPOSAL.—The Retirement Home may determine—

(1) the manner for the disposal of the real property under subsection (a); and

(2) the terms and conditions for the conveyance of that property, including any terms and conditions that the Board considers necessary to protect the interests of the United States.

(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 Board. The cost of the survey shall be borne by the party or parties to which the property is to be conveyed.

(d) CONGRESSIONAL NOTIFICATION.—(1) Before disposing of real property under subsection (a), the Board shall notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of the proposed disposal. The Board may not dispose of the real property until the later of—

(A) the date that is 60 days after the date on which the notification is received by the committees; or

(B) the date of the next day following the expiration of the first period of 30 days of continuous session of Congress that follows the date on which the notification is received by the committees.

(2) For the purposes of paragraph (1)—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of any period of time in which Congress is in continuous session.

SEC. 584. MATTERS CONCERNING PERSONNEL.

(a) TERMS OF APPOINTMENT TO GOVERNING BOARDS.—Section 1515(e) (24 U.S.C. 415(e)) is amended—

(1) in paragraph (1), by striking out ''subsection (f)'' and inserting in lieu thereof ''paragraph (2)'';

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

(3) by adding after paragraph (1) the following new paragraphs:

''(2)(A) In the case of a member of a board who is appointed or designated under subsection (b) or (c) on the basis of a particular status described in a paragraph under that subsection, the appointment or designation of that member terminates on the date on which the member ceases to hold that status. The preceding sentence applies only to members of the Armed Forces on active duty and employees of the United States.

''(B) Paragraph (1) does not apply with respect to an appointment or designation of a member of a board for a term of less than five years that is made in accordance with subsection (f).

''(3) A member of the Retirement Home Board and a member of a Local Board may be reappointed for one consecutive term by the Chairman of that board.''.

(b) DUAL COMPENSATION.—(1) Section 1517 (24 U.S.C. 417) is amended—

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

(B) by inserting after subsection (e) the following new subsection (f):

''(f) DUAL COMPENSATION.—(1) The Retirement Home Board may waive the application of section 5532 of title 5, United States Code, to the Director of an establishment of the Retirement Home or any employee of the Retirement Home (to the extent that such section would otherwise apply to the Director or employee by reason of the employment as Director or employee). The Chairman of the Board shall notify the Secretary of the Treasury of any waiver exercised under the preceding sentence and the effective date of the waiver.

''(2) If the application of section 5532 of title 5, United States Code, to a Director or employee is waived under paragraph (1), the rate of pay payable out of the Retirement Home Trust Fund for the Director or employee shall be the amount equal to the excess, if any, of the periodic rate of pay fixed for the position of the Director or employee over the amount by which the retired or retainer pay payable to the Director or employee would have been reduced (computed on the basis of that periodic rate of pay for that position) if section 5532 of title 5, United States Code, had not been waived.

''(3)(A) In the case of a Director or employee paid at a rate of pay that is reduced under paragraph (2), the amounts deducted and withheld from pay for purposes of chapter 81, subchapter III of chapter 83, chapter 84, chapter 87, or chapter 89 of title 5, United States Code, all agency contributions required under such provisions of law, the maximum amount of contributions that may be made to the Thrift Saving Fund under subchapter III of chapter 84 of title 5, United States Code, the rate of disability compensation payable under subchapter I of chapter 81 of such title, the levels of life insurance coverage provided under chapter 87 of such title, and the amounts of annuities under subchapter III of chapter 83 of such title and subchapter II of chapter 84 of such title shall be computed as if the Director or employee were paid the full rate of pay fixed for the position of the Director or employee for the period for which the Director was paid at the reduced rate of pay under that paragraph.

''(B) If the amount payable to a Director or employee under paragraph (2) is less than the total amount required to be deducted and withheld from the pay of the Director or employee under a provision of law referred to in subparagraph (A), the amount of the deficiency shall be paid by the Director or employee. The participation or benefits available to a Director or employee who fails to pay a deficiency promptly shall be restricted in accordance with regulations which the Director of the Office of Personnel Management shall prescribe.

''(4) In this section, the term 'retired or retainer pay' has the meaning given such term in section 5531 of title 5, United States Code.''.

(2) Section 1516(f) (24 U.S.C. 416(f)) is amended—

(A) by inserting ''(1)'' after ''(f) ANNUAL REPORT.—''; and

(B) by adding at the end the following:

''(2) In addition to other matters covered by the annual report for a fiscal year, the annual report shall identify each Director or employee, if any, whose pay was reduced for any period during that fiscal year pursuant to an exercise of the waiver authority under section 1517(f), and shall include a discussion that demonstrates that the unreduced rate of pay established for the position of that Director or employee is comparable to the prevailing rates of pay provided for personnel in the retirement home industry who perform functions similar to those performed by the Director or employee.''.

(3) Subsection (f) of section 1517 (as added by paragraph (1)(B)) and subsection (f)(2) of section 1516 (as added by paragraph (2)(B)) shall apply with respect to pay periods beginning on or after January 1, 1997.

SEC. 585. FEES FOR RESIDENTS.

(a) ONE-YEAR DELAY IN IMPLEMENTATION OF NEW FEE STRUCTURE.—(1) Subsection (d)(2) of section 371 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2735; 24 U.S.C. 414 note) is amended by striking out ''October 1, 1997'' and inserting in lieu thereof ''October 1, 1998''.

(2) Subsection (b)(2)(B) of such section is amended by striking out ''1998'', ''1999'', and ''2000'' in paragraphs (1) and (2) of the subsection (d) that is set forth in such subsection (b)(2)(B) as an amendment to section 1514 of the Armed Forces Retirement Home Act of 1991 and inserting in lieu thereof ''1999'', ''2000'', and ''2001'', respectively.

(b) REPORT ON FUNDING THE ARMED FORCES RETIREMENT HOME.—(1) Not later than March 3, 1997, the Secretary of Defense shall submit to Congress a report on meeting the funding needs of the Armed Forces Retirement Home in a manner that is fair and equitable to the residents and to the members of the Armed Forces who provide required monthly contributions for the home.

(2) The report shall include the following:

(A) The increment between levels of income of a resident of the Armed Forces Retirement Home that is appropriate for applying the next higher monthly fee to a resident under a monthly fee structure for the residents of the home.

(B) The categories of income and disability payments that should generally be considered as monthly income for the purpose of determining the fee applicable to a resident and the conditions under which each such category should be considered as monthly income for such purpose.

(C) The degree of flexibility that should be provided the Armed Forces Retirement Home Board for the setting of fees for residents.

(D) A discussion of whether the Armed Forces Retirement Home Board has and should have authority to vary the fee charged a resident under exceptional circumstances, together with any recommended legislation regarding such an authority.

(E) A discussion of how to ensure fairness and equitable treatment of residents and of

warrant officers and enlisted members of the Armed Forces in meeting the funding needs of the Armed Forces Retirement Home.

(F) The advisability of exercising existing authority to increase the amount deducted from the pay of warrant officers and enlisted personnel for the Armed Forces Retirement Home under section 1007(i) of title 37, United States Code.

(G) Options for ways to meet the funding needs of the Armed Forces Retirement Home without increasing the amount deducted from pay under section 1007(i) of title 37, United States Code.

(H) Any other matters that the Secretary of Defense, after the consultation required by paragraph (3), considers appropriate regarding funding of the Armed Forces Retirement Home.

(3) The Secretary shall consult the Armed Forces Retirement Home Board and the secretaries of the military departments in preparing the report under this subsection.

SEC. 586. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated for fiscal year 1997 from the Armed Forces Retirement Home Trust Fund the sum of $57,345,000 for the operation of the Armed Forces Retirement Home.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1997.

(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 1997 shall not be made.

(b) INCREASE IN BASIC PAY AND BAS.—Effective January 1, 1997, the rates of basic pay and basic allowance for subsistence of members of the uniformed services are increased by 3.0 percent.

(c) INCREASE IN BAQ.—Effective January 1, 1997, the rates of basic allowance for quarters of members of the uniformed services are increased by 4.0 percent.

SEC. 602. RATE OF CADET AND MIDSHIPMAN PAY.

Section 203(c) of title 37, United States Code, is amended—

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

(2) in paragraph (1), by striking out ''(1)''.

SEC. 603. PAY OF SENIOR NONCOMMISSIONED OFFICERS WHILE HOSPITALIZED.

(a) IN GENERAL.—Section 210 of title 37, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) A senior enlisted member of an armed force shall continue to be entitled to the rate of basic pay authorized for the senior enlisted member of that armed force while the member is hospitalized, beginning on the day of the hospitalization and ending on the day the member is discharged from the hospital, but not for more than 180 days.''.

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 210. Pay of the senior noncommissioned officer of an armed force during terminal leave and while hospitalized''.

(2) The item relating to such section in the table of sections at the beginning of chapter 3 of title 10, United States Code, is amended to read as follows:

''210. Pay of the senior noncommissioned officer of an armed force during terminal leave and while hospitalized.''.

SEC. 604. BASIC ALLOWANCE FOR QUARTERS FOR MEMBERS ASSIGNED TO SEA DUTY.

(a) ENTITLEMENT OF SINGLE MEMBERS ABOVE GRADE E–5.—Section 403(c)(2) of title 37, United States Code, is amended by striking out the second sentence.

(b) ENTITLEMENT OF CERTAIN SINGLE MEMBERS IN GRADE E–5.—Section 403(c)(2) of such title, as amended by subsection (a), is further amended by adding at the end the following: ''However, the Secretary concerned may authorize payment of the basic allowance for quarters to members of a uniformed service without dependents who are in pay grade E–5, are on sea duty, and are not provided Government quarters ashore.''.

(c) ENTITLEMENT WHEN BOTH SPOUSES IN GRADES BELOW GRADE E–6 ARE ASSIGNED TO SEA DUTY.—Section 403(c)(2) of such title, as amended by subsections (a) and (b), is further amended—

(1) by inserting ''(A)'' after ''(2)''; and

(2) by adding at the end the following: ''Notwithstanding section 421 of this title, two members of the uniformed services in pay grades below E–6 who are married to each other, have no dependent other than the spouse, and are simultaneously assigned to sea duty on ships are jointly entitled to one basic allowance for quarters at the rate provided for members with dependents in the highest pay grade in which either spouse is serving.''.

(d) EFFECTIVE DATE.—The amendments made by subsections (a), (b), and (c) shall take effect on October 1, 1996.

SEC. 605. UNIFORM APPLICABILITY OF DISCRETION TO DENY AN ELECTION NOT TO OCCUPY GOVERNMENT QUARTERS.

Section 403(b)(3) of title 37, United States Code, is amended by striking out ''A member'' and inserting in lieu thereof ''Subject to the provisions of subsection (j), a member''.

SEC. 606. FAMILY SEPARATION ALLOWANCE FOR MEMBERS SEPARATED BY MILITARY ORDERS FROM SPOUSES WHO ARE MEMBERS.

Section 427(b) of title 37, United States Code, is amended—

(1) in paragraph (1)—

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

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

(C) by adding at the end the following:

''(D) the member is married to a member of a uniformed service, the member has no dependent other than the spouse, the two members are separated by reason of the execution of military orders, and the two members were residing together immediately before being separated by reason of execution of military orders.''; and

(2) by adding at the end the following:

''(5) Section 421 of this title does not apply to bar an entitlement to an allowance under paragraph (1)(D). However, not more than one monthly allowance may be paid with respect to a married couple under paragraph (1)(D) for any month.''.

SEC. 607. WAIVER OF TIME LIMITATIONS FOR CLAIM FOR PAY AND ALLOWANCES.

Section 3702 of title 31, United States Code, is amended by adding at the end the following:

''(e)(1) Upon the request of the Secretary concerned (as defined in section 101 of title 37), the Comptroller General may waive the time limitations set forth in subsection (b) or (c) in the case of a claim for pay or allowances provided under title 37 and, subject to paragraph (2), settle the claim.

''(2) Payment of a claim settled under paragraph (1) shall be subject to the availability of appropriations for payment of that particular claim.

''(3) This subsection does not apply to a claim in excess of $25,000.''.

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Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUSES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALISTS IN THE SELECTED RESERVES.—Section 302g(f) of title 37, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of title 37, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

(d) SPECIAL PAY FOR ENLISTED MEMBERS OF THE SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of title 37, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(i) of title 37, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

SEC. 613. EXTENSION OF AUTHORITY RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998,''.

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

(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, 1997'' and inserting in lieu thereof ''September 30, 1998''.

(d) 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, 1997'' and inserting in lieu thereof ''September 30, 1998''.

(e) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of title 37, United States

Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

(f) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of title 37, United States Code, is amended by striking out ''October 1, 1997'' and inserting in lieu thereof ''October 1, 1998''.

(g) 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, 1997'' and inserting in lieu thereof ''October 1, 1998''.

SEC. 614. INCREASED SPECIAL PAY FOR DENTAL OFFICERS OF THE ARMED FORCES.

(a) INCREASED RATES.—Section 302b(a) of title 37, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking out ''$1,200'' and inserting in lieu thereof ''$3,000'';

(B) in subparagraph (B), by striking out ''$2,000'' and inserting in lieu thereof ''$7,000''; and

(C) in subparagraph (C), by striking out ''$4,000'' and inserting in lieu thereof ''$7,000'';

(2) in paragraph (4), by redesignating subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D), respectively, and by inserting before subparagraph (B), as so redesignated, the following new subparagraph (A):

''(A) $4,000 per year, if the officer has less than three years of creditable service.''; and

(3) in paragraph (5)—

(A) in subparagraph (A)—

(i) by striking out ''$2,000'' and inserting in lieu thereof ''$2,500''; and

(ii) by striking out ''12 years'' and inserting in lieu thereof ''10 years'';

(B) in subparagraph (B)—

(i) by striking out ''$3,000'' and inserting in lieu thereof ''$3,500''; and

(ii) by striking out ''12 but less than 14 years'' and inserting in lieu thereof ''10 but less than 12 years''; and

(C) in subparagraph (C), by striking out ''14 or more years'' and inserting in lieu thereof ''12 or more years''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1996.

SEC. 615. RETENTION SPECIAL PAY FOR PUBLIC HEALTH SERVICE OPTOMETRISTS.

Section 302a(b) of title 37, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking out ''an armed force'' in the matter preceding subparagraph (A) and inserting in lieu thereof ''a uniformed service''; and

(B) by striking out ''of the military department'' in subparagraph (C); and

(2) in paragraph (4), by striking out ''of the military department''.

SEC. 616. SPECIAL PAY FOR NONPHYSICIAN HEALTH CARE PROVIDERS IN THE PUBLIC HEALTH SERVICE.

Section 302c(d) of title 37, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking out ''Secretary of Defense'' and inserting in lieu thereof ''Secretary concerned''; and

(2) in paragraph (1)—

(A) by striking out ''or'' the third place it appears; and

(B) by inserting before the period at the end the following: '', or an officer in the Regular or Reserve Corps of the Public Health Service''.

SEC. 617. FOREIGN LANGUAGE PROFICIENCY PAY FOR PUBLIC HEALTH SERVICE AND NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OFFICERS.

(a) ELIGIBILITY.—Section 316 of title 37, United States Code, is amended in subsection (a)—

(1) in the matter preceding paragraph (1), by striking out ''armed forces'' and inserting in lieu thereof ''uniformed services'';

(2) in paragraph (2)—

(A) by striking out ''Secretary of Defense'' and inserting in lieu thereof ''Secretary concerned''; and

(B) by inserting ''or public health'' after ''national defense''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking out ''military'' and inserting in lieu thereof ''uniformed services'';

(B) in subparagraph (C), by striking out ''military''; and

(C) in subparagraph (D)—

(i) by striking out ''Department of Defense'' and inserting in lieu thereof ''uniformed service''; and

(ii) by striking out ''Secretary of Defense'' and inserting in lieu thereof ''Secretary concerned''.

(b) ADMINISTRATION.—Subsection (d) of such section is amended—

(1) by striking out ''his jurisdiction and'' and inserting in lieu thereof ''the Secretary's jurisdiction,''; and

(2) by inserting before the period at the end '', by the Secretary of Health and Human Services for the Commissioned Corps of the Public Health Service, and by the Secretary of Commerce for the National Oceanic and Atmospheric Administration''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 1996, and apply with respect to months beginning on or after such date.

Subtitle C—Travel and Transportation Allowances

SEC. 621. ROUND TRIP TRAVEL ALLOWANCES FOR SHIPPING MOTOR VEHICLES AT GOVERNMENT EXPENSE.

(a) IN GENERAL.—Section 406(b)(1)(B) of title 37, United States Code, is amended as follows—

(1) in clause (i)(I), by inserting '', including return travel to the old duty station,'' after ''nearest the old duty station''; and

(2) in clause (ii), by inserting '', including travel from the new duty station to the port of debarkation to pick up the vehicle'' after ''to the new duty station''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on April 1, 1997.

SEC. 622. OPTION TO STORE INSTEAD OF TRANSPORT A PRIVATELY OWNED VEHICLE AT THE EXPENSE OF THE UNITED STATES.

(a) IN GENERAL.—Section 2634 of title 10, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (g);

(2) by transferring subsection (g), as so redesignated, to the end of such section; and

(3) by inserting after subsection (a) the following new subsection (b):

''(b) When a member is ordered to make a change of permanent station to a foreign country and the member is authorized under subsection (a) to have a vehicle transported under that subsection, the Secretary may authorize the member to store the vehicle (instead of having it transported) if restrictions imposed by the foreign country or the United States preclude entry of the vehicle into that country or require extensive modification of the vehicle as a condition for entry of the vehicle into the country. The cost of the storage of the vehicle, and costs associated with the delivery of the vehicle for storage and removal of the vehicle for delivery from storage shall be paid by the United States. Costs paid under this subsection may not exceed reasonable amounts, as determined under regulations prescribed by the Secretary of Defense (and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy).''.

(b) UNACCOMPANIED TOURS.—Subsection (h)(1)(B) of section 406 of title 37, United States Code, is amended to read as follows:

''(B) in the case of a member described in paragraph (2)(A), authorize the transportation of one motor vehicle that is owned by the member (or a dependent of a member) and is for his dependent's personal use to that location by means of transportation authorized under section 2634 of title 10, or authorize storage of such motor vehicle if the storage of the motor vehicle is otherwise authorized under that section.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1996.

SEC. 623. DEFERRAL OF TRAVEL WITH TRAVEL AND TRANSPORTATION ALLOWANCES IN CONNECTION WITH LEAVE BETWEEN CONSECUTIVE OVERSEAS TOURS.

(a) AUTHORITY FOR ADDITIONAL DEFERRAL OF TRAVEL.—Section 411b(a)(2) of title 37, United States Code, is amended by adding at the end the following: ''A member may defer the travel for one additional year if, due to participation in a contingency operation, the member is unable to commence the travel within the one-year period provided for under the preceding sentence.''.

(b) EFFECTIVE DATE.—The amendment made by subsection shall (a) take effect as of November 1, 1995, and shall apply with respect to members of the uniformed services who, on or after that date, participate in critical operational missions, as determined under the third sentence of section 411b(a)(2) of title 37, United States Code (as added by subsection (a)).

SEC. 624. FUNDING FOR TRANSPORTATION OF HOUSEHOLD EFFECTS OF PUBLIC HEALTH SERVICE OFFICERS.

Section 406(j)(1) of title 37, United States Code, is amended in the first sentence—

(1) by inserting '', and appropriations available to the Department of Health and Human Services for providing transportation of household effects of members of the Commissioned Corps of the Public Health Service under subsection (b),'' after ''members of the armed forces under subsection (b)''; and

(2) by striking out ''of the military department''.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

SEC. 631. EFFECTIVE DATE FOR MILITARY RETIREE COST-OF-LIVING ADJUSTMENT FOR FISCAL YEAR 1998.

(a) REPEAL OF ADJUSTMENT OF EFFECTIVE DATE FOR FISCAL YEAR 1998.—Section 1401a(b)(2)(B) of title 10, United States Code, is amended—

(1) by striking out ''(B) SPECIAL RULES'' and all that follows through ''In the case of'' in clause (i) and inserting in lieu thereof ''(B) SPECIAL RULE FOR FISCAL YEAR 1996.—In the case of''; and

(2) by striking out clause (ii).

(b) REPEAL OF CONTINGENT ALTERNATIVE DATE FOR FISCAL YEAR 1998.—Section 631 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 364) is amended by striking out subsection (b).

SEC. 632. ALLOTMENT OF RETIRED OR RETAINER PAY.

(a) AUTHORITY.—(1) Part II of subtitle A of title 10, United States Code, is amended by

inserting after chapter 71 the following new chapter:

"CHAPTER 72—MISCELLANEOUS RETIRED AND RETAINER PAY AUTHORITIES

''Sec.
''1421. Allotments.

"§ 1421. Allotments

''(a) AUTHORITY.—Subject to such conditions and restrictions as may be provided in regulations prescribed under subsection (b), a member or former member of the armed forces entitled to retired or retainer pay may transfer or assign the member or former member's retired or retainer pay account when due and payable.

''(b) REGULATIONS.—The Secretaries of the military departments and the Secretary of Transportation (with respect to the Coast Guard when it is not operating as a service in the Navy) shall prescribe uniform regulations for the administration of subsection (a).''.

(2) The tables of chapters at the beginning of subtitle A of such title and the beginning of part II of such subtitle are amended by inserting after the item relating to chapter 71 the following:

''72. Miscellaneous retired and retainer pay authorities ..... 1421''.

(b) IMPLEMENTATION.—(1) Notwithstanding section 1421 of title 10, United States Code (as added by subsection (a)), a person entitled to retired or retainer pay may not initiate a transfer or assignment of retired or retainer pay under such section until regulations prescribed under subsection (b) of such section take effect.

(2) The Secretaries of the military departments and the Secretary of Transportation shall prescribe regulations under subsection (b) of such section that ensure that, beginning not later than October 1, 1997, a person may make up to six transfers or assignments of the person's retired or retainer pay account when due and payable for payment of any financial obligations.

SEC. 633. COST-OF-LIVING INCREASES IN SBP CONTRIBUTIONS TO BE EFFECTIVE CONCURRENTLY WITH PAYMENT OF RELATED RETIRED PAY COST-OF-LIVING INCREASES.

(a) SURVIVOR BENEFIT PLAN.—Section 1452(h) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(h)''; and

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

''(2)(A) Notwithstanding paragraph (1), when the initial payment of an increase in retired pay under section 1401a of this title (or any other provision of law) to a person is later than the effective date of that increase by reason of the application of subsection (b)(2)(B) of such section (or section 631(b) of Public Law 104–106 (110 Stat. 364)), then the amount of the reduction in the person's retired pay shall be effective on the date of that initial payment of the increase in retired pay rather than the effective date of the increase in retired pay.

''(B) Subparagraph (A) may not be construed as delaying, for purposes of determining the amount of a monthly annuity under section 1451 of this title, the effective date of an increase in a base amount under subsection (h) of such section from the effective date of an increase in retired pay under section 1401a of this title to the date on which the initial payment of that increase in retired pay is made in accordance with subsection (b)(2)(B) of such section 1401a.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect with respect to retired pay payable for months beginning on or after the date of the enactment of this Act.

SEC. 634. ANNUITIES FOR CERTAIN MILITARY SURVIVING SPOUSES.

(a) SURVIVOR ANNUITY.—(1) The Secretary concerned shall pay an annuity to the qualified surviving spouse of each member of the uniformed services who—

(A) died before March 21, 1974, and was entitled to retired or retainer pay on the date of death; or

(B) was a member of a reserve component of the Armed Forces during the period beginning on September 21, 1972, and ending on October 1, 1978, and at the time of his death would have been entitled to retired pay under chapter 67 of title 10, United States Code (as in effect before December 1, 1994), but for the fact that he was under 60 years of age.

(2) A qualified surviving spouse for purposes of this section is a surviving spouse who has not remarried and who is not eligible for an annuity under section 4 of Public Law 92–425 (10 U.S.C. 1448 note).

(b) AMOUNT OF ANNUITY.—(1) An annuity under this section shall be paid at the rate of $165 per month, as adjusted from time to time under paragraph (3).

(2) An annuity paid to a surviving spouse under this section shall be reduced by the amount of any dependency and indemnity compensation (DIC) to which the surviving spouse is entitled under section 1311(a) of title 38, United States Code.

(3) Whenever after the date of the enactment of this Act retired or retainer pay is increased under section 1401a(b)(2) of title 10, United States Code, each annuity that is payable under this section shall be increased at the same time and by the same total percent. The amount of the increase shall be based on the amount of the monthly annuity payable before any reduction under this section.

(c) APPLICATION REQUIRED.—No benefit shall be paid to any person under this section unless an application for such benefit is filed with the Secretary concerned by or on behalf of such person.

(d) DEFINITIONS.—For purposes of this section:

(1) The terms ''uniformed services'' and ''Secretary concerned'' have the meanings given such terms in section 101 of title 37, United States Code.

(2) The term ''surviving spouse'' has the meaning given the terms ''widow'' and ''widower'' in paragraphs (3) and (4) of section 1447 of title 10, United States Code.

(e) PROSPECTIVE APPLICABILITY.—(1) Annuities under this section shall be paid for months beginning after the month in which this Act is enacted.

(2) No benefit shall accrue to any person by reason of the enactment of this section for any period before the first month referred to in paragraph (1).

SEC. 635. ADJUSTED ANNUAL INCOME LIMITATION APPLICABLE TO ELIGIBILITY FOR INCOME SUPPLEMENT FOR CERTAIN WIDOWS OF MEMBERS OF THE UNIFORMED SERVICES.

Section 4 of Public Law 92–425 (10 U.S.C. 1448 note) is amended by striking out ''$2,340'' in subsection (a)(3) and in the first sentence of subsection (b) and inserting in lieu thereof ''$5,448''.

Subtitle E—Other Matters

SEC. 641. REIMBURSEMENT FOR ADOPTION EXPENSES INCURRED IN ADOPTIONS THROUGH PRIVATE PLACEMENTS.

(a) DEPARTMENT OF DEFENSE.—Section 1052(g)(1) of title 10, United States Code, is amended by striking out ''adoption or by a nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption'' and inserting in lieu thereof ''adoption, by a nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption, or by any other source if the adoption is supervised by a court under State or local law''.

(b) COAST GUARD.—Section 514(g)(1) of title 14, United States Code, is amended by striking out ''adoption or by a nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption'' and inserting in lieu thereof ''adoption, by a nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption, or by any other source if the adoption is supervised by a court under State or local law''.

SEC. 642. WAIVER OF RECOUPMENT OF AMOUNTS WITHHELD FOR TAX PURPOSES FROM CERTAIN SEPARATION PAY RECEIVED BY INVOLUNTARILY SEPARATED MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1174(h) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting ''(less the amount of Federal income tax withheld from such pay)'' before the period at the end; and

(2) in paragraph (2), by inserting ''(less the amount of Federal income tax withheld from such pay)'' before the period at the end of the first sentence.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1996, and shall apply to payments of separation pay, severance pay, or readjustment pay that are made after October 1, 1996.

TITLE VII—HEALTH CARE PROVISIONS

SEC. 701. IMPLEMENTATION OF REQUIREMENT FOR SELECTED RESERVE DENTAL INSURANCE PLAN.

(a) IMPLEMENTATION BY CONTRACT.—Section 1076b(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a) AUTHORITY TO ESTABLISH PLAN.—'';

(2) by designating the third sentence as paragraph (3); and

(3) by inserting after paragraph (1), as designated by paragraph (1) of this subsection, the following:

''(2) The Secretary shall provide benefits under the plan through one or more contracts awarded after full and open competition.''.

(b) SCHEDULE FOR IMPLEMENTATION.—Section 705(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 373; 10 U.S.C. 1076b note) is amended—

(1) by striking out ''Beginning not later than October 1, 1996'' in the first sentence and inserting in lieu thereof ''During fiscal year 1997'';

(2) by striking out ''fiscal year 1996'' both places it appears and inserting in lieu thereof ''fiscal years 1996 and 1997''; and

(3) in the second sentence, by striking out ''by that date'' and inserting in lieu thereof ''during fiscal year 1997''.

SEC. 702. DENTAL INSURANCE PLAN FOR MILITARY RETIREES AND CERTAIN DEPENDENTS.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1076b the following new section:

"§ 1076c. Military retirees' dental insurance plan

''(a) REQUIREMENT.—(1) The Secretary of Defense shall establish a dental insurance plan for—

''(A) members and former members of the armed forces who are entitled to retired or retainer pay;

''(B) members of the Retired Reserve who, except for not having attained 60 years of age, would be entitled to retired pay; and

''(C) eligible dependents of members and former members covered by the enrollment

of such members or former members in the plan.

''(2) The dental insurance plan shall provide for voluntary enrollment of participants and shall authorize a member or former member to enroll for self only or for self and eligible dependents.

''(3) The plan shall be administered under regulations prescribed by the Secretary of Defense, in consultation with the Secretary of Transportation.

''(b) PREMIUMS.—(1) Subject to paragraph (2), a member or former member enrolled in the dental insurance plan shall pay the premiums charged for the insurance coverage. The amount of the premiums payable by a member or former member entitled to retired or retainer pay shall be deducted and withheld from the retired or retainer pay and shall be disbursed to pay the premiums. The regulations prescribed under subsection (a)(3) shall specify the procedures for payment of the premiums by other enrolled members and former members.

''(2) The Secretary of Defense may provide for premium-sharing between the Department of Defense and the members and former members enrolled in the plan.

''(c) BENEFITS AVAILABLE UNDER PLAN.—The dental insurance plan established under subsection (a) shall provide benefits for basic dental care and treatment, including diagnostic services, preventative services, basic restorative services (including endodontics), surgical services, and emergency services.

''(d) COVERAGE.—(1) The Secretary shall prescribe a minimum required period for enrollment by a member or former member in the dental insurance plan established under subsection (a).

''(2) The Secretary shall terminate the enrollment in the plan of any member or former member, and any dependents covered by the enrollment, upon the occurrence of one of the following events:

''(A) Termination of the member or former member's entitlement to retired pay or retainer pay.

''(B) Termination of the member or former member's status as a member of the Retired Reserve.

''(e) CONTINUATION OF DEPENDENTS' ENROLLMENT UPON DEATH OF ENROLLEE.—Coverage of a dependent under an enrollment of a member or former member who dies during the period of enrollment shall continue until the end of that period, except that the coverage may be terminated on any earlier date when the premiums paid are no longer sufficient to cover continuation of the enrollment. The Secretary shall prescribe in regulations the parties responsible for paying the remaining premiums due on the enrollment and the manner for collection of the premiums.

''(f) ELIGIBLE DEPENDENT DEFINED.—In this section, the term 'eligible dependent' means a dependent described in subparagraph (A), (D), or (I) of section 1072(2) of this title.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076b the following new item:

''1076c. Military retirees' dental insurance plan.''.

(b) IMPLEMENTATION.—Beginning not later than October 1, 1997, the Secretary of Defense shall offer members and former members of the Armed Forces referred to in subsection (a)(1) of section 1076c of title 10, United States Code (as added by subsection (a)(1) of this section), the opportunity to enroll in the dental insurance plan required under such section and to receive the benefits under the plan immediately upon enrollment.

SEC. 703. UNIFORM COMPOSITE HEALTH CARE SYSTEM SOFTWARE.

(a) REQUIREMENT FOR USE OF UNIFORM SOFTWARE.—The Secretary of Defense, in consultation with the other administering Secretaries, shall take such action as is necessary promptly—

(1) to provide a uniform software package for use by providers of health care under the TRICARE program and by military treatment facilities for the computerized processing of information; and

(2) to require such providers to use the uniform software package in connection with providing health care under the TRICARE program or otherwise under chapter 55 of title 10, United States Code.

(b) CONTENT OF UNIFORM SOFTWARE PACKAGE.—The uniform software package required to be used under subsection (a) shall, at a minimum, provide for processing of the following information:

(1) TRICARE program enrollment.

(2) Determinations of eligibility for health care.

(3) Provider network information.

(4) Eligibility of beneficiaries to receive health benefits from other sources.

(5) Appointment scheduling.

(c) MODIFICATION OF CONTRACTS.—Notwithstanding any other provision of law, the Secretary may modify any existing contract with a health care provider under the TRICARE program as necessary to require the health care provider to use the uniform software package required under subsection (a).

(d) DEFINITIONS.—In this section:

(1) The term ''administering Secretaries'' has the meaning given such term in section 1072(3) of title 10, United States Code.

(2) The term ''military treatment facility''—

(A) means a facility of the uniformed services in which health care is provided under chapter 55 of title 10, United States Codes; and

(B) includes 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)).

(3) 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. 704. CLARIFICATION OF APPLICABILITY OF CHAMPUS PAYMENT RULES TO PRIVATE CHAMPUS PROVIDERS FOR CARE PROVIDED TO ENROLLEES IN HEALTH CARE PLANS OF UNIFORMED SERVICES TREATMENT FACILITIES.

Section 1074(d)(1) of title 10, United States Code, is amended—

(1) by striking out ''may require'' and inserting in lieu thereof ''shall require'';

(2) by striking out ''member of the uniformed services'' and inserting in lieu thereof ''covered beneficiary''; and

(3) by striking out ''when the health care'' and all that follows through ''facility''.

SEC. 705. ENHANCEMENT OF THIRD-PARTY COLLECTION AND SECONDARY PAYER AUTHORITIES UNDER CHAMPUS.

(a) RETENTION AND USE BY TREATMENT FACILITIES OF AMOUNTS COLLECTED.—Subsection (g)(1) of section 1095 of title 10, United States Code, is amended by inserting ''or through'' after ''provided at''.

(b) EXPANSION OF DEFINITION OF THIRD PARTY PAYER.—Subsection (h) of such section is amended—

(1) in the first sentence of paragraph (1), by inserting ''and a workers' compensation program or plan'' before the period; and

(2) in paragraph (2)—

(A) by striking out ''organization and'' and inserting in lieu thereof a ''organization,''; and

(B) by inserting '', and a personal injury protection plan or medical payments benefit plan for personal injuries resulting from the operation of a motor vehicle'' before the period.

(c) APPLICABILITY OF SECONDARY PAYER REQUIREMENT.—Section 1079(j)(1) of such title is amended by inserting '', including any plan offered by a third party payer (as defined in section 1095(h)(1) of this title),'' after ''or health plan''.

SEC. 706. CODIFICATION OF AUTHORITY TO CREDIT CHAMPUS COLLECTIONS TO PROGRAM ACCOUNTS.

(a) CREDITS TO CHAMPUS ACCOUNTS.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1079 the following:

''§ 1079a. Crediting of CHAMPUS collections to program accounts

''All refunds and other amounts collected by or for the United States in the administration of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be credited to the appropriation available for that program for the fiscal year in which collected.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1079 the following new item:

''1079a. Crediting of CHAMPUS collections to program accounts.''.

SEC. 707. COMPTROLLER GENERAL REVIEW OF HEALTH CARE ACTIVITIES OF THE DEPARTMENT OF DEFENSE RELATING TO PERSIAN GULF ILLNESSES.

(a) MEDICAL RESEARCH AND CLINICAL CARE PROGRAMS.—The Comptroller General shall analyze the effectiveness of the medical research programs and clinical care programs of the Department of Defense that relate to illnesses that might have been contracted by members of the Armed Forces as a result of service in the Southwest Asia theater of operations during the Persian Gulf War.

(b) EXPERIMENTAL DRUGS.—The Comptroller General shall analyze the scope and effectiveness of the policies of the Department of Defense with respect to the investigational use of drugs, the experimental use of drugs, and the use of drugs not approved by the Food and Drug Administration to treat illnesses referred to in subsection (a).

(c) ADMINISTRATION OF MEDICAL RECORDS.—The Comptroller General shall analyze the administration of medical records by the military departments in order to assess the extent to which such records accurately reflect the pre-deployment medical assessments, immunization records, informed consent releases, complaints during routine sick call, emergency room visits, visits with unit medics during deployment, and other relevant medical information relating to the members and former members referred to in subsection (a) with respect to the illnesses referred to in that subsection.

(d) REPORTS.—The Comptroller General shall submit to Congress a separate report on each of the analyses required under subsections (a), (b), and (c). The Comptroller General shall submit the reports not later than March 1, 1997.

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

SEC. 801. 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 1997 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. 802. EXTENSION OF PILOT MENTOR-PROTEGE PROGRAM.

Section 831(j) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amended—

(1) in paragraph (1), by striking out ''1995'' and inserting in lieu thereof ''1998''; and

(2) in paragraph (2), by striking out ''1996'' and inserting in lieu thereof ''1999''.

SEC. 803. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

(a) AUTHORIZED OFFICIALS.—(1) Subsection (a) of section 845 of the National Defense Authorization Act for Fiscal Year 1994 (107 Stat. 1547; 10 U.S.C. 2371 note) is amended by inserting '', the Secretary of a military department, or any other official designated by the Secretary of Defense'' after ''Agency''.

(2) Subsection (b)(2) of such section is amended to read as follows:

''(2) To the maximum extent practicable, competitive procedures shall be used when entering into agreements to carry out projects under subsection (a).''.

(b) EXTENSION OF AUTHORITY.—Subsection (c) of such section is amended by striking out ''terminate'' and all that follows and inserting in lieu thereof ''terminate at the end of September 30, 2001.''.

SEC. 804. REVISIONS TO THE PROGRAM FOR THE ASSESSMENT OF THE NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE.

(a) NATIONAL DEFENSE PROGRAM FOR ANALYSIS OF THE TECHNOLOGY AND INDUSTRIAL BASE.—Section 2503 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out ''(1) The Secretary of Defense, in consultation with the National Defense Technology and Industrial Base Council'' in paragraph (1) and inserting in lieu thereof ''The Secretary of Defense, in consultation with the Secretary of Commerce''; and

(B) by striking out paragraphs (2), (3), and (4); and

(2) in subsection (c)(3)(A)—

(A) by striking out ''the National Defense Technology and Industrial Base Council in'' and inserting in lieu thereof ''the Secretary of Defense for''; and

(B) by striking out ''and the periodic plans required by section 2506 of this title''.

(b) PERIODIC DEFENSE CAPABILITY ASSESSMENTS.—(1) Section 2505 of title 10, United States Code, is amended to read as follows:

''§ 2505. National technology and industrial base: periodic defense capability assessments

''(a) PERIODIC ASSESSMENT.—Each fiscal year, the Secretary of Defense shall prepare selected assessments of the capability of the national technology and industrial base to attain the national security objectives set forth in section 2501(a) of this title.

''(b) ASSESSMENT PROCESS.—The Secretary of Defense shall ensure that technology and industrial capability assessments—

''(1) describe sectors or capabilities, their underlying infrastructure and processes;

''(2) analyze present and projected financial performance of industries supporting the sectors or capabilities in the assessment; and

''(3) identify technological and industrial capabilities and processes for which there is potential for the national industrial and technology base not to be able to support the achievement of national security objectives.

''(c) FOREIGN DEPENDENCY CONSIDERATIONS.—In the preparation of the periodic assessments, the Secretary shall include considerations of foreign dependency.

''(d) INTEGRATED PROCESS.—The Secretary of Defense shall ensure that consideration of the technology and industrial base assessments is integrated into the overall budget, acquisition, and logistics support decision processes of the Department of Defense.''.

(2) Section 2502(b) of title 10, United States Code, is amended—

(A) by striking out ''the following responsibilities:'' and all that follows through ''effective cooperation'' and inserting in lieu thereof ''the responsibility to ensure effective cooperation''; and

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

(3) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively, and adjusting the margin of such paragraphs two ems to the left.

(c) REPEAL OF REQUIREMENT FOR PERIODIC DEFENSE CAPABILITY PLAN.—Section 2506 of title 10, United States Code, is repealed.

(d) DEPARTMENT OF DEFENSE TECHNOLOGY AND INDUSTRIAL BASE POLICY GUIDANCE.—Subchapter II of chapter 148 of title 10, United States Code, is amended by inserting after section 2505 the following new section 2506:

''§ 2506. Department of Defense technology and industrial base policy guidance

''(a) DEPARTMENTAL GUIDANCE.—The Secretary of Defense shall prescribe departmental guidance for the attainment of each of the national security objectives set forth in section 2501(a) of this title. Such guidance shall provide for technological and industrial capability considerations to be integrated into the budget allocation, weapons acquisition, and logistics support decision processes.

''(b) REPORT TO CONGRESS.—The Secretary of Defense shall report on the implementation of the departmental guidance in the annual report to Congress submitted pursuant to section 2508 of this title.''.

(e) ANNUAL REPORT TO CONGRESS.—Such subchapter is amended by inserting after section 2507 the following new section:

''§ 2508. Annual report to Congress

''The Secretary of Defense shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives by March 1 of each year a report which shall include the following information:

''(1) A description of the departmental guidance prepared pursuant to section 2506 of this title.

''(2) A description of the methods and analyses being undertaken by the Department of Defense alone or in cooperation with other Federal agencies, to identify and address concerns regarding technological and industrial capabilities of the national technology and industrial base.

''(3) A description of the assessments prepared pursuant to section 2505 of this title and other analyses used in developing the budget submission of the Department of Defense for the next fiscal year.

''(4) Identification of each program designed to sustain specific essential technological and industrial capabilities and processes of the national technology and industrial base.''.

(f) REPEAL OF REQUIREMENT TO COORDINATE THE ENCOURAGEMENT OF TECHNOLOGY TRANSFER WITH THE COUNCIL.—Subsection 2514(c) of title 10, United States Code, is amended by striking out paragraph (5).

(g) CLERICAL AMENDMENTS.—The table of sections at the beginning of subchapter II of chapter 148 of title 10, United States Code, is amended—

(1) by striking out the item relating to section 2506 and inserting in lieu thereof the following:

''2506. Department of Defense technology and industrial base policy guidance.'';

and

(2) by adding at the end the following:

''2508. Annual report to Congress.''.

(h) REPEAL OF SUPERSEDED AND EXECUTED LAW.—Sections 4218, 4219, and 4220 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2505 note and 2506 note) are repealed.

SEC. 805. PROCUREMENTS TO BE MADE FROM SMALL ARMS INDUSTRIAL BASE FIRMS.

(a) REQUIREMENT.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following:

''§ 2473. Procurements from the small arms industrial base

''(a) AUTHORITY TO DESIGNATE EXCLUSIVE SOURCES.—To the extent that the Secretary of Defense determines necessary to preserve the part of the national technology and industrial base that supplies property and services described in subsection (b), the Secretary may require that the procurements of such items for the Department of Defense be made only from the firms listed in the plan entitled 'Preservation of Critical Elements of the Small Arms Industrial Base', dated January 8, 1994, that was prepared by an independent assessment panel of the Army Science Board.

''(b) COVERED ITEMS.—The authority provided in subsection (a) applies to the following property and services:

''(1) Repair parts for small arms.

''(2) Modifications of parts to improve small arms used by the armed forces.

''(3) Overhaul of unserviceable small arms 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:

''2473. Procurements from the small arms industrial base.''.

SEC. 806. EXCEPTION TO PROHIBITION ON PROCUREMENT OF FOREIGN GOODS.

Section 2534(d)(3) of title 10, United States Code, is amended by inserting ''or would impede the reciprocal procurement of defense items under a memorandum of understanding providing for reciprocal procurement of defense items that is entered into under section 2531 of this title,'' after ''a foreign country,''.

SEC. 807. TREATMENT OF DEPARTMENT OF DEFENSE CABLE TELEVISION FRANCHISE AGREEMENTS.

(a) TREATMENT AS CONTRACT FOR TELECOMMUNICATIONS SERVICES.—Subject to subsection (b), a cable television franchise agreement for the Department of Defense shall be considered a contract for telecommunications services for purposes of part 49 of the Federal Acquisition Regulation.

(b) LIMITATION.—The treatment of a cable television franchise agreement as a contract for telecommunications services shall be subject to such terms, conditions, limitations, restrictions, and requirements relating to the power of the executive branch to

treat such an agreement as such a contract as are identified in the advisory opinion required under section 823 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 399).

(c) APPLICABILITY.—This section applies to cable television franchise agreements for the Department of Defense only if the United States Court of Federal Claims states in an advisory opinion referred to in subsection (b) that it is 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.).

SEC. 808. REMEDIES FOR REPRISALS AGAINST CONTRACTOR EMPLOYEE WHISTLEBLOWERS.

Section 2409(c)(1) of title 10, United States Code, is amended by striking out subparagraph (B) and inserting in lieu thereof the following:

''(B) Order the contractor either—

''(i) to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken; or

''(ii) without reinstating the person, to pay the person an amount equal to the compensation (including back pay) that, if the reprisal had not been taken, would have been paid the person in that position up to the date on which the head of the agency determines that the person has been subjected to a reprisal prohibited under subsection (a).''.

SEC. 809. IMPLEMENTATION OF INFORMATION TECHNOLOGY MANAGEMENT REFORM.

(a) REPORT.—(1) The Secretary of Defense shall include in the report submitted in 1997 under section 381 of Public Law 103–337 (108 Stat. 2739) a discussion of the following matters relating to information resources management by the Federal Government:

(A) The progress made in implementing the Information Technology Management Reform Act of 1996 (division E of Public Law 104–106; 110 Stat. 679; 40 U.S.C. 1401 et seq.) and the amendments made by that Act.

(B) The progress made in implementing the strategy for the development or modernization of automated information systems for the Department of Defense, as required by section 366 of Public Law 104–106 (110 Stat 275; 10 U.S.C. 113 note).

(C) Plans of the Department of Defense for establishing an integrated framework for management of information resources within the department.

(2) The discussion of matters under paragraph (1) shall specifically include a discussion of the following:

(A) The status of the implementation of a set of strategic, outcome-oriented performance measures.

(B) The specific actions being taken to link the proposed performance measures to the planning, programming, and budgeting system of the Department of Defense and to the life-cycle management processes of the department.

(C) The results of pilot program testing of proposed performance measures.

(D) The additional training necessary for the implementation of performance-based information management.

(E) Plans for integrating management improvement programs of the Department of Defense.

(F) The department-wide actions that are necessary to comply with the requirements of the following provisions of law:

(i) The amendments made by the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285).

(ii) The Information Management Reform Act of 1996 (division E of Public Law 104–106; 110 Stat 679; 40 U.S.C. 1401 et seq.) and the amendments made by that Act.

(iii) Title V of the Federal Acquisition Management Streamlining Act of 1994 (Public Law 103–355; 108 Stat. 3349) and the amendments made by that title.

(iv) The Chief Financial Officers Act of 1990 (Public Law 101–576; 104 Stat. 2838) and the amendments made by that Act.

(G) A strategic information resources plan for the Department of Defense that is based on the strategy of the Secretary of Defense for support of the department's overall strategic goals by the core and supporting processes of the department.

(b) YEAR 2000 SOFTWARE CONVERSION.—(1) The Secretary of Defense shall ensure that all information technology acquired by the Department of Defense pursuant to contracts entered into after September 30, 1996, have the capabilities that comply with time and date standards established by the National Institute of Standards and Technology or, if there is no such standard, generally accepted industry standards for providing fault-free processing of date and date-related data in 2000.

(2) The Secretary, acting through the chief information officers within the department (as designated pursuant to section 3506 of title 44, United States Code), shall assess all information technology within the Department of Defense to determine the extent to which such technology have the capabilities to operate effectively with technology that meet the standards referred to in paragraph (1).

(3) Not later than January 1, 1997, the Secretary shall submit to Congress a detailed plan for eliminating any deficiencies identified pursuant to paragraph (2). The plan shall include—

(A) a prioritized list of all affected programs;

(B) a description of how the deficiencies could affect the national security of the United States; and

(C) an estimate of the resources that are necessary to eliminate the deficiencies.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—General Matters

SEC. 901. REPEAL OF REORGANIZATION OF OFFICE OF SECRETARY OF DEFENSE.

Sections 901 and 903 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 399 and 401) are repealed.

SEC. 902. CODIFICATION OF REQUIREMENTS RELATING TO CONTINUED OPERATION OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) CODIFICATION OF EXISTING LAW.—(1) Chapter 104 of title 10, United States Code, is amended by inserting after section 2112 the following:

''§ 2112a. Continued operation of University

''(a) CLOSURE PROHIBITED.—The University may not be closed.

''(b) PERSONNEL STRENGTH.—During the five-year period beginning on October 1, 1996, the personnel staffing levels for the University may not be reduced below the personnel staffing levels for the University on October 1, 1993.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2112 the following:

''2112a. Continued operation of University.''.

(b) REPEAL OF SUPERSEDED LAW.—(1) Section 922 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 282; 10 U.S.C. 2112 note) is amended by striking out subsection (a).

(2) Section 1071 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 445; 10 U.S.C. 2112 note) is amended by striking out subsection (b).

SEC. 903. CODIFICATION OF REQUIREMENT FOR UNITED STATES ARMY RESERVE COMMAND.

(a) REQUIREMENT FOR ARMY RESERVE COMMAND.—(1) Chapter 307 of title 10, United States Code, is amended by inserting after section 3074 the following:

''§ 3074a. United States Army Reserve Command

''(a) COMMAND.—The United States Army Reserve Command is a separate command of the Army commanded by the Chief of Army Reserve.

''(b) CHAIN OF COMMAND.—Except as otherwise prescribed by the Secretary of Defense, the Secretary of the Army shall prescribe the chain of command for the United States Army Reserve Command.

''(c) ASSIGNMENT OF FORCES.—The Secretary of the Army—

''(1) shall assign to the United States Army Reserve Command all forces of the Army Reserve in the continental United States other than forces assigned to the unified combatant command for special operations forces established pursuant to section 167 of this title; and

''(2) except as otherwise directed by the Secretary of Defense in the case of forces assigned to carry out functions of the Secretary of the Army specified in section 3013 of this title, shall assign all such forces of the Army Reserve to the commander of the United States Atlantic Command.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3074 the following:

''3074a. United States Army Reserve Command.''.

(b) REPEAL OF SUPERSEDED LAW.—Section 903 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1620; 10 U.S.C. 3074 note) is repealed.

SEC. 904. TRANSFER OF AUTHORITY TO CONTROL TRANSPORTATION SYSTEMS IN TIME OF WAR.

(a) AUTHORITY OF SECRETARY OF DEFENSE.—Section 4742 of title 10, United States Code, is amended by striking out ''Secretary of the Army'' and inserting in lieu thereof ''Secretary of Defense''.

(b) TRANSFER OF SECTION.—Such section, as amended by subsection (a), is transferred to the end of chapter 157 of such title and is redesignated as section 2644.

(c) CONFORMING AMENDMENT.—Section 9742 of such title is repealed.

(d) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 157 of such title is amended by inserting after the item relating to section 2643 the following new item:

''2644. Control of transportation systems in time of war.''.

(2) The table of sections at the beginning of chapter 447 of such title is amended by striking out the item relating to section 4742.

(3) The table of sections at the beginning of chapter 947 of such title is amended by striking out the item relating to section 9742.

[SEC. 905. EXECUTIVE OVERSIGHT OF DEFENSE HUMAN INTELLIGENCE PERSONNEL.

[Section 193 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) HUMAN INTELLIGENCE PERSONNEL.—(1) Notwithstanding any other provision of law, subject to the authority, direction, and control of the President, the Secretary of Defense shall perform the responsibility within the executive branch for oversight of the clandestine activities of Department of Defense human intelligence personnel. The Secretary may delegate authority to carry out such responsibility only to the Deputy Secretary of Defense.''.

[SEC. 906. COORDINATION OF DEFENSE INTELLIGENCE PROGRAMS AND ACTIVITIES.

[(a) DIRECTOR OF MILITARY INTELLIGENCE AND DEFENSE INTELLIGENCE BOARD.—Subchapter II of chapter 8 of title 10, United States Code, is amended by adding at the end the following:

[''§ 203. Director of Military Intelligence; Defense Intelligence Board

[''(a) DESIGNATION OF DIRECTOR.—The Director of the Defense Intelligence Agency is the Director of Military Intelligence. The Director performs the duties of the position under the authority, direction, and control of the Secretary of Defense and reports directly to the Secretary.

[''(b) DUTIES.—In addition to any other duties that are assigned to the Director by the Secretary of Defense, the Director—

[''(1) manages the General Defense Intelligence Program; and

[''(2) is Chairman of the Military Intelligence Board.

[''(c) MILITARY INTELLIGENCE BOARD.—(1) There is a Military Intelligence Board within the Department of Defense.

[''(2) The Military Intelligence Board consists of the Director of Military Intelligence, the Director of the National Security Agency, the Director of the National Imagery and Mapping Agency, the Director of the Defense Information Systems Agency, the senior intelligence officer of each armed force (as designated by the Secretary of the military department having jurisdiction over that armed force or, in the case of the Coast Guard, the Commandant of the Coast Guard), the Deputy Director of the Defense Intelligence Agency, the Director for Joint Staff Intelligence, and any other persons designated as members of the board by the Secretary of Defense.

[''(3) The Military Intelligence Board shall be the principal forum for coordination of the intelligence programs and activities of the Department of Defense.''.

[(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following:

[''203. Director of Military Intelligence; Military Intelligence Board.''.]

SEC. [907.] *905.* REDESIGNATION OF OFFICE OF NAVAL RECORDS AND HISTORY FUND AND CORRECTION OF RELATED REFERENCES.

(a) NAME OF FUND.—Subsection (a) of section 7222 of title 10, United States Code, is amended by striking out '''Office of Naval Records and History Fund''' in the second sentence and inserting in lieu thereof '''Naval Historical Center Fund'''.

(b) CORRECTION OF REFERENCE TO ADMINISTERING OFFICE.—Subsection (a) of such section, as amended by subsection (a), is further amended by striking out ''Office of Naval Records and History'' in the first sentence and inserting in lieu thereof ''Naval Historical Center''.

(c) CONFORMING REFERENCE.—Subsection (c) of such section is amended by striking out ''Office of Naval Records and History Fund'' in the second sentence and inserting in lieu thereof ''Naval Historical Center Fund''.

(d) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 7222. Naval Historical Center Fund''.

(2) The item relating to such section in the table of sections at the beginning of chapter 631 of title 10, United States Code, is amended to read as follows:

''7222. Naval Historical Center Fund.''.

SEC. 906. ROLE OF DIRECTOR OF CENTRAL INTELLIGENCE IN APPOINTMENT AND EVALUATION OF CERTAIN INTELLIGENCE OFFICIALS.

(a) IN GENERAL.—Section 201 of title 10, United States Code, is amended to read as follows:

''§ 201. Certain intelligence officials: consultation and concurrence regarding appointments; evaluation of performance

''(a) CONSULTATION REGARDING APPOINTMENT.—Before submitting a recommendation to the President regarding the appointment of an individual to the position of Director of the Defense Intelligence Agency, the Secretary of Defense shall consult with the Director of Central Intelligence regarding the recommendation.

''(b) CONCURRENCE IN APPOINTMENT.—Before submitting a recommendation to the President regarding the appointment of an individual to a position referred to in paragraph (2), the Secretary of Defense shall seek the concurrence of the Director of Central Intelligence in the recommendation. If the Director does not concur in the recommendation, the Secretary may make the recommendation to the President without the Director's concurrence, but shall include in the recommendation a statement that the Director does not concur in the recommendation.

''(2) Paragraph (1) applies to the following positions:

''(A) The Director of the National Security Agency.

''(B) The Director of the National Reconnaissance Office.

''(c) PERFORMANCE EVALUATIONS.—(1) The Director of Central Intelligence shall provide annually to the Secretary of Defense an evaluation of the performance of the individuals holding the positions referred to in paragraph (2) in fulfilling their respective responsibilities with regard to the National Foreign Intelligence Program.

''(2) The positions referred to in paragraph (1) are the following:

''(A) The Director of the National Security Agency.

''(B) The Director of the National Reconnaissance Office.

''(C) The Director of the National Imagery and Mapping Agency.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 8 of such title is amended by striking out the item relating to section 201 and inserting in lieu thereof the following new item:

''201. Certain intelligence officials: consultation and concurrence regarding appointments; evaluation of performance.''.

Subtitle B—National Imagery and Mapping Agency

SEC. 911. SHORT TITLE.

This subtitle may be cited as the ''National Imagery and Mapping Agency Act of 1996''.

SEC. 912. FINDINGS.

Congress makes the following findings:

(1) There is a need within the Department of Defense and the Intelligence Community of the United States to provide a single agency focus for the growing number and diverse types of customers for imagery and geospatial information resources within the Government, to ensure visibility and accountability for those resources, and to harness, leverage, and focus rapid technological developments to serve the imagery, imagery intelligence, and geospatial information customers.

(2) There is a need for a single Government agency to solicit and advocate the needs of that growing and diverse pool of customers.

(3) A single combat support agency dedicated to imagery, imagery intelligence, and geospatial information could act as a focal point for support of all imagery intelligence and geospatial information customers, including customers in the Department of Defense, the Intelligence Community, and related agencies outside of the Department of Defense.

(4) Such an agency would best serve the needs of the imagery, imagery intelligence, and geospatial information customers if it were organized—

(A) to carry out its mission responsibilities under the authority, direction, and control of the Secretary of Defense, with the advice of the Chairman of the Joint Chiefs of Staff; and

(B) to carry out its responsibilities to national intelligence customers in accordance with policies and priorities established by the Director of Central Intelligence.

PART I—ESTABLISHMENT

SEC. 921. ESTABLISHMENT, MISSIONS, AND AUTHORITY.

(a) ESTABLISHMENT IN TITLE 10, UNITED STATES CODE.—Part I of subtitle A of title 10, United States Code, is amended—

(1) by redesignating chapter 22 as chapter 23; and

(2) by inserting after chapter 21 the following new chapter 22:

''CHAPTER 22—NATIONAL IMAGERY AND MAPPING AGENCY

''Subchapter	Sec.
''I. Establishment, Missions, and Authority	441
''II. Maps, Charts, and Geodetic Products	451
''III. Personnel Management	461
''IV. Definitions	471

''SUBCHAPTER I—ESTABLISHMENT, MISSIONS, AND AUTHORITY

''Sec.
''441. Establishment.
''442. Missions.
''443. Imagery intelligence and geospatial information support for foreign countries
''444. Support from Central Intelligence Agency.
[''445. Limitation on oversight by Inspector General of the Central Intelligence Agency.]
''[446.] *445.* Protection of agency identifications and organizational information.

''§ 441. Establishment

[''(a) ESTABLISHMENT.—The National Imagery and Mapping Agency is a combat support agency of the Department of Defense.

[''(b) DIRECTOR.—(1) The Director of the National Imagery and Mapping Agency is the head of the agency. The President shall appoint the Director, by and with the advice and consent of the Senate, from among the officers of the regular components of the armed forces.

[''(2) The position of Director is a position of importance and responsibility for purposes of section 601 of this title and carries the grade of lieutenant general or, in the case of an officer of the Navy, vice admiral.]

''(a) ESTABLISHMENT.—The National Imagery and Mapping Agency is an agency of the Department of Defense.

''(b) DIRECTOR.—(1) The Director of the National Imagery and Mapping Agency is the head

of the agency. The President shall appoint the Director.

''(2)(A) Upon a vacancy in the position of Director, the Secretary of Defense shall recommend to the President an individual for appointment to the position.

''(B) The Secretary shall seek the concurrence of the Director of Central Intelligence in recommending an individual for appointment under subparagraph (A). If the Director does not concur in the recommendation, the Secretary may make the recommendation to the President without the Director's concurrence, but shall include in the recommendation a statement that the Director does not concur in the recommendation.

''(3) If an officer of the armed forces is appointed to the position of Director under this subsection, the officer shall hold the grade of lieutenant general or, in the case of an officer of the Navy, vice admiral, while serving in the position. An officer while serving in the position is in addition to the number that would otherwise be permitted for that officer's armed force for officers serving on active duty in grades above major general or rear admiral, as the case may be, under paragraph (1) or (2) of section 525(b) of this title, as applicable.

''(c) COLLECTION TASKING AUTHORITY.—The Director of Central Intelligence shall have authority to approve collection requirements, determine collection priorities, and resolve conflicts in collection priorities levied on national imagery collection assets, except as otherwise agreed by the Director and the Secretary of Defense pursuant to the direction of the President.

''§ 442. Missions

''(a) DEPARTMENT OF DEFENSE MISSIONS.—The National Imagery and Mapping Agency shall—

''(1) provide timely, relevant, and accurate imagery, imagery intelligence, and geospatial information in support of the national security objectives of the United States;

''(2) improve means of navigating vessels of the Navy and the merchant marine by providing, under the authority of the Secretary of Defense, accurate and inexpensive nautical charts, sailing directions, books on navigation, and manuals of instructions for the use of all vessels of the United States and of navigators generally; and

''(3) prepare and distribute maps, charts, books, and geodetic products as authorized under subchapter II of this chapter.

[''(b) NATIONAL MISSION.—(1) The National Imagery and Mapping Agency shall also support the imagery requirements of the Department of State and other departments and agencies of the United States outside the Department of Defense.

[''(2)(A) The Director of Central Intelligence shall establish requirements and priorities to govern the collection of national intelligence by the National Imagery and Mapping Agency under paragraph (1).

[''(B) The Director of Central Intelligence shall develop and implement such policies and programs as the Secretary of Defense and the Director jointly determine necessary to review and correct deficiencies identified in the capabilities of the National Imagery and Mapping Agency to accomplish assigned national missions. The Director shall consult with the Secretary of Defense on the development and implementation of such policies and programs. The Secretary of Defense shall obtain the advice of the Chairman of the Joint Chiefs of Staff regarding the matters on which the Director and the Secretary are to consult under the preceding sentence.

[''(C) The President may direct the Secretary of Defense to exercise authority of the Director of Central Intelligence under subparagraphs (A) and (B) during a war, military crisis, or military operation.]

''(b) NATIONAL MISSION.—The National Imagery and Mapping Agency shall also have national missions as specified in section 120(a) of the National Security Act of 1947.

''(c) LIFE CYCLE SUPPORT.—The National Imagery and Mapping Agency may, in furtherance of a mission of the agency, design, develop, deploy, operate, and maintain systems related to the processing and dissemination of imagery intelligence and geospatial information that may be transferred to, accepted or used by, or used on behalf of—

''(1) the armed forces, including any combatant command, component of a combatant command, joint task force, or tactical unit; or

''(2) to any other department or agency of the United States.

''§ 443. Imagery intelligence and geospatial information support for foreign countries

''(a) APPROPRIATED FUNDS.—The Director of the National Imagery and Mapping Agency may use appropriated funds available to the National Imagery and Mapping Agency to provide foreign countries with imagery intelligence and geospatial information support.

''(b) FUNDS OTHER THAN APPROPRIATED FUNDS.—(1) Subject to paragraphs (2), (3), and (4), the Director is also authorized to use funds other than appropriated funds to provide foreign countries with imagery intelligence and geospatial information support.

''(2) Funds other than appropriated funds may not be expended, in whole or in part, by or for the benefit of the National Imagery and Mapping Agency for a purpose for which Congress had previously denied funds.

''(3) Proceeds from the sale of imagery intelligence or geospatial information items may be used only to purchase replacement items similar to the items that are sold.

''(4) Funds other than appropriated funds may not be expended to acquire items or services for the principal benefit of the United States.

''(5) The authority to use funds other than appropriated funds under this section may be exercised notwithstanding provisions of law relating to the expenditure of funds of the United States.

''(c) ACCOMMODATION PROCUREMENTS.—The authority under this section may be exercised to conduct accommodation procurements on behalf of foreign countries.

''(d) COORDINATION WITH DIRECTOR OF CENTRAL INTELLIGENCE.—The Director shall coordinate with the Director of Central Intelligence any action under this section that involves imagery intelligence or intelligence products or involves providing support to an intelligence or security service of a foreign country.

''§ 444. Support from Central Intelligence Agency

''(a) SUPPORT AUTHORIZED.—The Director of Central Intelligence may provide support in accordance with this section to the Director of the National Imagery and Mapping Agency. The Director of the National Imagery and Mapping Agency may accept support provided under this section.

''(b) ADMINISTRATIVE AND CONTRACT SERVICES.—(1) In furtherance of the national intelligence effort, the Director of Central Intelligence may provide administrative and contract services to the National Imagery and Mapping Agency as if that agency were an organizational element of the Central Intelligence Agency.

''(2) Services provided under paragraph (1) may include the services of security police. For purposes of section 15 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403o), an installation of the National Imagery and Mapping Agency provided security police services under this section shall be considered an installation of the Central Intelligence Agency.

''(3) Support provided under this subsection shall be provided under terms and conditions agreed upon by the Secretary of Defense and the Director of Central Intelligence.

''(c) DETAIL OF PERSONNEL.—The Director of Central Intelligence may detail Central Intelligence Agency personnel indefinitely to the National Imagery and Mapping Agency without regard to any limitation on the duration of interagency details of Federal Government personnel.

''(d) REIMBURSABLE OR NONREIMBURSABLE SUPPORT.—Support under this section may be provided and accepted on either a reimbursable basis or a nonreimbursable basis.

''(e) AUTHORITY TO TRANSFER FUNDS.—(1) The Director of the National Imagery and Mapping Agency may transfer funds available for the agency to the Director of Central Intelligence for the Central Intelligence Agency.

''(2) The Director of Central Intelligence—

''(A) may accept funds transferred under paragraph (1); and

''(B) shall expend such funds, in accordance with the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.), to provide administrative and contract services or detail personnel to the National Imagery and Mapping Agency under this section.

[''§ 445. Limitation on oversight by Inspector General of the Central Intelligence Agency

[''The Inspector General of the Central Intelligence Agency may not conduct any inspection, investigation, or audit of the National Imagery and Mapping Agency without the written consent of the Inspector General of the Department of Defense. In conducting an inspection, investigation, or audit of the National Imagery and Mapping Agency, the Inspector General of the Central Intelligence Agency shall be subject to the authority, direction, and control of the Secretary of Defense to the same extent as is the Inspector General of the Department of Defense under section 8 of the Inspector General Act of 1978 (5 U.S.C. App.).

[''§ 446. Protection of agency identifications and organizational information]

''§ 445. Protection of agency identifications and organizational information

''(a) UNAUTHORIZED USE OF AGENCY NAME, INITIALS, OR SEAL.—(1) Except with the written permission of the Secretary of Defense, no person may knowingly use, in connection with any merchandise, retail product, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Secretary of Defense, any of the following:

''(A) The words 'National Imagery and Mapping Agency', the initials 'NIMA', or the seal of the National Imagery and Mapping Agency.

''(B) The words 'Defense Mapping Agency', the initials 'DMA', or the seal of the Defense Mapping Agency.

''(C) Any colorable imitation of such words, initials, or seals.

''(2) Whenever it appears to the Attorney General that any person is engaged or about to engage in an act or practice which constitutes or will constitute conduct prohibited by paragraph (1), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to a hearing and determination of such action and may, at any time before such final determination, enter such restraining orders or prohibitions, or take such

other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.

''(b) PROTECTION OF ORGANIZATIONAL INFORMATION.—Notwithstanding any other provision of law, the Director of the National Imagery and Mapping Agency is not required to disclose the organization of the agency, any function of the agency, any information with respect to the activities of the agency, or the names, titles, salaries, or number of the persons employed by the agency. This subsection does not apply to disclosures of information to Congress.

''SUBCHAPTER II—MAPS, CHARTS, AND GEODETIC PRODUCTS

''Sec.
''451. Maps, charts, and books.
''452. Pilot charts.
''453. Prices of maps, charts, and navigational publications.
''454. Exchange of mapping, charting, and geodetic data with foreign countries and international organizations.
''455. Maps, charts, and geodetic data: public availability; exceptions.
''456. Civil actions barred.

''SUBCHAPTER III—PERSONNEL MANAGEMENT

''Sec.
''461. Civilian personnel management generally.
''462. National Imagery and Mapping Senior Executive Service.
''463. Management rights.

''§ 461. Civilian personnel management generally

''(a) GENERAL PERSONNEL AUTHORITY.—The Secretary of Defense may, without regard to the provisions of any other law relating to the appointment, number, classification, or compensation of Federal employees—

''(1) establish such excepted service positions for employees in the National Imagery and Mapping Agency as the Secretary considers necessary to carry out the functions of those agencies, including positions designated under subsection (f) as National Imagery and Mapping Senior Level positions;

''(2) appoint individuals to those positions; and

''(3) fix the compensation for service in those positions.

''(b) AUTHORITY TO FIX RATES OF BASIC PAY AND OTHER ALLOWANCES AND BENEFITS.—(1) The Secretary of Defense shall, subject to subsection (c), fix the rates of basic pay for positions established under subsection (a) in relation to the rates of basic pay provided in subpart D of part III of title 5 for positions subject to that title which have corresponding levels of duties and responsibilities. Except as otherwise provided by law, an employee of the National Imagery and Mapping Agency may not be paid basic pay at a rate in excess of the maximum rate payable under section 5376 of title 5.

''(2) The Secretary of Defense may provide employees in positions of the National Imagery and Mapping Agency compensation (in addition to basic pay under paragraph (1)) and benefits, incentives, and allowances consistent with, and not in excess of the levels authorized for, comparable positions authorized by title 5.

''(c) PREVAILING RATES SYSTEMS.—The Secretary of Defense may, consistent with section 5341 of title 5, adopt such provisions of that title as provide for prevailing rate systems of basic pay and may apply those provisions to positions in or under which the National Imagery and Mapping Agency may employ individuals described in section 5342(a)(2)(A) of such title.

''(d) ALLOWANCES BASED ON LIVING COSTS AND ENVIRONMENT FOR EMPLOYEES STATIONED OUTSIDE CONTINENTAL UNITED STATES OR IN ALASKA.—(1) In addition to the basic compensation payable under subsection (b), employees of the National Imagery and Mapping Agency described in paragraph (3) may be paid an allowance, in accordance with regulations prescribed by the Secretary of Defense, at a rate not in excess of the allowance authorized to be paid under section 5941(a) of title 5 for employees whose rates of basic pay are fixed by statute.

''(2) Such allowance shall be based on—

''(A) living costs substantially higher than in the District of Columbia;

''(B) conditions of environment which—

''(i) differ substantially from conditions of environment in the continental United States; and

''(ii) warrant an allowance as a recruitment incentive; or

''(C) both of those factors.

''(3) This subsection applies to employees who—

''(A) are citizens or nationals of the United States; and

''(B) are stationed outside the continental United States or in Alaska.

''(e) TERMINATION OF EMPLOYEES.—(1) Notwithstanding any other provision of law, the Secretary of Defense may terminate the employment of any employee of the National Imagery and Mapping Agency if the Secretary—

''(A) considers such action to be in the interests of the United States; and

''(B) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security.

''(2) A decision by the Secretary of Defense to terminate the employment of an employee under this subsection is final and may not be appealed or reviewed outside the Department of Defense.

''(3) The Secretary of Defense shall promptly notify the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate whenever the Secretary terminates the employment of any employee under the authority of this subsection.

''(4) Any termination of employment under this subsection shall not affect the right of the employee involved to seek or accept employment with any other department or agency of the United States if that employee is declared eligible for such employment by the Director of the Office of Personnel Management.

''(5) The authority of the Secretary of Defense under this subsection may be delegated only to the Deputy Secretary of Defense and the Director of the National Imagery and Mapping Agency. An action to terminate employment of an employee by any such officer may be appealed to the Secretary of Defense.

''(f) NATIONAL IMAGERY AND MAPPING SENIOR LEVEL POSITIONS.—(1) In carrying out subsection (a)(1), the Secretary may designate positions described in paragraph (3) as National Imagery and Mapping Senior Level positions.

''(2) Positions designated under this subsection shall be treated as equivalent for purposes of compensation to the senior level positions to which section 5376 of title 5 is applicable.

''(3) Positions that may be designated as National Imagery and Mapping Senior Level positions are positions in the National Imagery and Mapping Agency that (A) are classified above the GS–15 level, (B) emphasize function expertise and advisory activity, but (C) do not have the organizational or program management functions necessary for inclusion in the National Imagery and Mapping Senior Executive Service.

''(4) Positions referred to in paragraph (3) include National Imagery and Mapping Senior Technical positions and National Imagery and Mapping Senior Professional positions. For purposes of this subsection National Imagery and Mapping Senior Technical positions are positions covered by paragraph (3) if—

''(A) the positions involve—

''(i) research and development;

''(ii) test and evaluation;

''(iii) substantive analysis, liaison, or advisory activity focusing on engineering, physical sciences, computer science, mathematics, biology, chemistry, medicine, or other closely related scientific and technical fields; or

''(iv) intelligence disciplines including production, collection, and operations in close association with any of the activities described in clauses (i), (ii), and (iii) or related activities; or

''(B) the positions emphasize staff, liaison, analytical, advisory, or other activity focusing on intelligence, law, finance and accounting, program and budget, human resources management, training, information services, logistics, security, and other appropriate fields.

''(g) 'EMPLOYEE' DEFINED AS INCLUDING OFFICERS.—In this section, the term 'employee', with respect to the National Imagery and Mapping Agency, includes any civilian officer of that agency.

''§ 462. National Imagery and Mapping Senior Executive Service

''(a) ESTABLISHMENT.—The Secretary of Defense may establish a National Imagery and Mapping Senior Executive Service for senior civilian personnel within the National Imagery and Mapping Agency.

''(b) REQUIREMENTS FOR THE SERVICE.—In establishing a National Imagery and Mapping Senior Executive Service the Secretary shall—

''(1) meet the requirements set forth for the Senior Executive Service in section 3131 of title 5;

''(2) ensure that the National Imagery and Mapping Senior Executive Service positions satisfy requirements that are consistent with the provisions of section 3132(a)(2) of title 5;

''(3) prescribe rates of pay for the National Imagery and Mapping Senior Executive Service that are not in excess of the maximum rate of basic pay, nor less than the minimum rate of basic pay, established for the Senior Executive Service under section 5382 of title 5;

''(4) provide for adjusting the rates of pay at the same time and to the same extent as rates of basic pay for the Senior Executive Service are adjusted;

''(5) provide a performance appraisal system for the National Imagery and Mapping Senior Executive Service that conforms to the provisions of subchapter II of chapter 43 of title 5;

''(6) provide for removal consistent with section 3592 of title 5, and removal or suspension consistent with subsections (a), (b), and (c) of section 7543 of title 5 (except that any hearing or appeal to which a member of the National Imagery and Mapping Senior Executive Service is entitled shall be held or decided pursuant to procedures established by the Secretary of Defense);

''(7) permit the payment of performance awards to members of the National Imagery

and Mapping Senior Executive Service consistent with the provisions applicable to performance awards under section 5384 of title 5;

''(8) provide that members of the National Imagery and Mapping Senior Executive Service may be granted sabbatical leaves consistent with the provisions of section 3396(c) of title 5; and

''(9) provide for the recertification of members of the National Imagery and Mapping Senior Executive Service consistent with the provisions of section 3393a of title 5.

''(c) AUTHORITY.—Except as otherwise provided in subsection (b), the Secretary of Defense may—

''(1) make applicable to the National Imagery and Mapping Senior Executive Service any of the provisions of title 5 that are applicable to applicants for or members of the Senior Executive Service; and

''(2) appoint, promote, and assign individuals to positions established within the National Imagery and Mapping Senior Executive Service without regard to the provisions of title 5 governing appointments and other personnel actions in the competitive service.

''(d) AWARD OF RANK.—The President, based on the recommendations of the Secretary of Defense, may award ranks to individuals who occupy positions in the National Imagery and Mapping Senior Executive Service in a manner consistent with the provisions of section 4507 of title 5.

''(e) DETAILS AND ASSIGNMENTS.—Notwithstanding any other provisions of this section, the Secretary of Defense may detail or assign any member of the National Imagery and Mapping Senior Executive Service to serve in a position outside the National Imagery and Mapping Agency in which the member's expertise and experience may be of benefit to the National Imagery and Mapping Agency or another Government agency. Any such member shall not by reason of such detail or assignment lose any entitlement or status associated with membership in the National Imagery and Mapping Senior Executive Service.

''§ 463. Management rights

''(a) SCOPE.—If there is no obligation under the provisions of chapter 71 of title 5 for the head of an agency of the United States to consult or negotiate with a labor organization on a particular matter by reason of that matter being covered by a provision of law or a Governmentwide regulation, the Director of the National Imagery and Mapping Agency is not obligated to consult or negotiate with a labor organization on that matter even if that provision of law or regulation is inapplicable to the National Imagery and Mapping Agency.

''(b) BARGAINING UNITS.—The National Imagery and Mapping Agency shall accord exclusive recognition to a labor organization under section 7111 of title 5 only for a bargaining unit that was recognized as appropriate for the Defense Mapping Agency on the day before the date on which employees and positions of the Defense Mapping Agency in that bargaining unit became employees and positions of the National Imagery and Mapping Agency under the National Imagery and Mapping Agency Act of 1996 (subtitle B of title IX of the National Defense Authorization Act for Fiscal Year 1997).

''(c) TERMINATION OF BARGAINING UNIT COVERAGE OF POSITION MODIFIED TO AFFECT NATIONAL SECURITY DIRECTLY.—(1) If the Director of the National Imagery and Mapping Agency determines that the responsibilities of a position within a collective bargaining unit should be modified to include intelligence, counterintelligence, investigative, or security duties not previously assigned to that position and that the performance of the newly assigned duties directly affects the national security of the United States, then, upon such a modification of the responsibilities of that position, the position shall cease to be covered by the collective bargaining unit and the employee in that position shall cease to be entitled to representation by a labor organization accorded exclusive recognition for that collective bargaining unit.

''(2) A determination described in paragraph (1) that is made by the Director of the National Imagery and Mapping Agency may not be reviewed by the Federal Labor Relations Authority or any court of the United States.

''SUBCHAPTER IV—DEFINITIONS

''Sec.
''471. Definitions.

''§ 471. Definitions

''In this chapter:

''(1) The term 'function' means any duty, obligation, responsibility, privilege, activity, or program.

''(2)(A) The term 'imagery' means, except as provided in subparagraph (B), a likeness or presentation of any natural or manmade feature or related object or activity and the positional data acquired at the same time the likeness or representation was acquired, including—

''(i) products produced by space-based national intelligence reconnaissance systems; and

''(ii) likenesses or presentations produced by satellites, airborne platforms, unmanned aerial vehicles, or other similar means.

''(B) The term does not include handheld or clandestine photography taken by or on behalf of human intelligence collection organizations.

''(3) The term 'imagery intelligence' means the technical, geographic, and intelligence information derived through the interpretation or analysis of imagery and collateral materials.

''(4) The term 'geospatial information' means information that identifies the geographic location and characteristics of natural or constructed features and boundaries on the earth and includes—

''(A) statistical data and information derived from, among other things, remote sensing, mapping, and surveying technologies;

''(B) mapping, charting, and geodetic data; and

''(C) geodetic products, as defined in section 455(c) of this title.''.

(b) TRANSFER OF CHAPTER 167 PROVISIONS.—Sections 2792, 2793, 2794, 2795, 2796, and 2798 of title 10, United States Code, are transferred to subchapter II of chapter 22 of such title, as added by subsection (a), are inserted in that sequence in such subchapter following the table of sections, and are redesignated in accordance with the following table:

Section transferred	Section as redesignated
2792	451
2793	452
2794	453
2795	454
2796	455
2798	456.

[(c) CONSULTATION ON APPOINTMENT OF DIRECTOR.—Section 201 of title 10, United States Code, is amended by striking out ''or Director of the National Security Agency'' and inserting in lieu thereof '', Director of the National Security Agency, or Director of the National Imagery and Mapping Agency''.]

[(d)] *(c)* OVERSIGHT OF AGENCY AS A COMBAT SUPPORT AGENCY.—Section 193 of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) by striking out the caption and inserting in lieu thereof ''REVIEW OF NATIONAL SECURITY AGENCY AND NATIONAL IMAGERY AND MAPPING AGENCY.—'';

(B) in paragraph (1)—

(i) by inserting ''and the National Imagery and Mapping Agency'' after ''the National Security Agency''; and

(ii) by striking out ''the Agency'' and inserting in lieu thereof ''that the agencies''; and

(C) in paragraph (2), by inserting ''and the National Imagery and Mapping Agency'' after ''the National Security Agency'';

(2) in subsection (e)—

(A) by striking out ''DIA AND NSA'' in the caption and inserting in lieu thereof the following: ''DIA, NSA, AND NIMA.—''; and

(B) by striking out ''and the National Security Agency'' and inserting in lieu thereof '', the National Security Agency, and the National Imagery and Mapping Agency''; and

(3) in subsection (f), by striking out paragraph (4) and inserting in lieu thereof the following:

''(4) The National Imagery and Mapping Agency.''.

[(e)] *(d)* SPECIAL PRINTING AUTHORITY FOR AGENCY.—(1) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (Public Law 102–392; 44 U.S.C. 501 note) is amended by inserting ''National Imagery and Mapping Agency,'' after ''Defense Intelligence Agency,''.

(2) Section 1336 of title 44, United States Code, is amended—

(A) by striking out ''Secretary of the Navy'' and inserting in lieu thereof ''Director of the National Imagery and Mapping Agency''; and

(B) by striking out ''United States Naval Oceanographic Office'' and inserting in lieu thereof ''National Imagery and Mapping Agency''.

SEC. 922. TRANSFERS.

(a) DEPARTMENT OF DEFENSE.—The missions and functions of the following elements of the Department of Defense are transferred to the National Imagery and Mapping Agency:

(A) The Defense Mapping Agency.

(B) The Central Imagery Office.

(C) Other elements of the Department of Defense as provided in the classified annex to this Act.

(b) CENTRAL INTELLIGENCE AGENCY.—The missions and functions of the following elements of the Central Intelligence Agency are transferred to the National Imagery and Mapping Agency:

(A) The National Photographic Interpretation Center.

(B) Other elements of the Central Intelligence Agency as provided in the classified annex to this Act.

(c) PERSONNEL AND ASSETS.—(1) Subject to paragraphs (2) and (3), the personnel, assets, unobligated balances of appropriations and authorizations of appropriations, and, to the extent jointly determined appropriate by the Secretary of Defense and Director of Central Intelligence, obligated balances of appropriations and authorizations of appropriations employed, used, held, arising from, or available in connection with the missions and functions transferred under subsection (a) or (b) are transferred to the National Imagery and Mapping Agency. A transfer may not be made under the preceding sentence for any program or function for which funds are not appropriated to the National Imagery and Mapping Agency for fiscal year 1997. Transfers of appropriations from the Central Intelligence Agency under this paragraph shall be made in accordance with section 1531 of title 31, United States Code.

(2) Not earlier than two years after the effective date of this subtitle, the Secretary of

Defense and the Director of Central Intelligence shall determine which, if any, positions and personnel of the Central Intelligence Agency are to be transferred to the National Imagery and Mapping Agency. The positions to be transferred, and the employees serving in such positions, shall be transferred to the National Imagery and Mapping Agency under terms and conditions prescribed by the Secretary of Defense and the Director of Central Intelligence.

(3) If the National Photographic Interpretation Center of the Central Intelligence Agency or any imagery-related activity of the Central Intelligence Agency authorized to be performed by the National Imagery and Mapping Agency is not completely transferred to the National Imagery and Mapping Agency, the Secretary of Defense and the Director of Central Intelligence shall—

(A) jointly determine which, if any, contracts, leases, property, and records employed, used, held, arising from, available to, or otherwise relating to such Center or activity is to be transferred to the National Imagery and Intelligence Agency; and

(B) provide by written agreement for the transfer of such items.

SEC. 923. COMPATIBILITY WITH AUTHORITY UNDER THE NATIONAL SECURITY ACT OF 1947.

(a) AGENCY FUNCTIONS.—Section 105(b) of the National Security Act of 1947 (50 U.S.C. 403–5(b)) is amended by striking out paragraph (2) and inserting in lieu thereof the following:

''(2) through the National Imagery and Mapping Agency (except as otherwise directed by the President or the National Security Council), with appropriate representation from the intelligence community, the continued operation of an effective unified organization within the Department of Defense—

''(A) for carrying out tasking of imagery collection;

''(B) for the coordination of imagery processing and exploitation activities;

''(C) for ensuring the dissemination of imagery in a timely manner to authorized recipients; and

''(D) notwithstanding any other provision of law, for—

''(i) prescribing technical architecture and standards related to imagery intelligence and geospatial information and ensuring compliance with such architecture and standards; and

''(ii) developing and fielding systems of common concern related o imagery intelligence and geospatial information;''.

[(b) APPOINTMENT OF DIRECTOR.—Section 106 of such Act (50 U.S.C. 403–6) is amended—

[(1) by striking out subsection (b); and

[(2) in subsection (a)—

[(A) by inserting ''the National Imagery and Mapping Agency,'' after ''the National Reconnaissance Office,''; and

[(B) by striking out ''(a) CONSULTATION WITH REGARD TO CERTAIN APPOINTMENTS.—''.]

(b) NATIONAL MISSION.—Title I of such Act (50 U.S.C. 402 et seq.) is amended by adding at the end the following:

''NATIONAL MISSION OF NATIONAL IMAGERY AND MAPPING AGENCY

''SEC. 120. (a) IN GENERAL.—In addition to the Department of Defense missions set forth in section 442 of title 10, United States Code, the National Imagery and Mapping Agency shall also support the imagery requirements of the Department of State and other departments and agencies of the United States outside the Department of Defense.

''(b) REQUIREMENTS AND PRIORITIES.—The Director of Central Intelligence shall establish requirements and priorities governing the collection of national intelligence by the National Imagery and Mapping Agency under subsection (a).

''(c) CORRECTION OF DEFICIENCIES.—The Director of Central Intelligence shall develop and implement such programs and policies as the Director and the Secretary jointly determine necessary to review and correct deficiencies identified in the capabilities of the National Imagery and Mapping Agency to accomplish assigned national missions. The Director shall consult with the Secretary of Defense on the development and implementation of such programs and policies. The Secretary shall obtain the advice of the Chairman of the Joint Chiefs of Staff regarding the matters on which the Director and the Secretary are to consult under the preceding sentence.''.

(c) TASKING OF IMAGERY ASSETS.—Title I of such Act is further amended by adding at the end the following:

''COLLECTION TASKING AUTHORITY

''SEC. 121. The Director of Central Intelligence shall have authority to approve collection requirements, determine collection priorities, and resolve conflicts in collection priorities levied on national imagery collection assets, except as otherwise agreed by the Director and the Secretary of Defense pursuant to the direction of the President.''.

(d) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by inserting after section 109 the following new items:

''Sec. 120. National mission of National Imagery and Mapping Agency.

''Sec. 121. Collection tasking authority.''.

SEC. 924. OTHER PERSONNEL MANAGEMENT AUTHORITIES.

(a) COMPARABLE TREATMENT WITH OTHER INTELLIGENCE SENIOR EXECUTIVE SERVICES.—Title 5, United States Code, is amended as follows:

(1) In section 2108(3), by inserting ''the National Imagery and Mapping Senior Executive Service,'' after ''the Senior Cryptologic Executive Service,'' in the matter following subparagraph (F)(iii).

(2) In section 6304(f)(1), by—

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

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

(C) by adding at the end the following:

''(F) the National Imagery and Mapping Senior Executive Service.''; and

(3) In sections 8336(h)(2) and 8414(a)(2), by striking out ''or the Senior Cryptologic Executive Service'' and inserting in lieu thereof '', the Senior Cryptologic Executive Service, or the National Imagery and Mapping Senior Executive Service''.

(b) CENTRAL IMAGERY OFFICE PERSONNEL MANAGEMENT AUTHORITIES.—

(1) NONDUPLICATION OF COVERAGE BY DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE.—Section 1601 of title 10, United States Code, is amended—

(A) in subsection (a), by striking out ''and the Central Imagery Office'';

(B) in subsection (d), by striking out ''or the Central Imagery Office in which the member's expertise and experience may be of benefit to the Defense Intelligence Agency, the Central Imagery Office,'' in the first sentence and inserting in lieu thereof ''in which the member's expertise and experience may be of benefit to the Defense Intelligence Agency''; and

(C) in subsection (e), by striking out ''and the Central Imagery Office'' in the first sentence.

(2) MERIT PAY.—Section 1602 of such title is amended by striking out ''and Central Imagery Office''.

(3) MISCELLANEOUS AUTHORITIES.—Subsection 1604 of such title is amended—

(A) in subsection (a)(1)—

(i) by striking out ''and the Central Imagery Office''; and

(ii) by striking out ''and Office'';

(B) in subsection (b)—

(i) in paragraph (1), by striking out ''or the Central Imagery Office'' in the second sentence; and

(ii) in paragraph (2), by striking out ''and the Central Imagery Office'';

(C) in subsection (c), by striking out ''or the Central Imagery Office'';

(D) in subsection (d)(1), by striking out ''and the Central Imagery Office'';

(E) in subsection (e)—

(i) in paragraph (1), by striking out ''or the Central Imagery Office''; and

(ii) in paragraph (5) by striking out '', the Director of the Defense Intelligence Agency (with respect to employees of the Defense Intelligence Agency), and the Director of the Central Imagery Office (with respect to employees of the Central Imagery Office)'' and inserting in lieu thereof ''and the Director of the Defense Intelligence Agency (with respect to employees of the Defense Intelligence Agency)'';

(F) in subsection (f)(3), by striking out ''and Central Imagery Office''; and

(G) in subsection (g)—

(i) by striking out ''or the Central Imagery Office''; and

(ii) by striking out ''or Office''.

(c) APPLICABILITY OF FEDERAL LABOR-MANAGEMENT RELATIONS SYSTEM.—Section 7103(a)(3) of title 5, United States Code is amended—

(1) by inserting ''or'' at the end of subparagraph (F);

(2) by striking out ''; or'' at the end of subparagraph (G) and inserting in lieu thereof a period; and

(3) by striking out subparagraph (H).

(d) APPLICABILITY OF AUTHORITY AND PROCEDURES FOR IMPOSING CERTAIN ADVERSE ACTIONS.—Section 7511(b)(8) of title 5, United States Code, is amended by striking out ''Central Imagery Office''.

SEC. 925. CREDITABLE CIVILIAN SERVICE FOR CAREER CONDITIONAL EMPLOYEES OF THE DEFENSE MAPPING AGENCY.

In the case of an employee of the National Imagery and Mapping Agency who, on the day before the effective date of this subtitle, was an employee of the Defense Mapping Agency in a career-conditional status, the continuous service of that employee as an employee of the National Imagery and Mapping Agency on and after such date shall be considered creditable service for the purpose of any determination of the career status of the employee.

SEC. 926. SAVING PROVISIONS.

(a) CONTINUING EFFECT ON LEGAL DOCUMENTS.—All orders, determinations, rules, regulations, permits, agreements, international agreements, grants, contracts, leases, certificates, licenses, registrations, privileges, and other administrative actions—

(1) which have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in connection with any of the functions which are transferred under this subtitle or any function that the National Imagery and Mapping Agency is authorized to perform by law, and

(2) which are in effect at the time this title takes effect, or were final before the effective date of this subtitle and are to become effective on or after the effective date of this subtitle,

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance

with law by the President, the Secretary of Defense, the Director of the National Imagery and Mapping Agency or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) PROCEEDINGS NOT AFFECTED.—This subtitle and the amendments made by this subtitle shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before an element of the Department of Defense or Central Intelligence Agency at the time this subtitle takes effect, with respect to function of that element transferred by section 922, but such proceedings and applications shall be continued. Orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this subtitle had not been enacted, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this section shall be deemed to prohibit 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 subtitle had not been enacted.

(c) SEVERABILITY.—If any provision of this subtitle (or any amendment made by this subtitle), or the application of such provision (or amendment) to any person or circumstance is held unconstitutional, the remainder of this subtitle (or of the amendments made by this subtitle) shall not be affected by that holding.

SEC. 927. DEFINITIONS.

In this part, the terms ''function'', ''imagery'', ''imagery intelligence'', and ''geospatial information'' have the meanings given those terms in section 461 of title 10, United States Code, as added by section 921.

SEC. 928. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for the National Imagery and Mapping Agency for fiscal year 1997 in amounts and for purposes, and subject to the terms, conditions, limitations, restrictions, and requirements, that are set forth in the Classified Annex to this Act.

PART II—CONFORMING AMENDMENTS AND EFFECTIVE DATES

SEC. 931. REDESIGNATION AND REPEALS.

(a) REDESIGNATION.—Chapter 23 of title 10, United States Code (as redesignated by section 921(a)(1)) is amended by redesignating the section in that chapter as section 481.

(b) REPEAL OF SUPERSEDED LAW.—Chapter 167 of such title, as amended by section 921(b), is repealed.

SEC. 932. REFERENCES.

(a) TITLE 5, UNITED STATES CODE.—Title 5, United States Code, is amended as follows:

(1) CENTRAL IMAGERY OFFICE.—In sections 2302(a)(2)(C)(ii), 3132(a)(1)(B), 4301(1) (in clause (ii)), 4701(a)(1)(B), 5102(a)(1) (in clause (xi)), 5342(a)(1)(L), 6339(a)(1)(E), and 7323(b)(2)(B)(i)(XIII), by striking out ''Central Imagery Office'' and inserting in lieu thereof ''National Imagery and Mapping Agency''.

(2) DIRECTOR, CENTRAL IMAGERY OFFICE.—In section 6339(a)(2)(E), by striking out ''Central Imagery Office, the Director of the Central Imagery Office'' and inserting in lieu thereof ''National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency''.

(b) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) CENTRAL IMAGERY OFFICE.—In section 1599(f)(4), by striking out ''Central Imagery Office'' and inserting in lieu thereof ''National Imagery and Mapping Agency''.

(2) DEFENSE MAPPING AGENCY.—In sections 451(1), 452, 453, 454, and 455 (in subsections (a) and (b)(1)(C)), and 456, as redesignated by section 921(b), by striking out ''Defense Mapping Agency'' each place it appears and inserting in lieu thereof ''National Imagery and Mapping Agency''.

(c) OTHER LAWS.—

(1) NATIONAL SECURITY ACT OF 1947.—Section 3(4)(E) of the National Security Act of 1947 (50 U.S.C. 401a(4)(E) is amended by striking out ''Central Imagery Office'' and inserting in lieu thereof ''National Imagery and Mapping Agency''.

(2) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a) of the Ethics in Government Act of 1978 (Public Law 95–521; 5 U.S.C. App. 4) is amended by striking out ''Central Imagery Office'' and inserting in lieu thereof ''National Imagery and Mapping Agency''.

(3) EMPLOYEE POLYGRAPH PROTECTION ACT.—Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (Public Law 100–347; 29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking out ''Central Imagery Office'' and inserting in lieu thereof ''National Imagery and Mapping Agency''.

(d) CROSS REFERENCE.—Section 82 of title 14, United States Code, is amended by striking out ''chapter 167'' and inserting in lieu thereof ''subchapter II of chapter 22''.

SEC. 933. HEADINGS AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—

(1) HEADING.—The heading of chapter 83 of title 10, United States Code, is amended to read as follows:

''CHAPTER 83—DEFENSE INTELLIGENCE AGENCY CIVILIAN PERSONNEL''.

(2) CLERICAL AMENDMENTS.—(A) The table of chapters at the beginning of subtitle A of title 10, United States Code, is amended—

(i) by striking out the item relating to chapter 22 and inserting in lieu thereof the following:

''22. National Imagery and Mapping Agency 441
''23. Miscellaneous Studies and Reports ..... 471'';

(ii) by striking out the item relating to chapter 83 and inserting in lieu thereof the following:

''83. Defense Intelligence Agency Civilian Personnel ..... 1601'';

and

(iii) by striking out the item relating to chapter 167.

(B) The table of chapters at the beginning of part I of such subtitle is amended by striking out the item relating to chapter 22 and inserting in lieu thereof the following:

''22. National Imagery and Mapping Agency 441
''23. Miscellaneous Studies and Reports ..... 471'';

(C) The item relating to chapter 83 in the table of chapters at the beginning of part II of such subtitle is amended to read as follows:

''83. Defense Intelligence Agency Civilian Personnel ..... 1601''.

(D) The table of chapters at the beginning of part IV of such subtitle is amended by striking out the item relating to chapter 167.

(E) The item in the table of sections at the beginning of chapter 23 of title 10, United States Code (as redesignated by section 921), is amended to read as follows:

''481. Racial and ethnic issues; biennial survey; biennial report.''.

(b) TITLE 44, UNITED STATES CODE.—

(1) SECTION HEADING.—The heading of section 1336 of title 44, United States Code, is amended to read as follows:

''§ 1336. National Imagery and Mapping Agency: special publications''.

(2) CLERICAL AMENDMENT.—The item relating to such section in the tables of sections at the beginning of chapter 13 of such title is amended to read as follows:

''1336. National Imagery and Mapping Agency: special publications.''.

[(c) NATIONAL SECURITY ACT OF 1947.—(1) The heading of section 106 of the National Security Act of 1947 (50 U.S.C. 403–6) is amended to read as follows:

[''CONSULTATION WITH REGARD TO CERTAIN APPOINTMENTS''.

[(2) The item relating to such section in the table of contents in the first section of such Act is amended to read as follows:

[Sec. 106. Consultation with regard to certain appointments.''.]

SEC. 934. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), this subtitle and the amendments made by this subtitle shall take effect on the later of October 1, 1996, or the date of the enactment of an Act appropriating funds for fiscal year 1997 for the National Imagery and Mapping Agency.

(b) EXCEPTION.—Section 928 shall take effect on the date of the enactment of this Act.

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 1997 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. AUTHORITY FOR OBLIGATION OF CERTAIN UNAUTHORIZED FISCAL YEAR 1996 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 1996 defense appropriations.

(b) COVERED AMOUNTS.—The amounts referred to in subsection (a) are the amounts provided for programs, projects, and activities of the Department of Defense in fiscal year 1996 defense appropriations that are in excess of the amounts provided for such programs, projects, and activities in fiscal year 1996 defense authorizations.

(c) DEFINITIONS.—For the purposes of this section:

(1) FISCAL YEAR 1996 DEFENSE APPROPRIATIONS.—The term ''fiscal year 1996 defense appropriations'' means amounts appropriated or otherwise made available to the Department of Defense for fiscal year 1996 in the Department of Defense Appropriations Act, 1996 (Public Law 104–61).

(2) FISCAL YEAR 1996 DEFENSE AUTHORIZATIONS.—The term ''fiscal year 1996 defense authorizations'' means amounts authorized to be appropriated for the Department of Defense for fiscal year 1996 in the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106).

SEC. 1003. AUTHORIZATION OF PRIOR EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1996.

Amounts authorized to be appropriated to the Department of Defense for fiscal year 1996 in the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134).

SEC. 1004. USE OF FUNDS TRANSFERRED TO THE COAST GUARD.

(a) LIMITATION.—Funds appropriated to the Department of Defense for fiscal year 1997 that are transferred to the Coast Guard may be used only for the performance of national security functions of the Coast Guard in support of the Department of Defense.

(b) CERTIFICATION REQUIRED.—Funds described in subsection (a) may not be transferred to the Coast Guard until the Secretary of Defense and the Secretary of Transportation jointly certify to Congress that the funds so transferred will be used only as described in subsection (a).

(c) GAO AUDIT.—The Comptroller General of the United States shall—

(1) audit, from time to time, the use of funds transferred to the Coast Guard from appropriations for the Department of Defense for fiscal year 1997 in order to verify that the funds are being used in accordance with the limitation in subsection (a); and

(2) notify the congressional defense committees of any use of such funds that, in the judgment of the Comptroller General, is a significant violation of such limitation.

SEC. 1005. USE OF MILITARY-TO-MILITARY CONTACTS FUNDS FOR PROFESSIONAL MILITARY EDUCATION AND TRAINING.

Section 168(c) of title 10, United States Code, is amended by adding at the end the following:

''(9) Military education and training for military and civilian personnel of foreign countries (including transportation expenses, expenses for translation services, and administrative expenses to the extent that the expenses are related to the providing of such education and training to such personnel).''.

SEC. 1006. PAYMENT OF CERTAIN EXPENSES RELATING TO HUMANITARIAN AND CIVIC ASSISTANCE.

Section 401(c) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) Expenses covered by paragraph (1) include the following expenses incurred in the providing of assistance described in subsection (e)(5):

''(A) Travel, transportation, and subsistence expenses of Department of Defense personnel providing the assistance.

''(B) The cost of any equipment, services, or supplies acquired for the purpose of providing the assistance.''.

[SEC. 1007. PROHIBITION ON EXPENDITURE OF DEPARTMENT OF DEFENSE FUNDS BY OFFICIALS OUTSIDE THE DEPARTMENT.

[(a) PROHIBITION.—Section 2215 of title 10, United States Code, is amended to read as follows:

[''§ 2215. Prohibition on expenditure of Department of Defense intelligence funds by officials outside the department

[''(a) IN GENERAL.—Funds appropriated for the Department of Defense for intelligence activities of that department may not be obligated or expended by an officer or employee of the United States who is not an officer or employee of the Department of Defense.

[''(b) DELEGATION OF AUTHORITY PROHIBITED.—An officer or employee of the Department of Defense may not delegate to an officer or employee of the United States who is not an officer or employee of the Department of Defense any authority to obligate or expend funds described in subsection (a).''.

[(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 131 is amended to read as follows:

[''2215. Prohibition on expenditure of Department of Defense intelligence funds by officials outside the department.''.]

SEC. [1008.] *1007.* PROHIBITION ON USE OF FUNDS FOR OFFICE OF NAVAL INTELLIGENCE REPRESENTATION OR RELATED ACTIVITIES.

None of the funds authorized to be appropriated by this Act or otherwise made available for the Navy for fiscal year 1997 may be obligated or expended by the Office of Naval Intelligence for official representation activities or related activities.

SEC. [1009.] *1008.* REIMBURSEMENT OF DEPARTMENT OF DEFENSE FOR COSTS OF DISASTER ASSISTANCE PROVIDED OUTSIDE THE UNITED STATES.

Section 404 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) REIMBURSEMENT POLICY.—It is the sense of Congress that, whenever the President directs the Secretary of Defense to provide disaster assistance outside the United States under subsection (a)—

''(1) the President should direct the Administrator of the Agency for International Development to reimburse the Department of Defense for the cost to the Department of Defense of the assistance provided; and

''(2) a reimbursement by the Administrator should be paid out of funds available under chapter 9 of part I of the Foreign Assistance Act of 1961 for international disaster assistance for the fiscal year in which the cost is incurred.''.

SEC. [1010.] *1009.* FISHER HOUSE TRUST FUND FOR THE NAVY.

(a) AUTHORITY.—Section 2221 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

''(3) The Fisher House Trust Fund, Department of the Navy.'';

(2) in subsection (c)—

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

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

''(3) Amounts in the Fisher House Trust Fund, Department of the Navy, 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 Navy.''; and

(3) in subsection (d)(1), by striking out ''or the Air Force'' and inserting in lieu thereof '', the Air Force, or the Navy''.

(b) CORPUS OF TRUST FUNDS.—The Secretary of the Navy shall transfer to the Fisher House Trust Fund, Department of the Navy, established by section 2221(a)(3) of title 10, United States Code (as added by subsection (a)(1)), all amounts in the accounts for Navy 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 section 2221(d) of such title.

(c) CONFORMING AMENDMENTS.—Section 1321 of title 31, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

''(94) Fisher House Trust Fund, Department of the Navy.''; and

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

''(D) Fisher House Trust Fund, Department of the Navy.''.

SEC. 1011. *1010.* DESIGNATION AND LIABILITY OF DISBURSING AND CERTIFYING OFFICIALS FOR THE COAST GUARD.

(a) DISBURSING OFFICIALS.—(1) Section 3321(c) of title 31, United States Code, is amended by adding at the end the following:

''(3) The Department of Transportation (with respect to public money available for expenditure by the Coast Guard when it is not operating as a service in the Navy).''.

(2)(A) Chapter 17 of title 14, United States Code, is amended by adding at the end the following:

''§ 673. Designation, powers, and accountability of deputy disbursing officials

''(a)(1) Subject to paragraph (3), a disbursing official of the Coast Guard may designate a deputy disbursing official—

''(A) to make payments as the agent of the disbursing official;

''(B) to sign checks drawn on disbursing accounts of the Secretary of the Treasury; and

''(C) to carry out other duties required under law.

''(2) The penalties for misconduct that apply to a disbursing official apply to a deputy disbursing official designated under this subsection.

''(3) A disbursing official may make a designation under paragraph (1) only with the approval of the Secretary of Transportation (when the Coast Guard is not operating as a service in the Navy).

''(b)(1) If a disbursing official of the Coast Guard dies, becomes disabled, or is separated from office, a deputy disbursing official may continue the accounts and payments in the name of the former disbursing official until the last day of the second month after the month in which the death, disability, or separation occurs. The accounts and payments shall be allowed, audited, and settled as provided by law. The Secretary of the Treasury shall honor checks signed in the name of the former disbursing official in the same way as if the former disbursing official had continued in office.

''(2) The deputy disbursing official, and not the former disbursing official or the estate of the former disbursing official, is liable for the actions of the deputy disbursing official under this subsection.

''(c)(1) Except as provided in paragraph (2), this section does not apply to the Coast Guard when section 2773 of title 10 applies to the Coast Guard by reason of the operation of the Coast Guard as a service in the Navy.

''(2) A designation of a deputy disbursing official under subsection (a) that is made while the Coast Guard is not operating as a service in the Navy continues in effect for purposes of section 2773 of title 10 while the Coast Guard operates as a service in the Navy unless and until the designation is terminated by the disbursing official who made the designation or an official authorized to approve such a designation under subsection (a)(3) of such section.''.

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following:

''673. Designation, powers, and accountability of deputy disbursing officials.''.

(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 by striking out ''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'' and inserting in lieu thereof ''members of the armed forces may certify vouchers when authorized, in writing, by the Secretary of Defense or, in the case of the Coast Guard when it is not operating as a service in the Navy, by the Secretary of Transportation''.

(c) CONFORMING AMENDMENTS.—(1) Section 1007(a) of title 37, United States Code, is amended by inserting after ''Secretary of Defense'' the following: ''(or the Secretary of Transportation, in the case of an officer of the Coast Guard when the Coast Guard is not operating as a service in the Navy)''.

(2) Section 3527(b)(1) of title 31, United States Code, is amended—

(A) in subparagraph (A)(i), by inserting after ''Department of Defense'' the following: ''(or the Secretary of Transportation, in the case of a disbursing official of the Coast Guard when the Coast Guard is not operating as a service in the Navy)''; and

(B) in subparagraph (B), by inserting after ''or the Secretary of the appropriate military department'' the following: ''(or the Secretary of Transportation, in the case of a disbursing official of the Coast Guard when the Coast Guard is not operating as a service in the Navy)''.

SEC. [1012.] *1011.* AUTHORITY TO SUSPEND OR TERMINATE COLLECTION ACTIONS AGAINST DECEASED MEMBERS OF THE COAST GUARD.

Section 3711(g) of title 31, United States Code, is amended—

(1) in paragraph (1), by striking out ''or Marine Corps'' and inserting in lieu thereof ''Marine Corps, or Coast Guard'';

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Secretary of Transportation may suspend or terminate an action by the Secretary 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 Coast Guard if the Secretary determines that, under the circumstances applicable with respect to the deceased person, it is appropriate to do so.''.

SEC. [1013.] *1012.* CHECK CASHING AND EXCHANGE TRANSACTIONS WITH CREDIT UNIONS OUTSIDE THE UNITED STATES.

Section 3342(b) of title 31, United States Code, is amended—

(1) by striking out ''and'' at the end of paragraph (5);

(2) by striking out the period at the end of paragraph (6) and inserting in lieu thereof ''; and''; and

(3) by adding at the end the following:

''(7) a Federal credit union (as defined in section 101(1) of the Federal Credit Union Act (12 U.S.C. 1752(1)) that is operating at Department of Defense invitation in a foreign country where contractor-operated military banking facilities are not available.''.

Subtitle B—Naval Vessels and Shipyards

SEC. 1021. AUTHORITY TO TRANSFER NAVAL VESSELS.

(a) EGYPT.—The Secretary of the Navy may transfer to the Government of Egypt the ''OLIVER HAZARD PERRY'' frigate GALLERY. Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761; relating to the foreign military sales program).

(b) MEXICO.—The Secretary of the Navy may transfer to the Government of Mexico the ''KNOX'' class frigates STEIN (FF 1065) and MARVIN SHIELDS (FF 1066). Such transfers shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(c) NEW ZEALAND.—The Secretary of the Navy may transfer to the Government of New Zealand the ''STALWART'' class ocean surveillance ship TENACIOUS. Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(d) PORTUGAL.—The Secretary of the Navy may transfer to the Government of Portugal the ''STALWART'' class ocean surveillance ship AUDACIOUS. Such transfer shall be on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j; relating to transfers of excess defense articles).

(e) TAIWAN.—The Secretary of the Navy may transfer to the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act) the following:

(1) The ''KNOX'' class frigates AYLWIN (FF 1081), PHARRIS (FF 1094), and VALDEZ (FF 1096). Such transfers shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(2) The ''NEWPORT'' class tank landing ship NEWPORT (LST 1179). Such transfer shall be on a lease basis under section 61 of the Arms Export Control Act (22 U.S.C. 2796).

(f) THAILAND.—The Secretary of the Navy may transfer to the Government of Thailand the ''KNOX'' class frigate OUELLET (FF 1077). Such transfer shall be on a sales basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(g) COSTS OF TRANSFER.—Any expense of the United States in connection with a transfer authorized by this section shall be charged to the recipient.

(h) REPAIR AND REFURBISHMENT OF VESSELS.—The Secretary of the Navy shall require, to the maximum extent possible, as a condition of a 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.

(i) EXPIRATION OF AUTHORITY.—Any authority for transfer granted by this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

SEC. 1022. TRANSFER OF CERTAIN OBSOLETE TUGBOATS OF THE NAVY.

(a) REQUIREMENT TO TRANSFER VESSELS.—The Secretary of the Navy shall transfer the six obsolete tugboats of the Navy specified in subsection (b) to the Northeast Wisconsin Railroad Transportation Commission, an instrumentality of the State of Wisconsin. Such transfers shall be made without reimbursement to the United States.

(b) VESSELS COVERED.—The requirement in subsection (a) applies to the six decommissioned Cherokee class tugboats, listed as of the date of the enactment of this Act as being surplus to the Navy, that are designated as ATF–105, ATF–110, ATF–149, ATF–158, ATF–159, and ATF–160.

(c) CONDITION RELATING TO ENVIRONMENTAL COMPLIANCE.—The Secretary shall require as a condition of the transfer of a vessel under subsection (a) that use of the vessel by the Commission not commence until the terms of any necessary environmental compliance letter or agreement with respect to that vessel have been complied with.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions (including a requirement that the transfer be at no cost to the Government) in connection with the transfers required by subsection (a) as the Secretary considers appropriate.

SEC. 1023. REPEAL OF REQUIREMENT FOR CONTINUOUS APPLICABILITY OF CONTRACTS FOR PHASED MAINTENANCE OF AE CLASS SHIPS.

Section 1016 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 425) is repealed.

SEC. 1024. CONTRACT OPTIONS FOR LMSR VESSELS.

(a) FINDINGS.—Congress reaffirms the findings set forth in section 1013(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 422), and makes the following modifications and supplemental findings:

(1) Since the findings set forth in section 1013(a) of such Act were originally formulated, the Secretary of the Navy has exercised options for the acquisition of two of the six additional large, medium-speed, roll-on/roll-off (LMSR) vessels that may be acquired by exercise of options provided for under contracts covering the acquisition of a total of 17 LMSR vessels.

(2) Therefore, under those contracts, the Secretary has placed orders for the acquisition of 13 LMSR vessels and has remaining options for the acquisition of four more LMSR vessels, all of which would be new construction vessels.

(3) The remaining options allow the Secretary to place orders for one vessel to be constructed at each of two shipyards for award before December 31, 1996, and December 31, 1997, respectively.

(b) SENSE OF CONGRESS.—Congress also reaffirms its declaration of the sense of Congress, as set forth in section 1013(b) of Public Law 104–106, 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 report entitled ''Mobility Requirements Study Bottom-Up Review Update'', submitted by the Secretary of Defense to Congress in April 1995), rather than only 17 such vessels (which is the number of vessels under contract as of April 1996).

(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)(1) (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 not earlier than fiscal year 1998, subject to the availability of funds authorized and appropriated for such purpose. Nothing in this subsection shall be construed to preclude the Secretary of the Navy from

competing the award of the two options between the two shipyards holding new construction contracts referred to in subsection (a)(1).

(d) REPORT.—The Secretary of the Navy shall submit to the congressional defense committees, by March 31, 1997, 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).

(e) REPEAL OF SUPERSEDED PROVISION.—Section 1013 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat 422) is amended by striking out subsection (c).

Subtitle C—Counter-Drug Activities

SEC. 1031. AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF MEXICO.

(a) AUTHORITY TO PROVIDE ADDITIONAL SUPPORT.—The Secretary of Defense may, during fiscal year 1997, provide the Government of Mexico the support described in subsection (b) for the counter-drug activities of the Government of Mexico. Such support shall be in addition to support provided the Government of Mexico under any other provision of law.

(b) TYPES OF SUPPORT.—The Secretary may provide the following support under subsection (a):

(1) The transfer of spare parts and non-lethal equipment and materiel, including radios, night vision goggles, global positioning systems, uniforms, command, control, communications, and intelligence (C^3I) integration equipment, detection equipment, and monitoring equipment.

(2) The maintenance and repair of equipment of the Government of Mexico that is used for counter-narcotics activities.

(c) APPLICABILITY OF OTHER SUPPORT AUTHORITIES.—Except as otherwise provided in this section, the provisions of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) shall apply to the provision of support under this section.

(d) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 1997 for the Department of Defense for drug interdiction and counter-drug activities, not more than $10,000,000 shall be available in that fiscal year for the provision of support under this section.

SEC. 1032. LIMITATION ON DEFENSE FUNDING OF THE 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.

SEC. 1033. INVESTIGATION OF THE NATIONAL DRUG INTELLIGENCE CENTER.

(a) INVESTIGATION REQUIRED.—The Inspector General of the Department of Defense, the Inspector General of the Department of Justice, the Inspector General of the Central Intelligence Agency, and the Comptroller General of the United States shall—

(1) jointly investigate the operations of the National Drug Intelligence Center, Johnstown, Pennsylvania; and

(2) not later than March 31, 1997, jointly submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report on the results of the investigation.

(b) CONTENT OF REPORT.—The joint report shall contain a determination regarding whether there is a significant likelihood that the funding of the operation of the National Drug Intelligence Center, a domestic law enforcement program, through an appropriation under the control of the Director of Central Intelligence will result in a violation of the National Security Act of 1947 or Executive Order 12333.

Subtitle D—Matters Relating to Foreign Countries

SEC. 1041. AGREEMENTS FOR EXCHANGE OF DEFENSE PERSONNEL BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES.

(a) EXCHANGE AUTHORITY.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2350l. Exchange of defense personnel between the United States and foreign countries

"(a) INTERNATIONAL EXCHANGE AGREEMENTS AUTHORIZED.—The Secretary of Defense is authorized to enter into agreements with the governments of allies of the United States and other friendly foreign countries for the exchange of military and civilian personnel of the Department of Defense and military and civilian personnel of the defense ministries of such foreign governments.

"(b) ASSIGNMENT OF PERSONNEL.—(1) Pursuant to an agreement entered into under subsection (a), personnel of the defense ministry of a foreign government may be assigned to positions in the Department of Defense, and personnel of the Department of Defense may be assigned to positions in the defense ministry of that foreign government. Positions to which exchanged personnel are assigned may include positions of instructors.

"(2) An agreement for the exchange of personnel engaged in research and development activities may provide for assignment of Department of Defense personnel to positions in private industry that support the defense ministry of the host foreign government.

"(3) A specific position and the individual to be assigned to that position shall be acceptable to both governments.

"(c) RECIPROCITY OF PERSONNEL QUALIFICATIONS REQUIRED.—Each government shall be required under an agreement authorized by subsection (a) to provide personnel having qualifications, training, and skills that are essentially equal to those of the personnel provided by the other government.

"(d) PAYMENT OF PERSONNEL COSTS.—(1) Each government shall pay the salary, per diem, cost of living, travel, cost of language or other training, and other costs for its own personnel in accordance with the laws and regulations of such government that pertain to such matters.

"(2) The requirement in paragraph (1) does not apply to the following costs:

"(A) Cost of temporary duty directed by the host government.

"(B) Costs of training programs conducted to familiarize, orient, or certify exchanged personnel regarding unique aspects of the exchanged personnel's assignments.

"(C) Costs incident to the use of host government facilities in the performance of assigned duties.

"(e) PROHIBITED CONDITIONS.—No personnel exchanged pursuant to an agreement under this section may take or be required to take an oath of allegiance to the host country or to hold an official capacity in the government of such country.

"(f) RELATIONSHIP TO OTHER AUTHORITY.—Nothing in this section limits any authority of the secretaries of the military departments to enter into an agreement with the government of a foreign country to provide for exchange of members of the armed forces and military personnel of the foreign country except that subsections (c) and (d) shall apply in the exercise of that authority. The Secretary of Defense may prescribe regulations for the application of such subsections in the exercise of such authority.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of such chapter is amended by adding at the end the following new item:

"2350l. Exchange of defense personnel between the United States and foreign countries.".

SEC. 1042. AUTHORITY FOR RECIPROCAL EXCHANGE OF PERSONNEL BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES FOR FLIGHT TRAINING.

Section 544 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347c) is amended—

(1) by inserting ", and for attendance of foreign military personnel at flight training schools or programs (including test pilot schools) in the United States," after "(other than service academies)"; and

(2) by striking out "and comparable institutions" and inserting in lieu thereof " or flight training schools or programs, as the case may be, and comparable institutions, schools, or programs".

SEC. 1043. EXTENSION OF COUNTERPROLIFERATION AUTHORITIES.

Section 1505 of the Weapons of Mass Destruction Control Act of 1992 (title XV of Public Law 104–484; 22 U.S.C. 5859a) is amended—

(1) in subsection (d)(3)—

(A) by striking out "fiscal year 1995, or" and inserting in lieu thereof "fiscal year 1995,"; and

(B) by inserting before the period at the end the following: ", $15,000,000 for fiscal year 1997, or $15,000,000 for fiscal year 1998"; and

(2) in subsection (f), by striking out "fiscal year 1996" and inserting in lieu thereof "fiscal year 1998".

Subtitle E—Miscellaneous Reporting Requirements

SEC. 1051. ANNUAL REPORT ON EMERGING OPERATIONAL CONCEPTS.

(a) REPORT REQUIRED.—Not later than March 1 of each year, the Chairman of the Joint Chiefs of Staff 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 emerging operational concepts. The report shall contain a description, for the year preceding the year in which submitted, of the following:

(1) The process undertaken in each of the Army, Navy, Air Force, and Marine Corps to define and develop doctrine, operational concepts, organizational concepts, and acquisition strategies based on—

(A) the potential of emerging technologies for significantly improving the operational effectiveness of that armed force;

(B) changes in the international order that may necessitate changes in the operational capabilities of that armed force;

(C) emerging capabilities of potential adversary states; and

(D) changes in defense budget projections that put existing acquisition programs of the service at risk.

(2) The manner in which the process undertaken in each of the Army, Navy, Air Force,

and Marine Corps is harmonized with a joint vision and with the similar processes of the other armed forces to ensure that there is a sufficient consideration of the development of joint doctrine, operational concepts, and acquisition strategies.

(3) The manner in which the process undertaken by each of the Army, Navy, Air Force, and Marine Corps is coordinated through the Joint Requirements Oversight Council or another entity to ensure that the results of the process are considered in the planning, programming, and budgeting process of the Department of Defense.

(4) Proposals under consideration by the Joint Requirements Oversight Council or other entity within the Department of Defense to modify the roles and missions of any of the Army, Navy, Air Force, and Marine Corps as a result of the processes described in paragraph (1).

(b) FIRST REPORT.—The first report under this section shall be submitted not later than March 1, 1997.

(c) TERMINATION OF REQUIREMENT AFTER FOURTH REPORT.—Notwithstanding subsection (a), no report is required under this section after 2000.

SEC. 1052. ANNUAL JOINT WARFIGHTING SCIENCE AND TECHNOLOGY PLAN.

(a) ANNUAL PLAN REQUIRED.—On 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 plan for ensuring that the science and technology program of the Department of Defense supports the development of the future joint warfighting capabilities identified as priority requirements for the Armed Forces.

(b) FIRST PLAN.—The first plan shall be submitted not later than March 1, 1997.

SEC. 1053. REPORT ON MILITARY READINESS REQUIREMENTS OF THE ARMED FORCES.

(a) REQUIREMENT.—Not later than January 31, 1997, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a report on the military readiness requirements of the active and reserve components of the Armed Forces (including combat units, combat support units, and combat service support units) prepared by the officers referred to in subsection (b). The report shall assess such requirements under a tiered readiness and response system that categorizes a given unit according to the likelihood that it will be required to respond to a military conflict and the time in which it will be required to respond.

(b) OFFICERS.—The report required by subsection (a) shall be prepared jointly by the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, and the Commander of the Special Operations Command.

(c) ASSESSMENT SCENARIO.—The report shall assess readiness requirements in a scenario based on the following assumptions:

(1) The conflict is in a generic theater of operations located anywhere in the world and does not exceed the notional limits for a major regional contingency.

(2) The forces available for deployment include the forces described in the Bottom Up Review force structure, including all planned force enhancements.

(3) Assistance is not available from allies.

(d) ASSESSMENT ELEMENTS.—The report shall identify by unit type, and assess the readiness requirements of, all active and reserve component units. Each such unit shall be categorized within one of the following classifications:

(1) Forward-deployed and crisis response forces, or ''Tier I'' forces, that possess limited internal sustainment capability and do not require immediate access to regional air bases or ports or overflight rights, including the following:

(A) Force units that are routinely deployed forward at sea or on land outside the United States.

(B) Combat-ready crises response forces that are capable of mobilizing and deploying within 10 days after receipt of orders.

(C) Forces that are supported by prepositioning equipment afloat or are capable of being inserted into a theater upon the capture of a port or airfield by forcible entry forces.

(2) Combat-ready follow-on forces, or ''Tier II'' forces, that can be mobilized and deployed to a theater within approximately 60 days after receipt of orders.

(3) Combat-ready conflict resolution forces, or ''Tier III'' forces, that can be mobilized and deployed to a theater within approximately 180 days after receipt of orders.

(4) All other active and reserve component force units which are not categorized within a classification described in paragraph (1), (2), or (3).

(e) FORM OF REPORT.—The report under this section shall be submitted in unclassified form but may contain a classified annex.

Subtitle F—Other Matters

SEC. 1061. UNIFORM CODE OF MILITARY JUSTICE AMENDMENTS.

(a) TECHNICAL AMENDMENT REGARDING FORFEITURES DURING CONFINEMENT ADJUDGED BY A COURT-MARTIAL.—(1) Section 858b(a)(1) of title 10, United States Code (article 58b(a)(1) of the Uniform Code of Military Justice), is amended—

(A) in the first sentence, by inserting ''(if adjudged by a general court-martial)'' after ''all pay and''; and

(B) in the third sentence, by striking out ''two-thirds of all pay and allowances'' and inserting in lieu thereof ''two-thirds of all pay''.

(2) The amendments made by paragraph (1) shall take effect as of April 1, 1996, and shall apply to any case in which a sentence is adjudged by a court-martial on or after that date.

(b) EXCEPTED SERVICE APPOINTMENTS TO CERTAIN NONATTORNEY POSITIONS OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES..—(1) Subsection (c) of section 943 of title 10, United States Code (article 143(c) of the Uniform Code of Military Justice) is amended in paragraph (1), by inserting after the first sentence the following: ''A position of employment under the Court that is provided primarily for the service of one judge of the court, reports directly to the judge, and is a position of a confidential character is excepted from the competitive service.''.

(2) The caption for such subsection is amended by striking out ''ATTORNEY'' in the subsection caption and inserting in lieu thereof ''CERTAIN''.

SEC. 1062. LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) FUNDING LIMITATION.—Funds available to the Department of Defense may not be obligated or expended during fiscal year 1997 for retiring or dismantling, or for preparing 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) WAIVER AUTHORITY.—If the START II Treaty enters into force during fiscal year 1997, the Secretary of Defense may waive the application of the limitation under paragraphs (2), (3), and (4) of subsection (a) to Trident ballistic missile submarines, Minuteman III intercontinental ballistic missiles, and Peacekeeper intercontinental ballistic missiles, respectively, to the extent that the Secretary determines necessary in order to implement the treaty.

(c) START II TREATY DEFINED.—In this section, the term ''START II Treaty'' means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, signed at Moscow on January 3, 1993, including the following protocols and memorandum of understanding, all such documents being integral parts of and collectively referred to as the ''START II Treaty'' (contained in Treaty Document 103–1):

(1) The Protocol on Procedures Governing Elimination of Heavy ICBMs and on Procedures Governing Conversion of Silo Launchers of Heavy ICBMs Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the ''Elimination and Conversion Protocol'').

(2) The Protocol on Exhibitions and Inspections of Heavy Bombers Relating to the Treaty Between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the ''Exhibitions and Inspections Protocol'').

(3) The Memorandum of Understanding on Warhead Attribution and Heavy Bomber Data Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the ''Memorandum on Attribution'').

SEC. 1063. CORRECTION OF REFERENCES TO DEPARTMENT OF DEFENSE ORGANIZATIONS.

(a) NORTH AMERICAN AEROSPACE DEFENSE COMMAND.—Section 162 of title 10, United States Code, is amended in paragraphs (1), (2), and (3) of subsection (a) by striking out ''North American Air Defense Command'' and inserting in lieu thereof ''North American Aerospace Defense Command''.

(b) DEFENSE DISTRIBUTION CENTER, ANNISTON.—The Corporation for the Promotion of Rifle Practice and Firearms Safety Act (title XVI of Public Law 104–106; 110 Stat. 515; 36 U.S.C. 5501 et seq.) is amended by striking out ''Anniston Army Depot'' each place it appears in the following provisions and inserting in lieu thereof ''Defense Distribution Depot, Anniston'':

(1) Section 1615(a)(3) (36 U.S.C. 5505(a)(3)).

(2) Section 1616(b) (36 U.S.C. 5506(b)).

(3) Section 1619(a)(1) (36 U.S.C. 5509(a)(1)).

SEC. 1064. AUTHORITY OF CERTAIN MEMBERS OF THE ARMED FORCES TO PERFORM NOTARIAL OR CONSULAR ACTS.

Section 1044a(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out ''on active duty or performing inactive-duty for training'' and inserting in lieu thereof ''of the armed forces, including members of reserve components who are judge advocates (whether or not in a duty status)'';

(2) in paragraph (3), by striking out ''adjutants on active duty or performing inactive-duty training'' and inserting in lieu thereof ''adjutants, including members of reserve components acting as such an adjutant (whether or not in a duty status)''; and

(3) in paragraph (4), by striking out ''persons on active duty or performing inactive-duty training'' and inserting in lieu thereof ''members of the armed forces, including members of reserve components (whether or not in a duty status),''.

SEC. 1065. TRAINING OF MEMBERS OF THE UNIFORMED SERVICES AT NON-GOVERNMENT FACILITIES.

(a) USE OF NON-GOVERNMENT FACILITIES.—Section 4105 of title 5, United States Code, is amended—

(1) by inserting ''and members of a uniformed service under the jurisdiction of the head of the agency'' after ''employees of the agency''; and

(2) by adding at the end the following: ''For the purposes of this section, the term 'agency' includes a military department.''.

(b) EXPENSES OF TRAINING.—Section 4109 of such title is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking out ''under regulations prescribed under section 4118(a)(8) of this title and'';

(B) in paragraph (1), by inserting after ''an employee of the agency'' the following: '', or the pay of a member of a uniformed service within the agency, who is''; and

(C) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by inserting ''or member of a uniformed service'' after ''reimburse the employee'';

(ii) in subparagraph (A), by striking out ''commissioned officers of the National Oceanic and Atmospheric Administration'' and inserting in lieu thereof ''a member of a uniformed service''; and

(iii) in subparagraph (B), by striking out ''commissioned officers of the National Oceanic and Atmospheric Administration'' and inserting in lieu thereof ''a member of a uniformed service''; and

(2) by adding at the end the following:

''(d) In the exercise of authority under subsection (a) with respect to an employee of an agency, the head of the agency shall comply with regulations prescribed under section 4118(a)(8) of this title.

''(e) For the purposes of this section, the term 'agency' includes a military department.''.

SEC. 1066. THIRD-PARTY LIABILITY TO UNITED STATES FOR TORTIOUS INFLICTION OF INJURY OR DISEASE ON MEMBERS OF THE UNIFORMED SERVICES.

(a) RECOVERY OF PAY AND ALLOWANCES.—Section 1 of Public Law 87–693 (42 U.S.C. 2651) is amended—

(1) in the first sentence of subsection (a)—

(A) by inserting ''or pay for'' after ''required by law to furnish''; and

(B) by striking out ''or to be furnished'' each place that phrase appears and inserting in lieu thereof '', to be furnished, paid for, or to be paid for'';

(2) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(3) by inserting after subsection (a), the following new subsections:

''(b) If a member of the uniformed services is injured, or contracts a disease, under circumstances creating a tort liability upon a third person (other than or in addition to the United States and except employers of seamen referred to in subsection (a)) for damages for such injury or disease and the member is unable to perform the member's regular military duties as a result of the injury or disease, the United States shall have a right (independent of the rights of the member) to recover from the third person or an insurer of the third person, or both, the amount equal to the total amount of the pay that accrues and is to accrue to the member for the period for which the member is unable to perform such duties as a result of the injury or disease and is not assigned to perform other military duties.

''(c)(1) If, pursuant to the laws of a State that are applicable in a case of a member of the uniformed services who is injured or contracts a disease as a result of tortious conduct of a third person, there is in effect for such a case (as a substitute or alternative for compensation for damages through tort liability) a system of compensation or reimbursement for expenses of hospital, medical, surgical, or dental care and treatment or for lost pay pursuant to a policy of insurance, contract, medical or hospital service agreement, or similar arrangement, the United States shall be deemed to be a third-party beneficiary of such a policy, contract, agreement, or arrangement.

''(2) For the purposes of paragraph (1)—

''(A) the expenses incurred or to be incurred by the United States for care and treatment for an injured or diseased member as described in subsection (a) shall be deemed to have been incurred by the member;

''(B) the cost to the United States of the pay of the member as described in subsection (b) shall be deemed to have been pay lost by the member as a result of the injury or disease; and

''(C) the United States shall be subrogated to any right or claim that the injured or diseased member or the member's guardian, personal representative, estate, dependents, or survivors have under a policy, contract, agreement, or arrangement referred to in paragraph (1) to the extent of the reasonable value of the care and treatment and the total amount of the pay deemed lost under subparagraph (B).'';

(4) in subsection (d), as redesignated by paragraph (2), by inserting ''or paid for'' after ''treatment is furnished''; and

(5) by adding at the end the following:

''(f)(1) Any amounts recovered under this section for medical care and related services furnished by a military medical treatment facility or similar military activity shall be credited to the appropriation or appropriations supporting the operation of that facility or activity, as determined under regulations prescribed by the Secretary of Defense.

''(2) Any amounts recovered under this section for the cost to the United States of pay of an injured or diseased member of the uniformed services shall be credited to the appropriation that supports the operation of the command, activity, or other unit to which the member was assigned at the time of the injury or illness, as determined under regulations prescribed by the Secretary concerned.

''(g) For the purposes of this section:

''(A) The term 'uniformed services' has the meaning given such term in section 1072(1) of title 10, United States Code.

''(B) The term 'tortious conduct' includes any tortious omission.

''(C) The term 'pay', with respect to a member of the uniformed services, means basic pay, special pay, and incentive pay that the member is authorized to receive under title 37, United States Code, or any other law providing pay for service in the uniformed services.

''(D) The term 'Secretary concerned' means—

''(i) the Secretary of Defense, with respect to the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard (when it is operating as a service in the Navy);

''(ii) the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy;

''(iii) the Secretary of Health and Human Services, with respect to the Commissioned Corps of the Public Health Service; and

''(iv) the Secretary of Commerce, with respect to the Commissioned Corps of the National Oceanic and Atmospheric Administration.''.

(b) CONFORMING AMENDMENTS.—Section 1 of Public Law 87–693 (42 U.S.C. 2651) is amended—

(1) in the first sentence of subsection (a)—

(A) by inserting ''(independent of the rights of the injured or diseased person)'' after ''a right to recover''; and

(B) by inserting '', or that person's insurer,'' after ''from said third person'';

(2) in subsection (d), as redesignated by subsection (a)(2)—

(A) by striking out ''such right,'' and inserting in lieu thereof ''a right under subsections (a), (b), and (c)''; and

(B) by inserting '', or the insurance carrier or other entity responsible for the payment or reimbursement of medical expenses or lost pay,'' after ''the third person who is liable for the injury or disease'' each place that it appears.

(c) APPLICABILITY.—The authority to collect pursuant to the amendments made by this section shall apply to expenses described in the first section of Public Law 87–693 (as amended by this section) that are incurred, or are to be incurred, by the United States on or after the date of the enactment of this Act, whether the event from which the claim arises occurred before, on, or after that date.

SEC. 1067. DISPLAY OF STATE FLAGS AT INSTALLATIONS AND FACILITIES OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Except as provided in subsection (b) and notwithstanding any other provision of law, no funds appropriated or otherwise made available to the Department of Defense may be used to adopt or enforce any rule or other prohibition that discriminates against the display of the official flag of a particular State, territory, or possession of the United States at an official ceremony at any installation or other facility of the Department of Defense at which the official flags of the other States, territories, or possessions of the United States are being displayed.

(b) POSITION AND MANNER OF DISPLAY.—The display of an official flag referred to in subsection (a) at an installation or other facility of the Department shall be governed by the provisions of section 3 of the Joint Resolution of June 22, 1942 (56 Stat. 378, chapter 435; 36 U.S.C. 175), and any modification of such provisions under section 8 of that Joint Resolution (36 U.S.C. 178).

SEC. 1068. GEORGE C. MARSHALL EUROPEAN CENTER FOR STRATEGIC SECURITY STUDIES.

(a) AUTHORITY TO ACCEPT FUNDS, MATERIALS, AND SERVICES.—(1) The Secretary of Defense may, on behalf of the George C. Marshall European Center for Strategic Security Studies, accept gifts or donations of funds, materials (including research materials), property, and services (including lecture services and faculty services) from foreign governments, foundations and other charitable organizations in foreign countries, and individuals in foreign countries in order to defray the costs of the operation of the Center.

(2) Funds received by the Secretary under paragraph (1) shall be credited to appropriations available for the Department of Defense for the George C. Marshall European Center for Strategic Security Studies. Funds so credited shall be merged with the appropriations to which credited and shall be available for the Center for the same purposes and same period as the appropriations with which merged.

(b) PARTICIPATION OF FOREIGN NATIONS OTHERWISE PROHIBITED.—(1) The Secretary may permit representatives of a foreign government to participate in a program of the George C. Marshall European Center for Strategic Security Studies, notwithstanding any other provision of law that would otherwise prevent representatives of that foreign government from participating in the program. Before doing so, the Secretary shall

determine, in consultation with the Secretary of State, that the participation of representatives of that foreign government in the program is in the national interest of the United States.

(2) Not later than January 31 of each year, the Secretary of Defense shall, with the assistance of the Director of the Center, submit to Congress a report setting forth the foreign governments permitted to participate in programs of the Center during the preceding year under the authority provided in paragraph (1).

(c) WAIVER OF CERTAIN REQUIREMENTS FOR BOARD OF VISITORS.—(1) The Secretary may waive the application of any financial disclosure requirement imposed by law to a foreign member of the Board of Visitors of the Center if that requirement would otherwise apply to the member solely by reason of the service as a member of the Board. The authority under the preceding sentence applies only in the case of a foreign member who serves on the Board without compensation.

(2) Notwithstanding any other provision of law, a member of the Board of Visitors may not be required to register as an agent of a foreign government solely by reason of service as a member of the Board.

SEC. 1069. AUTHORITY TO AWARD TO CIVILIAN PARTICIPANTS IN THE DEFENSE OF PEARL HARBOR THE CONGRESSIONAL MEDAL PREVIOUSLY AUTHORIZED ONLY FOR MILITARY PARTICIPANTS IN THE DEFENSE OF PEARL HARBOR.

(a) AUTHORITY.—The Speaker of the House of Representatives and the President pro tempore of the Senate are authorized jointly to present, on behalf of Congress, a bronze medal provided for under section 1492 of the National Defense Authorization Act for Fiscal Year 1991 (104 Stat. 1721) to any person who meets the eligibility requirements set forth in subsection (d) of that section other than the requirement for membership in the Armed Forces, as certified under subsection (e) of that section or under subsection (b) of this section.

(b) CERTIFICATION.—The Secretary of Defense shall, not later than 12 months after the date of the enactment of this Act, certify to the Speaker of the House of Representatives and the President pro tempore of the Senate the names of persons who are eligible for award of the medal under this Act and have not previously been certified under section 1492(e) of the National Defense Authorization Act for Fiscal Year 1991.

(c) APPLICATIONS.—Subsections (d)(2) and (f) of section 1492 of the National Defense Authorization Act for Fiscal Year 1991 shall apply in the administration of this Act.

(d) ADDITIONAL STRIKING AUTHORITY.—The Secretary of the Treasury shall strike such additional medals as may be necessary for presentation under the authority of subsection (a).

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sum as may be necessary to carry out this section.

(f) RETROACTIVE EFFECTIVE DATE.—The authority under subsection (a) shall be effective as of November 5, 1990.

SEC. 1070. MICHAEL O'CALLAGHAN FEDERAL HOSPITAL, LAS VEGAS, NEVADA.

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

(1) Michael O'Callaghan, former Governor of the State of Nevada, served in three branches of the Armed Forces of the United States, namely, the Army, the Air Force, and the Marine Corps.

(2) At 16 years of age, Michael O'Callaghan enlisted in the United States Marine Corps to serve during the end of World War II.

(3) During the Korean conflict, Michael O'Callaghan served successively in the Air Force and the Army and, during such service, suffered wounds in combat that necessitated the amputation of his left leg.

(4) Michael O'Callaghan was awarded the Silver Star, the Bronze Star with Valor Device, and the Purple Heart for his military service.

(5) In 1963, Michael O'Callaghan became the first director of the Health and Welfare Department of the State of Nevada.

(6) In 1970, Michael O'Callaghan became Governor of the State of Nevada and served in that position through 1978, making him one of only five two-term governors in the history of the State of Nevada.

(7) In 1982, Michael O'Callaghan received the Air Force Exceptional Service Award.

(8) It is appropriate to name the Nellis Federal Hospital, Las Vegas, Nevada, a hospital operated jointly by the Department of Defense, through Nellis Air Force Base, and the Department of Veterans Affairs, through the Las Vegas Veterans Affairs Outpatient Clinic, after Michael O'Callaghan, a man who (A) has served his country with honor in three branches of the Armed Forces, (B) as a disabled veteran knows personally the tragic sacrifices that are so often made in the service of his country in the Armed Forces, and (C) has spent his entire career working to improve the lives of all Nevadans.

(b) DESIGNATION OF MICHAEL O'CALLAGHAN FEDERAL HOSPITAL.—The Nellis Federal Hospital, a Federal building located at 4700 North Las Vegas Boulevard, Las Vegas, Nevada, is designated as the ''Michael O'Callaghan Federal Hospital''.

(c) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (b) shall be deemed to be a reference to the ''Michael O'Callaghan Federal Hospital''.

SEC. 1071. NAMING OF BUILDING AT THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

It is the sense of the Senate that the Secretary of Defense should name Building A at the Uniformed Services University of the Health Sciences as the ''David Packard Building''.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

Subtitle A—Personnel Management, Pay, and Allowances

SEC. 1101. SCOPE OF REQUIREMENT FOR CONVERSION OF MILITARY POSITIONS TO CIVILIAN POSITIONS.

Section 1032(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 429; 10 U.S.C. 129a note) is amended—

(1) by striking out the text of paragraph (1) and inserting in lieu thereof the following: ''By September 30, 1996, the Secretary of Defense shall convert at least 3,000 military positions to civilian positions.'';

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

(3) by redesignating paragraph (3) as paragraph (2).

SEC. 1102. RETENTION OF CIVILIAN EMPLOYEE POSITIONS AT MILITARY TRAINING BASES TRANSFERRED TO NATIONAL GUARD.

(a) MILITARY TRAINING INSTALLATIONS AFFECTED.—This section applies with respect to each military training installation that—

(1) 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) is scheduled for transfer during fiscal year 1997 to National Guard operation and control; and

(3) will continue to be used, after such transfer, to provide training support to active and reserve components of the Armed Forces.

(b) RETENTION OF EMPLOYEE POSITIONS.—In the case of a military training installation described in subsection (a), the Secretary of Defense may retain civilian employee positions of the Department of Defense at the installation after transfer to the National Guard of a State in order to facilitate active and reserve component training at the installation. The Secretary, in consultation with the Adjutant General of the National Guard of that State, shall determine the extent to which positions at that installation are to be retained as positions in the Department of Defense.

(c) MAXIMUM NUMBER OF POSITIONS RETAINED.—The maximum number of civilian employee positions retained at an installation under this section shall not exceed 20 percent of the Federal civilian workforce employed at the installation as of September 8, 1995.

(d) REMOVAL OF POSITION.—The decision to retain civilian employee positions at an installation under this section shall cease to apply to a position so retained on the date on which the Secretary certifies to Congress that it is no longer necessary to retain the position in order to ensure that effective support is provided at the installation for active and reserve component training.

SEC. 1103. CLARIFICATION OF LIMITATION ON FURNISHING CLOTHING OR PAYING A UNIFORM ALLOWANCE TO ENLISTED NATIONAL GUARD TECHNICIANS.

Section 418(c) of title 37, United States Code, is amended by striking out ''for which a uniform allowance is paid under section 415 or 416 of this title'' and inserting in lieu thereof ''for which clothing is furnished or a uniform allowance is paid under this section''.

SEC. 1104. TRAVEL EXPENSES AND HEALTH CARE FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE ABROAD.

(a) IN GENERAL.—Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1599b. Employees abroad: travel expenses; health care

''(a) IN GENERAL.—The Secretary of Defense may provide civilian employees, and members of their families, abroad with benefits that are comparable to certain benefits that are provided by the Secretary of State to members of the Foreign Service and their families abroad as described in subsections (b) and (c). The Secretary may designate the employees and members of families who are eligible to receive the benefits.

''(b) TRAVEL AND RELATED EXPENSES.—The Secretary of Defense may pay travel expenses and related expenses for purposes and in amounts that are comparable to the purposes for which, and the amounts in which, travel and related expenses are paid by the Secretary of State under section 901 of the Foreign Service Act of 1980 (22 U.S.C. 4081).

''(c) HEALTH CARE PROGRAM.—The Secretary of Defense may establish a health care program that is comparable to the health care program established by the Secretary of State under section 904 of that Act (22 U.S.C. 4084).

''(d) ASSISTANCE.—The Secretary of Defense may enter into agreements with the heads of other departments and agencies of the Federal Government in order to facilitate the payment of expenses authorized by subsection (b) and to carry out a health care program authorized by subsection (c).

''(e) ABROAD DEFINED.—In this section, the term 'abroad' means outside—

''(1) the United States; and

''(2) the territories and possessions of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is

amended by inserting after the item relating to section 1599a the following new item:

''1599b. Employees abroad: travel expenses; health care.''.

SEC. 1105. TRAVEL, TRANSPORTATION, AND RELOCATION ALLOWANCES FOR CERTAIN FORMER NONAPPROPRIATED FUND EMPLOYEES.

(a) IN GENERAL.—(1) Subchapter II of chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

''§ 5736. Travel, transportation, and relocation expenses of certain nonappropriated fund employees

''An employee of a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard described in section 2105(c) of this title who moves, without a break in service of more than 3 days, to a position in the Department of Defense or the Coast Guard, respectively, may be authorized travel, transportation, and relocation expenses and allowances under the same conditions and to the same extent authorized by this subchapter for transferred employees.''.

(2) The table of sections at the beginning of chapter 57 of such title is amended by inserting after the item relating to section 5735 the following new item:

''5736. Travel, transportation, and relocation expenses of certain nonappropriated fund employees.''.

(b) APPLICABILITY.—Section 5736 of title 5, United States Code (as added by subsection (a)(1)), shall apply to moves between positions as described in such section that are effective on or after October 1, 1996.

SEC. 1106. EMPLOYMENT AND SALARY PRACTICES APPLICABLE TO DEPARTMENT OF DEFENSE OVERSEAS TEACHERS.

(a) EXPANSION OF SCOPE OF EDUCATORS COVERED.—Section 2 of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 901) is amended—

(1) in subparagraph (A) of paragraph (1), by inserting '', or are performed by an individual who carried out certain teaching activities identified in regulations prescribed by the Secretary of Defense'' after ''Defense,''; and

(2) by striking out subparagraph (C) of paragraph (2) and inserting in lieu thereof the following:

''(C) who is employed in a teaching position described in paragraph (1).''.

(b) TRANSFER OF RESPONSIBILITY FOR EMPLOYMENT AND SALARY PRACTICES.—Section 5 of such Act (20 U.S.C. 903) is amended—

(1) in subsection (a)—

(A) by striking out ''secretary of each military department in the Department of Defense'' and inserting in lieu thereof ''Secretary of Defense''; and

(B) by striking out ''his military department'' and inserting in lieu thereof ''the Department of Defense'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking out ''secretary of each military department—'' and inserting in lieu thereof ''Secretary of Defense—''; and

(B) in paragraph (1), by striking out ''his military department,'' and inserting in lieu thereof ''the Department of Defense'';

(3) in subsection (c)—

(A) by striking out ''Secretary of each military department'' and inserting in lieu thereof ''Secretary of Defense''; and

(B) by striking out ''his military department'' and inserting in lieu thereof ''the Department of Defense''; and

(4) in subsection (d), by striking out ''Secretary of each military department'' and inserting in lieu thereof ''Secretary of Defense''.

SEC. 1107. EMPLOYMENT AND COMPENSATION OF CIVILIAN FACULTY MEMBERS AT CERTAIN DEPARTMENT OF DEFENSE SCHOOLS.

(a) FACULTIES.—Section 1595(c) of title 10, United States Code, is amended by inserting after paragraph (3) the following new paragraph (4):

''(4) The English Language Center of the Defense Language Institute.

''(5) The Asia-Pacific Center for Security Studies.''.

(b) CERTAIN ADMINISTRATORS.—Such section 1595 is amended by adding at the end the following:

''(f) APPLICATION TO DIRECTOR AND DEPUTY DIRECTOR AT ASIA-PACIFIC CENTER FOR SECURITY STUDIES.—In the case of the Asia-Pacific Center for Security Studies, this section also applies with respect to the Director and the Deputy Director.''.

SEC. 1108. REIMBURSEMENT OF DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT SCHOOL BOARD MEMBERS FOR CERTAIN EXPENSES.

Section 2164(d) of title 10, United States Code, is amended by adding at the end the following:

''(7) The Secretary may provide for reimbursement of a school board member for expenses incurred by the member for travel, transportation, program fees, and activity fees that the Secretary determines are reasonable and necessary for the performance of school board duties by the member.''.

SEC. 1109. EXTENSION OF AUTHORITY FOR CIVILIAN EMPLOYEES OF DEPARTMENT OF DEFENSE TO PARTICIPATE VOLUNTARILY IN REDUCTIONS IN FORCE.

Section 3502(f)(5) of title 5, United States Code, is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 2001''.

SEC. 1110. COMPENSATORY TIME OFF FOR OVERTIME WORK PERFORMED BY WAGE-BOARD EMPLOYEES.

Section 5543 of title 5, United States Code, is amended by adding at the end the following:

''(c) The head of an agency may, on request of an employee, grant the employee compensatory time off from the employee's scheduled tour of duty instead of payment under section 5544 of this title or section 7 of the Fair Labor Standards Act of 1938 for an equal amount of time spent in irregular or occasional overtime work.''.

SEC. 1111. LIQUIDATION OF RESTORED ANNUAL LEAVE THAT REMAINS UNUSED UPON TRANSFER OF EMPLOYEE FROM INSTALLATION BEING CLOSED OR REALIGNED.

(a) LUMP-SUM PAYMENT REQUIRED.—Section 5551 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) Annual leave that is restored to an employee of the Department of Defense under section 6304(d) of this title by reason of the operation of paragraph (3) of such section and remains unused upon the transfer of the employee to a position described in paragraph (2) shall be liquidated by payment of a lump-sum for such leave to the employee upon the transfer.

''(2) A position referred to in paragraph (1) is a position in a department or agency of the Federal Government outside the Department of Defense or a Department of Defense position that is not located at a Department of Defense installation being closed or realigned as described in section 6304(d)(3) of this title.''.

(b) APPLICABILITY.—Subsection (c) of section 5551 of title 5, United States Code (as added by subsection (a)), shall apply with respect to transfers described in such subsection (c) that take effect on or after the date of the enactment of this Act.

SEC. 1112. WAIVER OF REQUIREMENT FOR REPAYMENT OF VOLUNTARY SEPARATION INCENTIVE PAY BY FORMER DEPARTMENT OF DEFENSE EMPLOYEES REEMPLOYED BY THE GOVERNMENT WITHOUT PAY.

Section 5597(g) of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(5) If the employment is without compensation, the appointing official may waive the repayment.''.

SEC. 1113. FEDERAL HOLIDAY OBSERVANCE RULES FOR DEPARTMENT OF DEFENSE EMPLOYEES.

(a) HOLIDAYS OCCURRING ON NONWORKDAYS.—Section 6103(b) of title 5, United States Code, is amended by inserting after paragraph (2) the following new paragraph:

''(3) In the case of a full-time employee of the Department of Defense, the following rules apply:

''(A) When a legal public holiday occurs on a Sunday that is not a regular weekly workday for an employee, the employee's next workday is the legal public holiday for the employee.

''(B) When a legal public holiday occurs on a regular weekly nonworkday that is administratively scheduled for an employee instead of Sunday, the employee's next workday is the legal public holiday for the employee.

''(C) When a legal public holiday occurs on an employee's regular weekly nonworkday immediately following a regular weekly nonworkday that is administratively scheduled for the employee instead of Sunday, the employee's next workday is the legal public holiday for the employee.

''(D) When a legal public holiday occurs on an employee's regular weekly nonworkday that is not a nonworkday referred to in subparagraph (A), (B), or (C), the employee's preceding workday is the legal public holiday for the employee.

''(E) The Secretary concerned (as defined in section 101(a) of title 10) may schedule a legal public holiday for an employee to be on a different day than the one that would otherwise apply for the employee under subparagraph (A), (B), (C), or (D).

''(F) If a legal public holiday for an employee would be different under paragraph (1) or (2) than the day determined under this paragraph, the legal public holiday for the employee shall be the day that is determined under this paragraph.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 6103(b) of such title, as amended by subsection (a), is further amended—

(1) in paragraph (1), by striking out ''legal public holiday for—'' and all that follows through the period and inserting in lieu thereof ''legal public holiday for employees whose basic workweek is Monday through Friday.''; and

(2) in the matter following paragraph (3), by striking out ''This subsection, except subparagraph (B) of paragraph (1),'' and inserting in lieu thereof ''Paragraphs (1) and (2)''.

SEC. 1114. REVISION OF CERTAIN TRAVEL MANAGEMENT AUTHORITIES.

(a) REPEAL OF REQUIREMENTS RELATING TO FIRE-SAFE ACCOMMODATIONS.—(1) Section 5707 of title 5, United States Code, is amended by striking out subsection (d).

(2) Subsection (b) of section 5 of the Hotel and Motel Fire Safety Act of 1990 (Public Law 101–391; 104 Stat. 751; 5 U.S.C. 5707 note) is repealed.

(b) USE OF FUNDS FOR LONG-DISTANCE CHARGES.—Subsection (b) of section 1348 of title 31, United States Code, is amended to read as follows:

''(b) Appropriations of an agency are available to pay charges assessed by commercial

telecommunications carriers for long-distance telephone services provided to individuals travelling on official business of the agency if charges for such services are included in a travel expense report and approved by the official of the agency responsible for approving travel expense reports.''.

(c) REPEAL OF PROHIBITION ON PAYMENT OF LODGING EXPENSES OF DEPARTMENT OF DEFENSE EMPLOYEES AND OTHER CIVILIANS WHEN ADEQUATE GOVERNMENT QUARTERS ARE AVAILABLE.—(1) Section 1589 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 81 of such title is amended by striking out the item relating to such section.

Subtitle B—Defense Economic Adjustment, Diversification, Conversion, and Stabilization

SEC. 1121. PILOT PROGRAMS FOR DEFENSE EMPLOYEES CONVERTED TO CONTRACTOR EMPLOYEES DUE TO PRIVATIZATION AT CLOSED MILITARY INSTALLATIONS.

(a) PILOT PROGRAMS AUTHORIZED.—(1) The Secretary of Defense, after consultation with the Secretary of the Navy, the Secretary of the Air Force, and the Director of the Office of Personnel Management, may establish a pilot program under which Federal retirement benefits are provided in accordance with this section to persons who convert from Federal employment in the Department of the Navy or the Department of the Air Force to employment by a Department of Defense contractor in connection with the privatization of the performance of functions at selected military installations being closed under the base closure and realignment process.

(2) The Secretary of Defense shall select the installations to be covered by a pilot program under this section.

(b) ELIGIBLE TRANSFERRED EMPLOYEES.—(1) A person is a transferred employee eligible for benefits under this section if the person is a former employee of the Department of Defense (other than a temporary employee) who—

(A) while employed by the Department of Defense in a function recommended to be privatized as part of the closure and realignment of military installations pursuant to section 2903(e) of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and while covered under the Civil Service Retirement System, separated from Federal service after being notified that the employee would be separated in a reduction-in-force resulting from conversion from performance of a function by Department of Defense employees at that military installation to performance of that function by a defense contractor at that installation or in the vicinity of that installation;

(B) is employed by the defense contractor within 60 days following such separation to perform substantially the same function performed before the separation;

(C) remains employed by the defense contractor (or a successor defense contractor) or subcontractor of the defense contractor (or successor defense contractor) until attaining early deferred retirement age (unless the employment is sooner involuntarily terminated for reasons other than performance or conduct of the employee);

(D) at the time separated from Federal service, was not eligible for an immediate annuity under the Civil Service Retirement System; and

(E) does not withdraw retirement contributions under section 8342 of title 5, United States Code.

(2) A person who, under paragraph (1), would otherwise be eligible for an early deferred annuity under this section shall not be eligible for such benefits if the person received separation pay or severance pay due to a separation described in subparagraph (A) of that paragraph unless the person repays the full amount of such pay with interest (computed at a rate determined appropriate by the Director of the Office of Personnel Management) to the Department of Defense before attaining early deferred retirement age.

(c) RETIREMENT BENEFITS OF TRANSFERRED EMPLOYEES.—In the case of a transferred employee covered by a pilot program under this section, payment of a deferred annuity for which the transferred employee is eligible under section 8338(a) of title 5, United States Code, shall commence on the first day of the first month that begins after the date on which the transferred employee attains early deferred retirement age, notwithstanding the age requirement under that section.

(d) COMPUTATION OF AVERAGE PAY.—(1)(A) This paragraph applies to a transferred employee who was employed in a position classified under the General Schedule immediately before the employee's covered separation from Federal service.

(B) Subject to subparagraph (C), for purposes of computing the deferred annuity for a transferred employee referred to in subparagraph (A), the average pay of the transferred employee, computed under section 8331(4) of title 5, United States Code, as of the date of the employee's covered separation from Federal service, shall be adjusted at the same time and by the same percentage that rates of basic pay are increased under section 5303 of such title during the period beginning on that date and ending on the date on which the transferred employee attains early deferred retirement age.

(C) The average pay of a transferred employee, as adjusted under subparagraph (B), may not exceed the amount to which an annuity of the transferred employee could be increased under section 8340 of title 5, United States Code, in accordance with the limitation in subsection (g)(1) of such section (relating to maximum pay, final pay, or average pay).

(2)(A) This paragraph applies to a transferred employee who was a prevailing rate employee (as defined under section 5342(2) of title 5, United States Code) immediately before the employee's covered separation from Federal service.

(B) For purposes of computing the deferred annuity for a transferred employee referred to in subparagraph (A), the average pay of the transferred employee, computed under section 8331(4) of title 5, United States Code, as of the date of the employee's covered separation from Federal service, shall be adjusted at the same time and by the same percentage that pay rates for positions that are in the same area as, and are comparable to, the last position the transferred employee held as a prevailing rate employee, are increased under section 5343(a) of such title during the period beginning on that date and ending on the date on which the transferred employee attains early deferred retirement age.

(e) PAYMENT OF UNFUNDED LIABILITY.—(1) The military department concerned shall be liable for that portion of any estimated increase in the unfunded liability of the Civil Service Retirement and Disability Fund established under section 8348 of title 5, United States Code, which is attributable to any benefits payable from such Fund to a transferred employee, and any survivor of a transferred employee, when the increase results from—

(A) an increase in the average pay of the transferred employee under subsection (d) upon which such benefits are computed; and

(B) the commencement of an early deferred annuity in accordance with this section before the attainment of 62 years of age by the transferred employee.

(2) The estimated increase in the unfunded liability for each department referred to in paragraph (1), shall be determined by the Director of the Office of Personnel Management. In making the determination, the Director shall consider any savings to the Fund as a result of the program established under this section. The Secretary of the military department concerned shall pay the amount so determined to the Director in 10 equal annual installments with interest computed at the rate used in the most recent valuation of the Civil Service Retirement System, with the first payment thereof due at the end of the fiscal year in which an increase in average pay under subsection (d) becomes effective.

(f) CONTRACTOR SERVICE NOT CREDITABLE.—Service performed by a transferred employee for a defense contractor after the employee's covered separation from Federal service is not creditable service for purposes of subchapter III of chapter 83 of title 5, United States Code.

(g) RECEIPT OF BENEFITS WHILE EMPLOYED BY A DEFENSE CONTRACTOR.—A transferred employee may commence receipt of an early deferred annuity in accordance with this section while continuing to work for a defense contractor.

(h) LUMP-SUM CREDIT PAYMENT.—If a transferred employee dies before attaining early deferred retirement age, such employee shall be treated as a former employee who dies not retired for purposes of payment of the lump-sum credit under section 8342(d) of title 5, United States Code.

(i) CONTINUED FEDERAL HEALTH BENEFITS COVERAGE.—Notwithstanding section 5905a(e)(1)(A) of title 5, United States Code, the continued coverage of a transferred employee for health benefits under chapter 89 of such title by reason of the application of section 8905a of such title to such employee shall terminate 90 days after the date of the employee's covered separation from Federal employment. For the purposes of the preceding sentence, a person who, except for subsection (b)(2), would be a transferred employee shall be considered a transferred employee.

(j) REPORT BY GAO.—The Comptroller General of the United States shall conduct a study of each pilot program, if any, established under this section and submit a report on the pilot program to Congress not later than two years after the date on which the program is established. The report shall contain the following:

(1) A review and evaluation of the program, including—

(A) an evaluation of the success of the privatization outcomes of the program;

(B) a comparison and evaluation of such privatization outcomes with the privatization outcomes with respect to facilities at other military installations closed or realigned under the base closure laws;

(C) an evaluation of the impact of the program on the Federal workforce and whether the program results in the maintenance of a skilled workforce for defense contractors at an acceptable cost to the military department concerned; and

(D) an assessment of the extent to which the pilot program is a cost-effective means of facilitating privatization of the performance of Federal activities.

(2) Recommendations relating to the expansion of the program to other installations and employees.

(3) Any other recommendation relating to the program.

(k) IMPLEMENTING REGULATIONS.—Not later than 30 days after the Secretary of Defense notifies the Director of the Office of Personnel Management of a decision to establish a

pilot program under this section, the Director shall prescribe regulations to carry out the provisions of this section with respect to that pilot program. Before prescribing the regulations, the Director shall consult with the Secretary.

(l) DEFINITIONS.—In this section:

(1) The term ''transferred employee'' means a person who, pursuant to subsection (b), is eligible for benefits under this section.

(2) The term ''covered separation from Federal service'' means a separation from Federal service as described under subsection (b)(1)(A).

(3) The term ''Civil Service Retirement System'' means the retirement system under subchapter III of chapter 83 of title 5, United States Code.

(4) The term ''defense contractor'' means any entity that—

(A) contracts with the Department of Defense to perform a function previously performed by Department of Defense employees;

(B) performs that function at the same installation at which such function was previously performed by Department of Defense employees or in the vicinity of that installation; and

(C) is the employer of one or more transferred employees.

(5) The term ''early deferred retirement age'' means the first age at which a transferred employee would have been eligible for immediate retirement under subsection (a) or (b) of section 8336 of title 5, United States Code, if such transferred employee had remained an employee within the meaning of section 8331(1) of such title continuously until attaining such age.

(6) The term ''severance pay'' means severance pay payable under section 5595 of title 5, United States Code.

(7) The term ''separation pay'' means separation pay payable under section 5597 of title 5, United States Code.

(m) EFFECTIVE DATE.—This section shall take effect on August 1, 1996, and shall apply to covered separations from Federal service on or after that date.

SEC. 1122. TROOPS-TO-TEACHERS PROGRAM IMPROVEMENTS APPLIED TO CIVILIAN PERSONNEL.

(a) SEPARATED CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.—(1) Subsection (a) of section 1598 of title 10, United States Code, is amended by striking out ''may establish'' and inserting in lieu thereof ''shall establish''.

(2) Subsection (d)(2) of such section is amended by striking out ''five school years'' in subparagraphs (A) and (B) and inserting in lieu thereof ''two school years''.

(b) DISPLACED DEPARTMENT OF DEFENSE CONTRACTOR EMPLOYEES.—Section 2410j(f)(2) of such title is amended by striking out ''five school years'' in subparagraphs (A) and (B) and inserting in lieu thereof ''two school years''.

(c) SAVINGS PROVISION.—The amendments made by this section do not effect obligations under agreements entered into in accordance with section 1598 or 2410j of title 10, United States Code, before the date of the enactment of this Act.

TITLE XII—FEDERAL CHARTER FOR THE FLEET RESERVE ASSOCIATION

SEC. 1201. RECOGNITION AND GRANT OF FEDERAL CHARTER.

The Fleet Reserve Association, a nonprofit corporation organized under the laws of the State of Delaware, is recognized as such and granted a Federal charter.

SEC. 1202. POWERS.

The Fleet Reserve Association (in this title referred to as the ''association'') shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State in which it is incorporated and subject to the laws of such State.

SEC. 1203. PURPOSES.

The purposes of the association are those provided in its bylaws and articles of incorporation and shall include the following:

(1) Upholding and defending the Constitution of the United States.

(2) Aiding and maintaining an adequate naval defense for the United States.

(3) Assisting the recruitment of the best personnel available for the United States Navy, United States Marine Corps, and United States Coast Guard.

(4) Providing for the welfare of the personnel who serve in the United States Navy, United States Marine Corps, and United States Coast Guard.

(5) Continuing to serve loyally the United States Navy, United States Marine Corps, and United States Coast Guard.

(6) Preserving the spirit of shipmanship by providing assistance to shipmates and their families.

(7) Instilling love of the United States and the flag and promoting soundness of mind and body in the youth of the United States.

SEC. 1204. SERVICE OF PROCESS.

With respect to service of process, the association shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 1205. MEMBERSHIP.

Except as provided in section 1208(g), eligibility for membership in the association and the rights and privileges of members shall be as provided in the bylaws and articles of incorporation of the association.

SEC. 1206. BOARD OF DIRECTORS.

Except as provided in section 1208(g), the composition of the board of directors of the association and the responsibilities of the board shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the State in which it is incorporated.

SEC. 1207. OFFICERS.

Except as provided in section 1208(g), the positions of officers of the association and the election of members to such officers shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the State in which it is incorporated.

SEC. 1208. RESTRICTIONS.

(a) INCOME AND COMPENSATION.—No part of the income or assets of the association may inure to the benefit of any member, officer, or director of the association or be distributed to any such individual during the life of this charter. Nothing in this subsection may be construed to prevent the payment of reasonable compensation to the officers and employees of the association or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The association may not make any loan to any member, officer, director, or employee of the association.

(c) ISSUANCE OF STOCK AND PAYMENT OF DIVIDENDS.—The association may not issue any shares of stock or declare or pay any dividend.

(d) FEDERAL APPROVAL.—The association may not claim the approval of the Congress or the authorization of the Federal Government for any of its activities by virtue of this title.

(e) CORPORATE STATUS.—The association shall maintain its status as a corporation organized and incorporated under the laws of the State of Delaware.

(f) CORPORATE FUNCTION.—The association shall function as an educational, patriotic, civic, historical, and research organization under the laws of the State in which it is incorporated.

(g) NONDISCRIMINATION.—In establishing the conditions of membership in the association and in determining the requirements for serving on the board of directors or as an officer of the association, the association may not discriminate on the basis of race, color, religion, sex, handicap, age, or national origin.

SEC. 1209. LIABILITY.

The association shall be liable for the acts of its officers, directors, employees, and agents whenever such individuals act within the scope of their authority.

SEC. 1210. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) BOOKS AND RECORDS OF ACCOUNT.—The association shall keep correct and complete books and records of account and minutes of any proceeding of the association involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) NAMES AND ADDRESSES OF MEMBERS.—The association shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the association.

(c) RIGHT TO INSPECT BOOKS AND RECORDS.—All books and records of the association may be inspected by any member having the right to vote in any proceeding of the association, or by any agent or attorney of such member, for any proper purpose at any reasonable time.

(d) APPLICATION OF STATE LAW.—This section may not be construed to contravene any applicable State law.

SEC. 1211. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled ''An Act to provide for audit of accounts of private corporations established under Federal law'', approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end the following:

''(77) Fleet Reserve Association.''.

SEC. 1212. ANNUAL REPORT.

The association shall annually submit to Congress a report concerning the activities of the association during the preceding fiscal year. The annual report shall be submitted on the same date as the report of the audit required by reason of the amendment made in section 1211. The annual report shall not be printed as a public document.

SEC. 1213. RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER.

The right to alter, amend, or repeal this title is expressly reserved to Congress.

SEC. 1214. TAX-EXEMPT STATUS.

The association shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986.

SEC. 1215. TERMINATION.

The charter granted in this title shall expire if the association fails to comply with any of the provisions of this title.

SEC. 1216. DEFINITION.

For purposes of this title, the term ''State'' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, the Republic of the Marshall Islands, the Federated States Of Micronesia, the Republic of Palau, and any other territory or possession of the United States.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 1997''.

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	Total
Alabama	Fort Rucker	$3,250,000
California	Camp Roberts	$5,500,000
	Naval Weapons Station, Concord	$27,000,000
Colorado	Fort Carson	$13,000,000
District of Columbia	Fort McNair	$6,900,000
Georgia	Fort Benning	$53,400,000
	Fort McPherson	$3,500,000
	Fort Stewart	$6,000,000
Hawaii	Schofield Barracks	$16,500,000
Kansas	Fort Riley	$29,350,000
Kentucky	Fort Campbell	$61,000,000
	Fort Knox	$13,000,000
Louisiana	Fort Polk	$4,800,000
New York	Fort Drum	$6,500,000
Texas	Fort Hood	$40,900,000
	Fort Sam Houston	$3,100,000
Virginia	Fort Eustis	$3,550,000
Washington	Fort Lewis	$54,600,000
CONUS Classified	Classified Locations	$4,600,000
	Total:	$356,450,000

(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	Total
Germany	Spinellii Barracks, Mannheim	$8,100,000
	Taylor Barracks, Mannheim	$9,300,000
Italy	Camp Ederle	$3,100,000
Korea	Camp Casey	$16,000,000
	Camp Red Cloud	$14,000,000
Overseas Classified	Classified Locations	$64,000,000
Worldwide	Host Nation Support	$20,000,000
	Total:	$134,500,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Total
Hawaii	Schofield Barracks	54 Units	$10,000,000
North Carolina	Fort Bragg	88 Units	$9,800,000
Texas	Fort Hood	140 Units	$18,500,000
		Total:	$38,300,000

(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 $4,083,000.

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 sections 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $109,750,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1996, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $1,894,297,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $356,450,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $134,500,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $7,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $31,748,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $152,133,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,212,466,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Navy Detachment, Camp Navajo	$3,920,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	$4,020,000
	Marine Corps Air Station, Camp Pendleton	$6,240,000
	Marine Corps Base, Camp Pendleton	$51,630,000
	Marine Corps Recruit Depot, San Diego	$8,150,000
	Naval Air Station, North Island	$76,872,000
	Naval Facility, San Clemente Island	$17,000,000
	Naval Station, San Diego	$7,050,000
	Naval Command Control & Ocean Surveillance Center, San Diego	$1,960,000
Connecticut	Naval Submarine Base, New London	$13,830,000
District of Columbia	Naval District, Commandant, Washington	$19,300,000
Florida	Naval Air Station, Key West	$2,250,000
Hawaii	Naval Station, Pearl Harbor	$19,600,000
	Naval Submarine Base, Pearl Harbor	$35,890,000
Idaho	Naval Surface Warfare Center, Bayview	$7,150,000
Illinois	Naval Training Center, Great Lakes	$22,900,000
Maryland	Naval Air Warfare Center, Patuxent River	$1,270,000
	United States Naval Academy	$10,480,000
Mississippi	Naval Station, Pascagoula	$4,990,000
	Stennis Space Center	$7,960,000
Nevada	Naval Air Station, Fallon	$14,800,000
North Carolina	Marine Corps Air Station, Cherry Point	$1,630,000
	Marine Corps Air Station, New River	$17,040,000
	Marine Corps Base, Camp LeJeune	$20,750,000
South Carolina	Marine Corps Recruit Depot, Parris Island	$2,550,000
Texas	Naval Station, Ingleside	$16,850,000
	Naval Air Station, Kingsville	$1,810,000
Virginia	Armed Forces Staff College, Norfolk	$12,900,000
	Marine Corps Combat Development Command, Quantico	$14,570,000
	Naval Station, Norfolk	$47,920,000
	Naval Surface Warfare Center, Dahlgren	$8,030,000
Washington	Naval Station, Everett	$25,740,000
	Total:	$507,052,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	Administrative Support Unit, Bahrain	$5,980,000
Greece	Naval Support Activity, Souda Bay	$7,050,000
Italy	Naval Air Station, Sigonella	$15,700,000
	Naval Support Activity, Naples	$8,620,000
Puerto Rico	Naval Station, Roosevelt Roads	$23,600,000
United Kingdom	Joint Maritime Communications Center, St. Mawgan	$4,700,000
	Total:	$65,650,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(6)(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
Arizona	Marine Corps Air Station, Yuma	Community Center	$709,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	Community Center	$1,982,000
	Marine Corps Air-Ground Combat Center, Twentynine Palms	Housing Office	$956,000
	Marine Corps Base, Camp Pendleton	128 Units	$19,483,000
	Naval Air Station, Lemoore	276 Units	$39,837,000
	Navy Public Works Center, San Diego	366 Units	$48,719,000
Hawaii	Marine Corps Air Station, Kaneohe Bay	54 Units	$11,676,000
	Navy Public Works Center, Pearl Harbor	264 Units	$52,586,000
Maryland	Naval Air Warfare Center, Patuxent River	Community Center	$1,233,000
North Carolina	Marine Corps Base, Camp LeJeune	Community Center	$845,000
Virginia	AEGIS Combat Systems Center, Wallops Island	20 Units	$2,975,000
	Naval Security Group Activity, Northwest	Community Center	$741,000
Washington	Naval Station, Everett	100 Units	$15,015,000
	Naval Submarine Base, Bangor	Housing Office	$934,000
		Total:	$197,691,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(6)(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 $23,142,000.

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 2205(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $189,383,000.

SEC. 2204. DEFENSE ACCESS ROADS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2205(a)(5), the Secretary of the Navy may make advances to the Secretary of Transportation for the construction of defense access roads under section 210 of title 23, United States Code, at various locations in the amount of $300,000.

SEC. 2205. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1996, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,040,093,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $507,052,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $65,650,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,115,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $47,519,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $300,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $410,216,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $1,014,241,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(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 $12,000,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$7,875,000
Alaska	Eielson Air Force Base	$3,900,000
	Elmendorf Air Force Base	$21,530,000
	King Salmon Air Force Base	$5,700,000
Arizona	Davis–Monthan Air Force Base	$9,920,000
Arkansas	Little Rock Air Force Base	$18,105,000
California	Beale Air Force Base	$14,425,000
	Edwards Air Force Base	$20,080,000
	Travis Air Force Base	$14,980,000
	Vandenberg Air Force Base	$3,290,000
Colorado	Buckley Air National Guard Base	$17,960,000
	Falcon Air Force Station	$2,095,000
	Peterson Air Force Base	$20,720,000
	United States Air Force Academy	$12,165,000
Delaware	Dover Air Force Base	$19,980,000
Florida	Eglin Air Force Base	$4,590,000
	Eglin Auxiliary Field 9	$6,825,000
	Patrick Air Force Base	$10,495,000
	Tyndall Air Force Base	$3,600,000
Georgia	Moody Air Force Base	$3,350,000
	Robins Air Force Base	$25,045,000
Idaho	Mountain Home Air Force Base	$15,945,000
Kansas	McConnell Air Force Base	$25,830,000
Louisiana	Barksdale Air Force Base	$4,890,000
Maryland	Andrews Air Force Base	$8,140,000
Mississippi	Keesler Air Force Base	$14,465,000
Montana	Malmstrom Air Force Base	$6,300,000
Nevada	Indian Springs Air Force Auxiliary Air Field	$4,690,000
	Nellis Air Force Base	$14,700,000
New Jersey	McGuire Air Force Base	$8,080,000
New Mexico	Cannon Air Force Base	$7,100,000
	Kirtland Air Force Base	$16,300,000
North Carolina	Pope Air Force Base	$5,915,000
	Seymour Johnson Air Force Base	$11,280,000
North Dakota	Grand Forks Air Force Base	$12,470,000
	Minot Air Force Base	$3,940,000
Ohio	Wright–Patterson Air Force Base	$7,400,000
Oklahoma	Tinker Air Force Base	$9,880,000
South Carolina	Charleston Air Force Base	$43,110,000
	Shaw Air Force Base	$14,465,000
South Dakota	Ellsworth Air Force Base	$4,150,000
Tennessee	Arnold Engineering Development Center	$6,781,000
Texas	Dyess Air Force Base	$5,895,000
	Kelly Air Force Base	$3,250,000
	Lackland Air Force Base	$9,413,000
	Sheppard Air Force Base	$9,400,000
Utah	Hill Air Force Base	$3,690,000
Virginia	Langley Air Force Base	$8,005,000
Washington	Fairchild Air Force Base	$18,155,000
	McChord Air Force Base	$57,065,000
	Total:	$607,334,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Ramstein Air Force Base	$5,370,000
	Spangdahlem Air Base	$1,890,000
Italy	Aviano Air Base	$10,066,000
Korea	Osan Air Base	$9,780,000
Turkey	Incirlik Air Base	$7,160,000
United Kingdom	Croughton Royal Air Force Base	$1,740,000
	Lakenheath Royal Air Force Base	$17,525,000
	Mildenhall Royal Air Force Base	$6,195,000
Overseas Classified	Classified Locations	$18,395,000

Air Force: Outside the United States—Continued

Country	Installation or location	Amount
	Total:	$78,115,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation	Purpose	Amount
Alaska	Eielson Air Force Base	72 units	$21,127,000
		Fire Station	$2,950,000
California	Beale Air Force Base	56 units	$8,893,000
	Travis Air Force Base	70 units	$8,631,000
	Vandenberg Air Force Base	112 units	$20,891,000
District of Columbia	Bolling Air Force Base	40 units	$5,000,000
Florida	Eglin Auxiliary Field 9	1 unit	$249,000
	MacDill Air Force Base	56 units	$8,822,000
	Patrick Air Force Base	Housing Maintenance Facility.	$853,000
		Housing Support & Storage Facility.	$756,000
		Housing Office	$821,000
Louisiana	Barksdale Air Force Base	80 units	$9,570,000
Massachusetts	Hanscom Air Force Base	32 units	$5,100,000
Missouri	Whiteman Air Force Base	68 units	$9,600,000
Montana	Malmstrom Air Force Base	20 units	$5,242,000
New Mexico	Kirtland Air Force Base	87 units	$11,850,000
North Dakota	Grand Forks Air Force Base	66 units	$7,784,000
	Minot Air Force Base	46 units	$8,740,000
Texas	Lackland Air Force Base	50 units	$6,500,000
		Housing Office	$450,000
		Housing Maintenance Facility.	$350,000
Washington	McChord Air Force Base	40 units	$5,659,000
United Kingdom	Lakenheath Royal Air Force Base	Family Housing, Phase I	$8,300,000
		Total:	$158,138,000

(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 $12,350,000.

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 $94,550,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1996, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,844,786,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $607,334,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $78,115,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $11,328,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $53,497,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $265,038,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $829,474,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

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 2406(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Chemical Agents and Munitions Destruction.		
	Pueblo Army Depot, Colorado	$179,000,000
Defense Finance & Accounting Service.		
	Norton Air Force Base, California	$13,800,000
	Naval Training Center, Orlando, Florida	$2,600,000
	Rock Island Arsenal, Illinois	$14,400,000
	Loring Air Force Base, Maine	$6,900,000
	Offutt Air Force Base, Nebraska	$7,000,000
	Griffiss Air Force Base, New York	$10,200,000
	Gentile Air Force Station, Ohio	$11,400,000
	Charleston, South Carolina	$6,200,000
Defense Intelligence Agency.		
	Bolling Air Force Base, District of Columbia	$6,790,000
	National Ground Intelligence Center, Charlottesville, Virginia	$2,400,000
Defense Logistics Agency.		
	Elmendorf Air Force Base, Alaska	$18,000,000
	Defense Distribution, San Diego, California	$15,700,000
	Naval Air Facility, El Centro, California	$5,700,000
	Travis Air Force Base, California	$15,200,000
	McConnell Air Force Base, Kansas	$2,200,000
	Barksdale Air Force Base, Louisiana	$4,300,000
	Andrews Air Force Base, Maryland	$12,100,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
	Naval Air Station, Fallon, Nevada	$2,100,000
	Defense Construction Supply Center, Columbus, Ohio	$600,000
	Altus Air Force Base, Oklahoma	$3,200,000
	Shaw Air Force Base, South Carolina	$2,900,000
	Naval Air Station, Oceana, Virginia	$1,500,000
Defense Medical Facility Office.		
	Maxwell Air Force Base, Alabama	$25,000,000
	Marine Corps Base, Camp Pendleton, California	$3,300,000
	Naval Air Station, Lemoore, California	$38,000,000
	Naval Air Station, Key West, Florida	$15,200,000
	Andrews Air Force Base, Maryland	$15,500,000
	Fort Bragg, North Carolina	$11,400,000
	Charleston Air Force Base, South Carolina	$1,300,000
	Fort Bliss, Texas	$6,600,000
	Fort Hood, Texas	$1,950,000
	Naval Air Station, Norfolk, Virginia	$1,250,000
National Security Agency.		
	Fort Meade, Maryland	$25,200,000
Special Operations Command.		
	Naval Amphibious Base, Coronado, California	$7,700,000
	Naval Station, Ford Island, Pearl Harbor, Hawaii	$12,800,000
	Fort Campbell, Kentucky	$4,200,000
	Fort Bragg, North Carolina	$14,000,000
	Total:	$527,590,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2406(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Defense Logistics Agency.		
	Naval Air Station, Sigonella, Italy	$6,100,000
	Moron Air Base, Spain	$12,958,000
Defense Medical Facility Office.		
	Administrative Support Unit, Bahrain, Bahrain	$4,600,000
	Total:	$23,658,000

SEC. 2402. MILITARY HOUSING PLANNING AND DESIGN.

Using amounts appropriated pursuant to the authorization of appropriation in section 2406(a)(15)(A), the Secretary of Defense may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $500,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriation in section 2406(a)(15)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $3,871,000.

SEC. 2404. MILITARY HOUSING IMPROVEMENT PROGRAM.

(a) AVAILABILITY OF FUNDS FOR CREDIT TO FAMILY HOUSING IMPROVEMENT FUND.—The amount authorized to be appropriated pursuant to section 2406(a)(15)(C) 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.

(b) AVAILABILITY OF FUNDS FOR CREDIT TO UNACCOMPANIED HOUSING IMPROVEMENT FUND.—The amount authorized to be appropriated pursuant to section 2406(a)(14) shall be available for crediting to the Department of Defense Military Unaccompanied Housing Improvement Fund established by section 2883(a)(2) of title 10, United States Code.

(c) 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 with respect to military family housing and may use funds credited to the Department of Defense Military Unaccompanied Housing Improvement Fund under subsection (b) to carry out any activities authorized by that subchapter with respect to military unaccompanied housing.

SEC. 2405. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2406(a)(12), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2406. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1996, 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 $3,421,366,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $364,487,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $23,658,000.

(3) For military construction projects at Naval Hospital, Portsmouth, Virginia, hospital replacement, 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), $24,000,000.

(4) For military construction projects at Walter Reed Army Institute of Research, Maryland, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2599), $92,000,000.

(5) For military construction projects at Fort Bragg, North Carolina, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (106 Stat. 2599), $89,000,000.

(6) For military construction projects at Pine Bluff Arsenal, Arkansas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of the Public Law 103–337; 108 Stat. 3040), $46,000,000.

(7) For military construction projects at Umatilla Army Depot, Oregon, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (108 Stat. 3040), $64,000,000.

(8) For military construction projects at Defense Finance and Accounting Service, Columbus, Ohio, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 535), $20,822,000.

(9) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $9,500,000.

(10) For unspecified minor construction projects under section 2805 of title 10, United States Code, $21,874,000.

(11) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $14,239,000.

(12) For energy conservation projects under section 2865 of title 10, United States Code, $47,765,000.

(13) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $2,507,476,000.

(14) For credit to the Department of Defense Military Unaccompanied Housing Improvement Fund as authorized by section 2404(b) of this Act, $5,000,000.

(15) For military family housing functions:

(A) For improvement and planning of military family housing and facilities, $4,371,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $30,963,000, of which not more than $25,637,000 may be obligated or expended for the leasing of military family housing units worldwide.

(C) For credit to the Department of Defense Family Housing Improvement Fund as authorized by section 2404(a) of this Act, $20,000,000.

(D) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $36,181,000, to remain available until expended.

(b) LIMITATION ON 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);

(2) $161,503,000 (the balance of the amount authorized under section 2401(a) of this Act for the construction of a chemical demilitarization facility at Pueblo Army Depot, Colorado); and

(3) $1,600,000 (the balance of the amount authorized under section 2401(a) of this Act for the construction of a replacement facility for the medical and dental clinic, Key West Naval Air Station, Florida).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1996, 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 Security Investment program as authorized by section 2501, in the amount of $197,000,000.

SEC. 2503. REDESIGNATION OF NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE PROGRAM.

(a) REDESIGNATION.—Subsection (b) of section 2806 of title 10, United States Code, is amended by striking out ''North Atlantic Treaty Organization Infrastructure program'' and inserting in lieu thereof ''North Atlantic Treaty Organization Security Investment program''.

(b) REFERENCES.—Any reference to the North Atlantic Treaty Organization Infrastructure program in any Federal law, Executive order, regulation, delegation of authority, or document of or pertaining to the Department of Defense shall be deemed to refer to the North Atlantic Treaty Organization Security Investment program.

(c) CLERICAL AMENDMENTS.—(1) The section heading of such section is amended to read as follows:

''§ 2806. Contributions for North Atlantic Treaty Organizations Security Investment''.

(2) The table of sections at the beginning of subchapter I of chapter 169 of title 10, United States Code, is amended by striking out the item relating to section 2806 and inserting in lieu thereof the following:

''2806. Contributions for North Atlantic Treaty Organizations Security Investment.''.

(d) CONFORMING AMENDMENTS.—(1) Section 2861(b)(3) of title 10, United States Code, is amended by striking out ''North Atlantic Treaty Organization Infrastructure program'' and inserting in lieu thereof ''North Atlantic Treaty Organization Security Investment program''.

(2) Section 21(h)(1)(B) of the Arms Export Control Act (22 U.S.C. 2761(h)(1)(B)) is amended by striking out ''North Atlantic Treaty Organization Infrastructure Program'' and inserting in lieu thereof ''North Atlantic Treaty Organization Security Investment program''.

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, 1996, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $79,628,000; and

(B) for the Army Reserve, $59,174,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $32,743,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $208,484,000; and

(B) for the Air Force Reserve, $54,770,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1999; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2000.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1999; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2000 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1994 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1880), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2102, 2201, 2301, or 2601 of that Act, shall remain in effect until October 1, 1997, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1998, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1994 Project Authorizations

State	Installation or location	Project	Amount
New Jersey	Picatinny Arsenal	Advance Warhead Development Facility.	$4,400,000
North Carolina	Fort Bragg	Land Acquisition	$15,000,000
Wisconsin	Fort McCoy	Family Housing Construction (16 units).	$2,950,000

Navy: Extension of 1994 Project Authorizations

State or Location	Installation or location	Project	Amount
California	Camp Pendleton Marine Corps Base	Sewage Facility	$7,930,000
Connecticut	New London Naval Submarine Base	Hazardous Waste Transfer Facility.	$1,450,000
New Jersey	Earle Naval Weapons Station	Explosives Holding Yard	$1,290,000
Virginia	Oceana Naval Air Station	Jet Engine Test Cell Replacement.	$5,300,000
Various Locations	Various Locations	Land Acquisition Inside the United States.	$540,000
Various Locations	Various Locations	Land Acquisition Outside the United States.	$800,000

Air Force: Extension of 1994 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Upgrade Water Treatment Plant.	$3,750,000
	Elmendorf Air Force Base	Corrosion Control Facility	$5,975,000
California	Beale Air Force Base	Educational Center	$3,150,000
Florida	Tyndall Air Force Base	Base Supply Logistics Center.	$2,600,000
Mississippi	Keesler Air Force Base	Upgrade Student Dormitory	$4,500,000
North Carolina	Pope Air Force Base	Add To and Alter Dormitories.	$4,300,000
Virginia	Langley Air Force Base	Fire Station	$3,850,000

Army National Guard: Extension of 1994 Project Authorizations

State	Installation or Location	Project	Amount
Alabama	Birmingham	Aviation Support Facility	$4,907,000
Arizona	Marana	Organization Maintenance Shop.	$553,000
	Marana	Dormitory/Dining Facility	$2,919,000
California	Fresno	Organization Maintenance Shop Modification.	$905,000
	Van Nuys	Armory Addition	$6,518,000
New Mexico	White Sands Missile Range	Organization Maintenance Shop.	$2,940,000
	White Sands Missile Range	Tactical Site	$1,995,000
	White Sands Missile Range	Mobilization and Training Equipment Site.	$3,570,000
Pennsylvania	Indiantown Gap	State Military Building	$9,200,000
	Johnstown	Armory Addition/Flight Facility.	$5,004,000
	Johnstown	Armory	$3,000,000

SEC. 2703. 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 and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 541), shall remain in effect until October 1, 1997, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1998, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1993 Project Authorization

State	Installation or location	Project	Amount
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Support Facility.	$15,000,000

Air Force: Extension of 1993 Project Authorization

Country	Installation or location	Project	Amount
Portugal	Lajes Field	Water Wells	$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

SEC. 2704. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1992 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1535), authorizations for the projects set forth in the table in subsection (b), as provided in section 2101 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3047) and section 2703(a) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 543), shall remain in effect until October 1, 1997, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1998, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Oregon	Umatilla Army Depot	Ammunition Demilitarization Support Facility.	$3,600,000
	Umatilla Army Depot	Ammunition Demilitarization Utilities.	$7,500,000

SEC. 2705. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1996; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN CERTAIN THRESHOLDS FOR UNSPECIFIED MINOR CONSTRUCTION PROJECTS.

(a) O&M FUNDING FOR PROJECTS.—Section 2805(c)(1)(B) of title 10, United States Code, is amended by striking out ''$300,000'' and inserting in lieu thereof ''$500,000''.

(b) O&M FUNDING FOR RESERVE COMPONENT FACILITIES.—Subsection (b) of section 18233a of such title is amended by striking out ''$300,000'' and inserting in lieu thereof ''$500,000''.

(c) NOTIFICATION FOR EXPENDITURES AND CONTRIBUTIONS FOR RESERVE COMPONENT FACILITIES.—Subsection (a)(1) of such section 18233a is amended by striking out ''$400,000'' and inserting in lieu thereof ''$1,500,000''.

SEC. 2802. CLARIFICATION OF AUTHORITY TO IMPROVE MILITARY FAMILY HOUSING.

(a) EXCLUSION OF MINOR MAINTENANCE AND REPAIR.—Subsection (a)(2) of section 2825 of title 10, United States Code, is amended by inserting ''(other than day-to-day maintenance or repair work)'' after ''work''.

(b) APPLICABILITY OF LIMITATION ON FUNDS FOR IMPROVEMENTS.—Subsection (b)(2) of such section is amended—

(1) by striking out ''the cost of repairs'' and all that follows through ''in connection with'' and inserting in lieu thereof ''of the unit or units concerned the cost of maintenance or repairs undertaken in connection with the improvement of the unit or units and any cost (other than the cost of activities undertaken beyond a distance of five feet from the unit or units) in connection with''; and

(2) by inserting '', drives,'' after ''roads''.

SEC. 2803. AUTHORITY TO GRANT EASEMENTS FOR RIGHTS-OF-WAY.

(a) EASEMENTS FOR ELECTRIC POLES AND LINES AND FOR COMMUNICATIONS LINES AND FACILITIES.—Section 2668(a) of title 10, United States Code, is amended—

(1) by striking out ''and'' at the end of paragraph (9);

(2) by redesignating paragraph (10) as paragraph (13); and

(3) by inserting after paragraph (9) the following new paragraphs:

''(10) poles and lines for the transmission or distribution of electric power;

''(11) poles and lines for the transmission or distribution of communications signals (including telephone and telegraph signals);

''(12) structures and facilities for the transmission, reception, and relay of such signals; and''.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in paragraph (3), by striking out '', telephone lines, and telegraph lines,''; and

(2) in paragraph (13), as redesignated by subsection (a)(2), by striking out ''or by the Act of March 4, 1911 (43 U.S.C. 961)''.

Subtitle B—Defense Base Closure and Realignment

SEC. 2811. RESTORATION OF AUTHORITY UNDER 1988 BASE CLOSURE LAW TO TRANSFER PROPERTY AND FACILITIES TO OTHER ENTITIES IN THE DEPARTMENT OF DEFENSE.

(a) RESTORATION OF AUTHORITY.—Section 204(b)(2) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended—

(1) by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F), respectively; and

(2) by inserting after subparagraph (C) the following new subparagraph (D):

''(D) The Secretary may transfer real property or facilities located at a military installation to be closed or realigned under this title, with or without reimbursement, to a military department or other entity (including a nonappropriated fund instrumentality) within the Department of Defense or the Coast Guard.''.

(b) RATIFICATION OF TRANSFERS—Any transfer by the Secretary of Defense of real property or facilities at a military installation closed or realigned under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) to a military department or other entity of the Department of Defense or the Coast Guard during the period beginning on November 30, 1993, and ending on the date of the enactment of this Act is hereby ratified.

SEC. 2812. DISPOSITION OF PROCEEDS FROM DISPOSAL OF COMMISSARY STORES AND NONAPPROPRIATED FUND INSTRUMENTALITIES AT INSTALLATIONS BEING CLOSED OR REALIGNED.

(a) 1988 LAW.—(1) Section 204(b)(7)(C) 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 clause (i), by striking out ''shall be deposited'' and all that follows through the end of the clause and inserting in lieu thereof ''shall be deposited as follows:

''(I) In the case of proceeds of the transfer or other disposal of property acquired, constructed, or improved with commissary store funds, in the account in the Treasury known as the Surcharge Collection, Sales of Commissary Stores, Defense, account.

''(II) In the case of proceeds of the transfer or other disposal of property acquired, constructed, or improved with nonappropriated funds, in a nonappropriated fund account of the Department of Defense designated by the Secretary.'';

(B) by redesignating clause (iii) as clause (iv); and

(C) by inserting after clause (ii) the following new clause (iii):

''(iii)(I) The Secretary may use amounts deposited under clause (i)(I) in the account referred to in that clause for the purpose of acquiring, constructing, and improving commissary stores.

''(II) The Secretary may use amounts deposited under clause (i)(II) in a nonappropriated fund account pursuant to that clause for the purpose of acquiring, constructing, and improving nonappropriated fund instrumentalities.''.

(2) Section 206(a)(7) of that Act is amended by striking out ''Proceeds received'' and inserting in lieu thereof ''Except as provided in section 204(b)(7)(C), proceeds received''.

(b) 1990 LAW.—Section 2906(d) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) in paragraph (1), by striking out ''shall be deposited'' and all that follows through the end and inserting in lieu thereof ''shall be deposited as follows:

''(A) In the case of proceeds of the transfer or other disposal of property acquired, constructed, or improved with commissary store funds, in the account in the Treasury known as the Surcharge Collections, Sales of Commissary Stores, Defense, account.

''(B) In the case of proceeds of the transfer or other disposal of property acquired, constructed, or improved with nonappropriated funds, in a nonappropriated fund account of the Department of Defense designated by the Secretary.''; and

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

''(3)(A) The Secretary may use amounts deposited under paragraph (1)(A) in the account referred to in that paragraph for the purpose of acquiring, constructing, and improving commissary stores.

''(B) The Secretary may use amounts deposited under paragraph (1)(B) in a nonappropriated fund account pursuant to that paragraph for the purpose of acquiring, constructing, and improving nonappropriated fund instrumentalities.''.

SEC. 2813. AGREEMENTS FOR SERVICES AT INSTALLATIONS AFTER CLOSURE.

(a) 1988 LAW.—Section 204(b)(8)(A) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended by inserting '', or at facilities not yet transferred or otherwise disposed of in the case of installations closed under this title,'' after ''under this title''.

(b) 1990 LAW.—Section 2905(b)(8)(A) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by inserting '', or at facilities not yet transferred or otherwise disposed of in the case of installations closed under this part,'' after ''under this part''.

Subtitle C—Land Conveyances

SEC. 2821. TRANSFER OF LANDS, ARLINGTON NATIONAL CEMETERY, ARLINGTON, VIRGINIA.

(a) REQUIREMENT FOR SECRETARY OF THE INTERIOR TO TRANSFER CERTAIN SECTION 29 LANDS.—(1) The Secretary of the Interior shall transfer to the Secretary of the Army administrative jurisdiction over the following lands located in section 29 of the National Park System at Arlington National Cemetery, Virginia:

(A) The lands known as the Arlington National Cemetery Interment Zone.

(B) All lands in the Robert E. Lee Memorial Preservation Zone, other than those lands in the Preservation Zone that the Secretary of the Interior determines must be retained because of the historical significance of such lands or for the maintenance of nearby lands or facilities.

(2) The transfer of lands under paragraph (1) shall be carried out in accordance with the Interagency Agreement Between the Department of the Interior, the National Park Service, and the Department of the Army, Dated February 22, 1995.

(3) The exact acreage and legal descriptions of the lands to be transferred under paragraph (1) shall be determined by surveys satisfactory to the Secretary of the Interior and the Secretary of the Army.

(b) REQUIREMENT FOR ADDITIONAL TRANSFERS.—(1) The Secretary of the Interior shall transfer to the Secretary of the Army administrative jurisdiction over a parcel of land, including any improvements thereon, consisting of approximately 2.43 acres, located in the Memorial Drive entrance area to Arlington National Cemetery.

(2)(A) The Secretary of the Army shall transfer to the Secretary of the Interior administrative jurisdiction over a parcel of land, including any improvements thereon, consisting of approximately 0.17 acres, located at Arlington National Cemetery, and known as the Old Administrative Building site. The site is part of the original reservation of Arlington National Cemetery.

(B) In connection with the transfer under subparagraph (A), the Secretary of the Army shall grant to the Secretary of the Interior a perpetual right of ingress and egress to the parcel transferred under that subparagraph.

(3) The exact acreage and legal descriptions of the lands to be transferred pursuant to this subsection shall be determined by surveys satisfactory to the Secretary of the Interior and the Secretary of the Army. The costs of such surveys shall be borne by the Secretary of the Army.

SEC. 2822. LAND TRANSFER, POTOMAC ANNEX, DISTRICT OF COLUMBIA.

(a) TRANSFER REQUIRED.—Subject to subsection (b), the Secretary of the Navy shall transfer, without consideration other than the reimbursement provided for in subsection (d), to the United States Institute of Peace (in this section referred to as the ''Institute'') administrative jurisdiction over a parcel of real property, including any improvements thereon, consisting of approximately 3 acres, at the northwest corner of Twenty-third Street and Constitution Avenue, Northwest, District of Columbia, the site of the Potomac Annex.

(b) CONDITION.—The Secretary may not make the transfer specified in subsection (a) unless the Institute agrees to provide the Navy a number of parking spaces at or in the vicinity of the headquarters to be constructed on the parcel transferred equal to the number of parking spaces available to the Navy on the parcel as of the date of the transfer.

(c) REQUIREMENT RELATING TO TRANSFER.—The transfer specified in subsection (a) may not occur until the Institute obtains all permits, approvals, and site plan reviews required by law with respect to the construction on the parcel of a headquarters for operations of the Institute.

(d) COSTS.—The Institute shall reimburse the Secretary for the costs incurred by the Secretary in carrying out the transfer specified in subsection (a).

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be transferred 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 Institute.

SEC. 2823. LAND CONVEYANCE, ARMY RESERVE CENTER, MONTPELIER, VERMONT.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (b), the Secretary of the Army may convey, without consideration, to the City of Montpelier, Vermont (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 4.3 acres and located on Route 2 in Montpelier, Vermont, the site of the Army Reserve Center, Montpelier, Vermont.

(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) CONDITION.—The conveyance authorized under subsection (a) shall be subject to the condition that the City agree to lease to the Civil Air Patrol, at no rental charge to the Civil Air Patrol, the portion of the real property and improvements located on the parcel to be conveyed that the Civil Air Patrol leases from the Secretary as of the date of the enactment of this Act.

(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 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. 2824. LAND CONVEYANCE, FORMER NAVAL RESERVE FACILITY, LEWES, DELAWARE.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (b), the Secretary of the Navy may convey, without consideration, to the State of Delaware (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, consisting of approximately 16.8 acres at the site of the former Naval Reserve Facility, Lewes, Delaware.

(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) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the State use the real property conveyed under that subsection in perpetuity solely for public park or recreational purposes.

(d) REVERSION.—If the Secretary of the Interior determines at any time that the real property conveyed pursuant to this section is not being used for a purpose specified in subsection (b), all right, title, and interest in and to such real property, including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry thereon.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed pursuant to this section shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of such survey shall be borne by the State.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2825. LAND CONVEYANCE, RADAR BOMB SCORING SITE, BELLE FOURCHE, SOUTH DAKOTA.

(a) CONVEYANCE AUTHORIZED.—Subject to subsection (b), the Secretary of the Air Force may convey, without consideration, to the Belle Fourche School District, Belle Fourche, South Dakota (in this section referred to as the ''District''), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 37 acres located in Belle Fourche, South Dakota, which has served as the location of a support complex and housing facilities for Detachment 21 of the 554th Range Squadron, an Air Force radar bomb scoring site. The conveyance may not include any portion of the radar bomb scoring site located in the State of Wyoming.

(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) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the District—

(1) use the property and facilities conveyed under that subsection for education, economic development, or housing purposes; or

(2) enter into an agreement with an appropriate public or private entity to sell or lease the property and facilities to such entity for such purposes.

(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 District.

(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. 2826. CONVEYANCE OF PRIMATE RESEARCH COMPLEX, HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any provision of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), or any regulations prescribed thereunder, the Secretary of the Air Force may convey all right, title, and interest of the United States in and to the primate research complex at Holloman Air Force Base, New Mexico. The conveyance shall include the colony of chimpanzees owned by the Air Force that are housed at or managed from the primate research complex. The conveyance may not include the real property on which the primate research complex is located.

(b) COMPETITIVE PROCEDURES REQUIRED.—The Secretary shall use competitive procedures in selecting the person or entity to which to make the conveyance authorized by subsection (a).

(c) STANDARDS TO BE USED IN SOLICITATION OF BIDS.—The Secretary shall develop standards for the care and use of the primate research complex, and of chimpanzees, to be used in soliciting bids for the conveyance authorized by subsection (a). The Secretary shall develop such standards in consultation with the Secretary of Agriculture and the Director of the National Institutes of Health.

(d) CONDITIONS OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the followings conditions:

(1) That the recipient of the primate research complex—

(A) utilize any chimpanzees included in the conveyance only for scientific research or medical research purposes; or

(B) retire and provide adequate care for such chimpanzees.

(2) That the recipient of the primate research complex assume from the Secretary any leases at the primate research complex that are in effect at the time of the conveyance.

(e) DESCRIPTION OF COMPLEX.—The exact legal description of the primate research complex to be conveyed under subsection (a) shall be determined by a survey or 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 recipient of the primate research complex.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2827. DEMONSTRATION PROJECT FOR INSTALLATION AND OPERATION OF ELECTRIC POWER DISTRIBUTION SYSTEM AT YOUNGSTOWN AIR RESERVE STATION, OHIO.

(a) AUTHORITY.—The Secretary of the Air Force may carry out a demonstration project to assess the feasibility and advisability of permitting private entities to install, operate, and maintain electric power distribution systems at military installations. The Secretary shall carry out the demonstration project through an agreement under subsection (b).

(b) AGREEMENT.—(1) In order to carry out the demonstration project, the Secretary shall enter into an agreement with an electric utility or other company in the Youngstown, Ohio, area under which the utility or

company, as the case may be, installs, operates, and maintains (in a manner satisfactory to the Secretary and the utility or company) an electric power distribution system at Youngstown Air Reserve Station, Ohio.

(2) The Secretary may not enter into an agreement under this subsection until—

(A) the Secretary submits to the congressional defense committees a report on the agreement to be entered into, including the costs to be incurred by the United States under the agreement; and

(B) a period of 21 days has elapsed from the date of the receipt of the report by the committees.

(c) LICENSES AND EASEMENTS.—In order to facilitate the installation, operation, and maintenance of the electric power distribution system under the agreement under subsection (b), the Secretary may grant the utility or company with which the Secretary enters into the agreement such licenses, easements, and rights-of-way as the Secretary and the utility or company, as the case may be, jointly determine necessary for such purposes.

(d) OWNERSHIP OF SYSTEM.—The agreement between the Secretary and the utility or company under subsection (b) may provide that the utility or company, as the case may be, shall own the electric power distribution system installed under the agreement.

(e) RATES.—The rates charged by the utility or company for providing and distributing electric power at Youngstown Air Reserve Station through the electric power distribution system installed under the agreement under subsection (b) may not include the costs, including the amortization of any costs, incurred by the utility or company, as the case may be, in installing the system.

(f) REPORTS.—Not later than February 1, 1997, and February 1 of each year following a year in which the Secretary carries out the demonstration project under this section, the Secretary shall submit to the congressional defense committees a report on the project. The report shall include the Secretary's current assessment of the project and the recommendations, if any, of the Secretary of extending the authority with respect to the project to other facilities and installations of the Department of Defense.

(g) FUNDING.—In order to pay the costs of the United States under the agreement under subsection (b), the Secretary may use funds authorized to be appropriated by section 2601(3)(B) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 540) for the purpose of rebuilding the electric power distribution system at the Youngstown Air Reserve Station that were appropriated for that purpose by the Military Construction Appropriations Act, 1996 (Public Law 104–32; 109 Stat. 283) and that remain available for obligation for that purpose as of the date of the enactment of this Act.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in the agreement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) STOCKPILE STEWARDSHIP.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $1,636,767,000, to be allocated as follows:

(1) For core stockpile stewardship, $1,200,907,000, to be allocated as follows:

(A) For operation and maintenance, $1,112,570,000.

(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), $88,337,000, to be allocated as follows:

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, $19,250,000.

Project 96–D–103, ATLAS, Los Alamos National Laboratory, Los Alamos, New Mexico, $15,100,000.

Project 96–D–104, processing and environmental technology laboratory (PETL), Sandia National Laboratories, Albuquerque, New Mexico, $14,100,000.

Project 96–D–105, contained firing facility addition, Lawrence Livermore National Laboratory, Livermore, California, $17,100,000.

Project 95–D–102, Chemical and Metallurgy Research Building upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $15,000,000.

Project 94–D–102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, $7,787,000.

(2) For inertial fusion, $366,460,000, to be allocated as follows:

(A) For operation and maintenance, $234,560,000.

(B) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto):

Project 96–D–111, national ignition facility, location to be determined, $131,900,000.

(3) For technology transfer and education, $69,400,000.

(b) STOCKPILE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $1,988,831,000, to be allocated as follows:

(1) For operation and maintenance, $1,894,470,000.

(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), $94,361,000, to be allocated as follows:

Project 97–D–121, consolidated pit packaging system, Pantex Plant, Amarillo, Texas, $870,000.

Project 97–D–122, nuclear materials storage facility renovation, Los Alamos National Laboratory, Los Alamos, New Mexico, $4,000,000.

Project 97–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $1,400,000.

Project 97–D–124, steam plant waste water treatment facility upgrade, Y–12 plant, Oak Ridge, Tennessee, $600,000.

Project 96–D–122, sewage treatment quality upgrade (STQU), Pantex Plant, Amarillo, Texas, $100,000.

Project 96–D–123, retrofit heating, ventilation, and air conditioning and chillers for ozone protection, Y–12 plant, Oak Ridge, Tennessee, $7,000,000.

Project 96–D–125, Washington measurements operations facility, Andrews Air Force Base, Camp Springs, Maryland, $3,825,000.

Project 95–D–122, sanitary sewer upgrade, Y–12 plant, Oak Ridge, Tennessee, $10,900,000.

Project 94–D–124, hydrogen fluoride supply system, Y–12 plant, Oak Ridge, Tennessee, $4,900,000.

Project 94–D–125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, $5,200,000.

Project 94–D–127, emergency notification system, Pantex Plant, Amarillo, Texas, $2,200,000.

Project 93–D–122, life safety upgrades, Y–12 plant, Oak Ridge, Tennessee, $7,200,000.

Project 93–D–123, non-nuclear reconfiguration, complex-21, various locations, $14,487,000.

Project 88–D–122, facilities capability assurance program, various locations, $21,940,000.

Project 88–D–123, security enhancement, Pantex Plant, Amarillo, Texas, $9,739,000.

(c) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for program direction in carrying out weapons activities necessary for national security programs in the amount of $323,404,000.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) ENVIRONMENTAL RESTORATION.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for environmental restoration in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,777,194,000.

(b) WASTE MANAGEMENT.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,601,653,000, to be allocated as follows:

(1) For operation and maintenance, $1,513,326,000.

(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), $88,327,000, to be allocated as follows:

Project 97–D–402, tank restoration and safe operations, Richland, Washington, $7,584,000.

Project 96–D–408, waste management upgrades, various locations, $11,246,000.

Project 95–D–402, install permanent electrical service, Waste Isolation Pilot Plant, Carlsbad, New Mexico, $752,000.

Project 95–D–405, industrial landfill V and construction/demolition landfill VII, Phase III, Y–12 Plant, Oak Ridge, Tennessee, $200,000.

Project 94–D–404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, $6,345,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $12,600,000.

Project 93–D–182, replacement of cross-site transfer system, Richland, Washington, $8,100,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, South Carolina, $20,000,000.

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, $10,000,000.

(c) TECHNOLOGY DEVELOPMENT.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy

for fiscal year 1997 for technology development in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $328,771,000.

(d) NUCLEAR MATERIALS AND FACILITIES STABILIZATION.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for nuclear materials and facilities stabilization in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $994,821,000, to be allocated as follows:

(1) For operation and maintenance, $909,664,000.

(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), $85,157,000, to be allocated as follows:

Project 97–D–450, actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, $7,900,000.

Project 97–D–451, B–plant safety class ventilation upgrades, Richland, Washington, $1,500,000.

Project 96–D–406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $60,672,000.

Project 96–D–464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $10,440,000.

Project 95–D–456, security facilities upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $4,645,000.

(e) POLICY AND MANAGEMENT.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 policy and management activities (including development and direction of policy, training and education, and management) in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $26,155,000.

(f) SITE OPERATIONS.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for site operations in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $363,469,000, to be allocated as follows:

(1) For operation and maintenance, $331,054,000.

(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), $32,415,000, to be allocated as follows:

Project 96–D–461, electrical distribution upgrade, Idaho National Engineering Laboratory, Idaho, $6,790,000.

Project 96–D–470, environmental monitoring laboratory, Savannah River Site, Aiken, South Carolina, $2,500,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $8,541,000.

Project 96–D–473, health physics site support facility, Savannah River Site, Aiken, South Carolina, $2,000,000.

Project 95–E–600, hazardous materials management and emergency response training center, Richland, Washington, $7,900,000.

Project 95–D–155, upgrade site road infrastructure, Savannah River, South Carolina, $4,137,000.

Project 94–D–401, emergency response facility, Idaho National Engineering Laboratory, Idaho, $547,000.

(g) ENVIRONMENTAL SCIENCE AND RISK POLICY.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for environmental science and risk policy activities in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $52,136,000.

(h) ENVIRONMENTAL MANAGEMENT PRIVATIZATION.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for environmental management privatization activities in carrying out environmental restoration and waste management necessary for national security programs in the amount of $185,000,000.

(i) PROGRAM DIRECTION.—Subject to subsection (j), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $436,511,000.

(j) 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 (i) reduced by the sum of—

(1) $150,400,000, for use of prior year balances; and

(2) $8,000,000, for Savannah River Pension Refund.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for other defense activities in carrying out programs necessary for national security in the amount of $1,560,700,000, to be allocated as follows:

(1) For verification and control technology, $456,348,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $204,919,000.

(B) For arms control, $216,244,000.

(C) For intelligence, $35,185,000.

(2) For nuclear safeguards and security, $47,208,000.

(3) For security investigations, $22,000,000.

(4) For environment, safety, and health, defense, $53,094,000.

(5) For program direction, environment, safety, and health, defense, $10,706,000.

(6) For worker and community transition assistance, $62,659,000.

(7) For program direction, worker and community transition assistance, $4,341,000.

(8) For fissile materials $93,796,000, to be allocated as follows:

(A) For control and disposition, $73,163,000.

(B) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto):

Project 97–D–140, consolidated special nuclear materials storage plant, location to be determined, $17,000,000.

(C) For program direction, $3,633,000.

(9) For emergency management, $16,794,000.

(10) For program direction, nonproliferation and national security, $90,622,000.

(11) For naval reactors development, $681,932,000, to be allocated as follows:

(A) For operation and infrastructure, $649,330,000.

(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), $13,700,000, to be allocated as follows:

Project 97–D–201, advanced test reactor secondary coolant system upgrades Idaho National Engineering Laboratory, Idaho, $400,000.

Project 95–D–200, laboratory systems and hot cell upgrades, various locations, $4,800,000.

Project 95–D–201, advanced test reactor radioactive waste system upgrades, Idaho National Engineering Laboratory, Idaho, $500,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $8,000,000.

(C) For program direction, $18,902,000.

(12) For international nuclear safety, $15,200,000.

(13) For nuclear security, $6,000,000.

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 $200,000,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $2,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support

of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to 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. The Secretary shall submit to Congress a report on each conceptual design completed under this paragraph.

(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 appropriations 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. TRITIUM PRODUCTION.

(a) ACCELERATION OF TRITIUM PRODUCTION.—(1) The Secretary of Energy shall, during fiscal year 1997, make a final decision on the technologies to be utilized, and the accelerated schedule to be adopted, for tritium production in order to meet the requirements of the Nuclear Weapons Stockpile Memorandum relating to tritium production, including the new tritium production date of 2005 specified in the Nuclear Weapons Stockpile Memorandum.

(2) In making the final decision, the Secretary shall take into account the following:

(A) The requirements for tritium production specified in the Nuclear Weapons Stockpile Memorandum, including, in particular, the requirements for the ''upload hedge'' component of the nuclear weapons stockpile.

(B) The ongoing activities of the Department relating to the evaluation and demonstration of technologies under the accelerator reactor program and the commercial light water reactor program.

(b) REPORT.—(1) Not later than April 15, 1997, the Secretary shall submit to the Congress a report that sets forth the final decision of the Secretary under subsection (a)(1). The report shall set forth in detail—

(A) the technologies decided on under that subsection; and

(B) the accelerated schedule for the production of tritium decided on under that subsection.

(2) If the Secretary determines that it is not possible to make the final decision by the date specified in paragraph (1), the Secretary shall submit to Congress on that date a report that explains in detail why the final decision cannot be made by that date.

(c) NEW TRITIUM PRODUCTION FACILITY.—The Secretary shall commence planning and design activities and infrastructure development for a new tritium production facility.

(d) IN-REACTOR TESTS.—The Secretary may perform in-reactor tests of tritium target rods as part of the activities carried out under the commercial light water reactor program.

(e) FUNDING.—Of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101—

(1) not more than $45,000,000 shall be available for research, development, and technology demonstration activities and other activities relating to the production of tritium in accelerators; and

(2) not more than $15,000,000 shall be available for the commercial light water reactor project, including activities relating to target development, extraction capability, and reactor acquisition or initial tritium operations.

SEC. 3132. MODERNIZATION AND CONSOLIDATION OF TRITIUM RECYCLING FACILITIES.

(a) IN GENERAL.—The Secretary of Energy shall carry out activities to modernize and consolidate the facilities for recycling tritium for weapons at the Savannah River Site, South Carolina, so as to ensure that such facilities have a capacity to recycle tritium from weapons that is adequate to meet the requirements for tritium for weapons specified in the Nuclear Weapons Stockpile Memorandum.

(b) FUNDING.—Of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, not more than $6,000,000 shall be available for activities under subsection (a).

SEC. 3133. MODIFICATION OF REQUIREMENTS FOR MANUFACTURING INFRASTRUCTURE FOR REFABRICATION AND CERTIFICATION OF NUCLEAR WEAPONS STOCKPILE.

(a) GENERAL PROGRAM REQUIREMENTS.—Subsection (a) of section 3137 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 620; 42 U.S.C. 2121 note) is amended—

(1) by inserting ''(1)'' before ''The Secretary of Energy'';

(2) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively; and

(3) by adding at the end the following:

''(2) The purpose of the program carried out under paragraph (1) shall also be to develop manufacturing capabilities and capacities necessary to meet the requirements specified in the annual Nuclear Weapons Stockpile Review.''.

(b) REQUIRED CAPABILITIES.—Subsection (b)(3) of such section is amended to read as follows:

''(3) The capabilities of the Savannah River Site relating to tritium recycling and fissile materials components processing and fabrication.''.

(c) PLAN AND REPORT.—Not later than March 1, 1997, the Secretary of Energy shall submit to Congress a report containing a plan for carrying out the program established under section 3137(a) of the National Defense Authorization Act for Fiscal Year 1996, as amended by this section. The report shall set forth the obligations that the Secretary has incurred, and proposes to incur, during fiscal year 1997 in carrying out the program.

(d) FUNDING.—Of the funds authorized to be appropriated pursuant to section 3101(b), $5,000,000 shall be available for carrying out the program established under section 3137(a) of the National Defense Authorization Act for Fiscal Year 1996, as so amended.

SEC. 3134. LIMITATION ON USE OF FUNDS FOR CERTAIN RESEARCH AND DEVELOPMENT PURPOSES.

(a) LIMITATION.—No funds appropriated or otherwise made available to the Department of Energy for fiscal year 1997 under section 3101 may be obligated or expended for activities under the Department of Energy Laboratory Directed Research and Development Program, or under any Department of Energy technology transfer program or cooperative research and development agreement, unless such activities support the national security mission of the Department of Energy.

(b) ANNUAL REPORT.—(1) The Secretary of Energy shall annually submit to the congressional defense committees a report on the funds expended during the preceding fiscal year on activities under the Department of Energy Laboratory Directed Research and Development Program. The purpose of the report is to permit an assessment of the extent to which such activities support the national security mission of the Department of Energy.

(2) Each report shall be prepared by the officials responsible for Federal oversight of the funds expended on activities under the program.

(3) Each report shall set forth the criteria utilized by the officials preparing the report in determining whether or not the activities reviewed by such officials support the national security mission of the Department.

SEC. 3135. ACCELERATED SCHEDULE FOR ISOLATING HIGH-LEVEL NUCLEAR WASTE AT THE DEFENSE WASTE PROCESSING FACILITY, SAVANNAH RIVER SITE.

The Secretary of Energy shall accelerate the schedule for the isolation of high-level nuclear waste in glass canisters at the Defense Waste Processing Facility at the Savannah River Site if the Secretary determines that the acceleration of such schedule—

(1) will achieve long-term cost savings to the Federal Government; and

(2) could accelerate the removal and isolation of high-level nuclear waste from long-term storage tanks at the site.

SEC. 3136. PROCESSING OF HIGH-LEVEL NUCLEAR WASTE AND SPENT NUCLEAR FUEL RODS.

(a) IN GENERAL.—In order to provide for an effective response to requirements for managing spent nuclear fuel that is sent to Department of Energy consolidation sites pursuant to the Department of Energy Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Programs Final Environmental Impact Statement, dated April 1995, there shall be available to the Secretary of Energy, from amounts authorized to be appropriated pursuant to section 3102, the following amounts for the purposes stated:

(1) Not more than $43,000,000 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 Department of Energy aluminum clad spent fuel rods and foreign spent fuel rods in the H-canyon facility and F-canyon facility.

(2) Not more than $15,000,000 for the development and implementation of a program for the treatment, preparation, and conditioning of high-level nuclear waste associated with Department of Energy stainless steel spent nuclear fuel rods (including naval spent nuclear fuel) for interim storage and final disposition.

(b) UPDATE OF IMPLEMENTATION PLAN.—Not later than April 30, 1997, the Secretary shall submit to Congress a plan which updates the five-year plan required by section 3142(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 622). The updated plan shall include—

(1) the matters required by paragraphs (1) through (4) of such section, current as of the date of the updated plan; and

(2) the assessment of the Secretary of the progress made in implementing the program covered by the plans.

SEC. 3137. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF SKILLS CRITICAL TO DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

(a) FUNDING.—Subject to subsection (b), of the funds authorized to be appropriated pursuant to section 3101(b), $5,000,000 may be used for conducting the fellowship program for the development of skills critical to the ongoing mission of the Department of Energy nuclear weapons complex required by section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 621; 42 U.S.C. 2121 note).

(b) NOTICE AND WAIT.—The Secretary of Energy may not obligate or expend funds under subsection (a) for the fellowship program referred to in that subsection until—

(1) the Secretary submits to Congress a report setting forth—

(A) the steps the Department has taken to implement the fellowship program;

(B) the amount the Secretary proposes to obligate; and

(C) the purposes for which such amount will be obligated; and

(2) a period of 21 days elapses from the date of the receipt of the report by Congress.

Subtitle D—Other Matters

SEC. 3151. REQUIREMENT FOR ANNUAL FIVE-YEAR BUDGET FOR THE NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

(a) REQUIREMENT.—The Secretary of Energy shall prepare each year a budget for the national security programs of the Department of Energy for the five-year period beginning in the year the budget is prepared. Each budget shall contain the estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the national security programs during the five-year period covered by the budget and shall be at a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31, United States Code.

(b) SUBMITTAL.—The Secretary shall submit each year to the congressional defense committees the budget required under subsection (a) in that year at the same time as the President submits to Congress the budget for the coming fiscal year pursuant to such section 1105.

SEC. 3152. REQUIREMENTS FOR DEPARTMENT OF ENERGY WEAPONS ACTIVITIES BUDGETS FOR FISCAL YEARS AFTER FISCAL YEAR 1997.

(a) IN GENERAL.—The weapons activities budget of the Department of Energy for any fiscal year after fiscal year 1997 shall—

(1) set forth with respect to each of the activities under the budget (including stockpile stewardship, stockpile management, and program direction) the funding requested to carry out each project or activity that is necessary to meet the requirements of the Nuclear Weapons Stockpile Memorandum; and

(2) identify specific infrastructure requirements arising from the Nuclear Posture Review, the Nuclear Weapons Stockpile Memorandum, 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 any fiscal year after fiscal year 1997 that is submitted by the President pursuant to section 1105 of title 31, United States Code, the following:

(1) A long-term program plan, and a near-term program plan, for the certification and stewardship of the nuclear weapons stockpile.

(2) An assessment of the effects of the plans referred to in paragraph (1) on each nuclear weapons laboratory and each nuclear weapons production plant.

(c) DEFINITIONS.—In this section:

(1) 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.

(2) The term ''nuclear weapons laboratory'' means the following:

(A) Lawrence Livermore National Laboratory, California.

(B) Los Alamos National Laboratory, New Mexico.

(C) Sandia National Laboratories.

(3) The term ''nuclear weapons production plant'' means the following:

(A) The Pantex Plant.

(B) The Savannah River Site.

(C) The Kansas City Plant, Missouri.

(D) The Y–12 Plant, Oak Ridge, Tennessee.

SEC. 3153. REPEAL OF REQUIREMENT RELATING TO ACCOUNTING PROCEDURES FOR DEPARTMENT OF ENERGY FUNDS.

Section 3151 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3089) is repealed.

SEC. 3154. PLANS FOR ACTIVITIES TO PROCESS NUCLEAR MATERIALS AND CLEAN UP NUCLEAR WASTE AT THE SAVANNAH RIVER SITE.

(a) NEAR-TERM PLAN FOR PROCESSING SPENT FUEL RODS.—(1) Not later than March 15, 1997, the Secretary of Energy shall submit to Congress a plan for a near-term program to process the spent nuclear fuel rods described in paragraph (2) in the H-canyon facility and the F-canyon facility at the Savannah River Site. The plan shall include cost projections and resource requirements for the program and identify program milestones for the program.

(2) The spent nuclear fuel rods to be processed under the program referred to in paragraph (1) are the following:

(A) Spent nuclear fuel rods produced at the Savannah River Site.

(B) Spent nuclear fuel rods being sent to the site from other Department of Energy facilities for processing, interim storage, and other treatment.

(C) Foreign nuclear spent fuel rods being sent to the site for processing, interim storage, and other treatment.

(b) MULTI-YEAR PLAN FOR CLEAN-UP AT SITE.—The Secretary shall develop and implement a multi-year plan for the clean-up of nuclear waste at the Savannah River Site that results, or has resulted, from the following:

(1) Nuclear weapons activities carried out at the site.

(2) The processing of Department of Energy domestic and foreign spent nuclear fuel rods at the site.

(c) REQUIREMENT FOR CONTINUING OPERATIONS.—The Secretary shall continue operations and maintain a high state of readiness at the H-canyon facility and the F-canyon facility at the Savannah River Site, and shall provide technical staff necessary to operate and so maintain such facilities, pending the development and implementation of the plan referred to in subsection (b).

SEC. 3155. UPDATE OF REPORT ON NUCLEAR TEST READINESS POSTURES.

Not later than February 15, 1997, the Secretary of Energy shall submit to Congress a report which updates the report submitted by the Secretary under section 3152 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 623). The updated report shall include the matters specified under such section, current as of the date of the updated report.

SEC. 3156. REPORTS ON CRITICAL DIFFICULTIES AT NUCLEAR WEAPONS LABORATORIES AND NUCLEAR WEAPONS PRODUCTION PLANTS.

(a) REPORTS BY HEADS OF LABORATORIES AND PLANTS.—In the event of a difficulty at a nuclear weapons laboratory or a nuclear weapons production plant that has a significant bearing on confidence in the safety or reliability of a nuclear weapon or nuclear weapon type, the head of the laboratory or plant, as the case may be, shall submit to the Assistant Secretary of Energy for Defense Programs a report on the difficulty. The head of the laboratory or plant shall submit the report as soon as practicable after discovery of the difficulty.

(b) TRANSMITTAL BY ASSISTANT SECRETARY.—As soon as practicable after receipt of a report under subsection (a), the Assistant Secretary shall transmit the report (together with the comments of the Assistant Secretary) to the congressional defense committees and to the Secretary of Energy and the Secretary of Defense.

(c) REPORTS BY NUCLEAR WEAPONS COUNCIL.—Section 179 of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

''(e) In addition to the responsibilities set forth in subsection (d), the Council shall also submit to Congress a report on any analysis conducted by the Council with respect to difficulties at nuclear weapons laboratories or nuclear weapons production plants that have significant bearing on confidence in the safety or reliability of nuclear weapons or nuclear weapon types.''.

(d) DEFINITIONS.—In this section:

(1) The term ''nuclear weapons laboratory'' means the following:

(A) Lawrence Livermore National Laboratory, California.

(B) Los Alamos National Laboratory, New Mexico.

(C) Sandia National Laboratories.

(2) The term ''nuclear weapons production plant'' means the following:

(A) The Pantex Plant.

(B) The Savannah River Site.

(C) The Kansas City Plant, Missouri.

(D) The Y–12 Plant, Oak Ridge, Tennessee.

SEC. 3157. EXTENSION OF APPLICABILITY OF NOTICE-AND-WAIT REQUIREMENT REGARDING PROPOSED COOPERATION AGREEMENTS.

Section 3155(b) of the National Defense Authorization Act for Fiscal Year 1995 (42 U.S.C. 2153 note) is amended by striking out ''October 1, 1996'' and inserting in lieu thereof ''December 31, 1997''.

SEC. 3158. REDESIGNATION OF DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT PROGRAM AS DEFENSE NUCLEAR WASTE MANAGEMENT PROGRAM.

(a) REDESIGNATION OF PROGRAM.—(1) The program of the Department of Energy known as the Defense Environmental Restoration and Waste Management Program, and also known as the Environmental Management Program, shall be known as the Defense Nuclear Waste Management Program of the Department of Energy.

(2) Any reference to the program of the Department of Energy known as the Defense Environmental Restoration and Waste Management Program, and also known as the Environmental Management Program, in any Federal law, Executive order, regulation, delegation of authority, or document of or pertaining to the Department of Energy or the Department of Defense shall be deemed to refer to the Defense Nuclear Waste Management Program of the Department of Energy.

(b) REDESIGNATION OF ASSISTANT SECRETARY OF ENERGY.—(1) The Assistant Secretary of Energy appointed under section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) who is responsible for the program of the Department of Energy known as the Defense Environmental Restoration and Waste Management Program, and also known as the Environmental Management Program, shall be known as the Assistant Secretary of Energy for Defense Nuclear Waste Management.

(2) Any reference to the Assistant Secretary of Energy described in paragraph (1) in any Federal law, Executive order, regulation, delegation of authority, or document of or pertaining to the Department of Energy or the Department of Defense shall be deemed to refer to the Assistant Secretary of Energy for Defense Nuclear Waste Management.

(c) REDESIGNATION OF ACCOUNT.—(1) Subsection (a) of section 3134 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1575; 42 U.S.C. 7274f) is amended by striking out ''Defense Environmental Restoration and Waste Management Account'' and inserting in lieu thereof ''Defense Nuclear Waste Management Account''.

(2) The section heading of such section is amended to read as follows:

''SEC. 3134. DEFENSE NUCLEAR WASTE MANAGEMENT ACCOUNT.''.

(d) REPORT ON REDESIGNATION.—Not later than January 31, 1997, the Secretary of Energy shall submit to congressional defense committees a report on the redesignations to be made under this section. The report shall estimate the costs, if any, to the Department of Energy of the redesignations to be made under this section and describe any potential problems for the Department arising from such redesignations.

(e) EFFECTIVE DATE.—This section and the amendments made by subsection (c) shall take effect on October 1, 1997.

SEC. 3159. COMMISSION ON MAINTAINING UNITED STATES NUCLEAR WEAPONS EXPERTISE.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Commission on Maintaining United States Nuclear Weapons Expertise'' (in this section referred to as the ''Commission'').

(b) ORGANIZATIONAL MATTERS.—(1)(A) The Commission shall be composed of nine members appointed from among individuals in the public and private sectors who have significant experience in matters relating to nuclear weapons as follows:

(i) Two shall be appointed by the Majority Leader of the Senate (in consultation with the Minority Leader of the Senate).

(ii) One shall be appointed by the Minority Leader of the Senate (in consultation with the Majority Leader of the Senate).

(iii) Two shall be appointed by the Speaker of the House of Representatives (in consultation with the Minority Leader of the House of Representatives).

(iv) One shall be appointed by the Minority Leader of the House of Representatives (in consultation with the Speaker of the House of Representatives).

(v) Three shall be appointed by the Secretary of Energy.

(B) Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(C) The chairman of the Commission shall be designated from among the members of the Commission appointed under subparagraph (A) by the Majority Leader of the Senate, in consultation with the Minority Leader of the Senate.

(2) The members of the Commission shall establish procedures for the activities of the Commission, including procedures for calling meetings, requirements for quorums, and the manner of taking votes.

(c) DUTIES.—(1) The Commission shall develop a plan for recruiting and retaining within the Department of Energy nuclear weapons complex such scientific, engineering, and technical personnel as the Commission determines appropriate in order to permit the Department to maintain over the long term a safe and reliable nuclear weapons stockpile without engaging in underground testing.

(2) In developing the plan, the Commission shall—

(A) identify actions that the Secretary may undertake to attract qualified scientific, engineering, and technical personnel to the nuclear weapons complex of the Department; and

(B) review and recommend improvements to the on-going efforts of the Department to attract such personnel to the nuclear weapons complex.

(d) REPORT.—Not later than March 15, 1998, the Commission shall submit to the Secretary and to Congress a report containing the plan developed under subsection (c). The report may include recommendations for legislation and administrative action.

(e) COMMISSION PERSONNEL MATTERS.—(1) Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) The Commission may, without regard to the civil service laws and regulations, appoint and terminate such personnel as may be necessary to enable the Commission to perform its duties. The Commission may fix the compensation of the personnel of the Commission without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(4) Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) TERMINATION.—The Commission shall terminate 30 days after the date on which the Commission submits its report under subsection (d).

(g) APPLICABILITY OF FACA.—The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the activities of the Commission.

(h) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 3101, not more than $1,000,000 shall be available for the activities of the Commission under this section. Funds made available to the Commission under this section shall remain available until expended.

SEC. 3160. SENSE OF SENATE REGARDING RELIABILITY AND SAFETY OF REMAINING NUCLEAR FORCES.

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

(1) The United States is committed to proceeding with a robust science-based stockpile stewardship program with respect to production of nuclear weapons, and to maintaining nuclear weapons production capabilities and capacities, that are adequate—

(A) to ensure the safety, reliability, and performance of the United States nuclear arsenal; and

(B) to meet such changing national security requirements as may result from international developments or technical problems with nuclear warheads.

(2) The United States is committed to reestablishing and maintaining production of nuclear weapons at levels that are sufficient—

(A) to satisfy requirements for the safety, reliability, and performance of United States nuclear weapons; and

(B) to demonstrate and sustain production capabilities and capacities.

(3) The United States is committed to maintaining the nuclear weapons laboratories and protecting core nuclear weapons competencies.

(4) The United States is committed to ensuring the rapid access to a new production source of tritium within the next decade, as it currently has no meaningful capability to produce tritium, a component that is essential to the performance of modern nuclear weapons.

(5) The United States reserves the right, consistent with United States law, to resume underground nuclear testing to maintain confidence in the United States' stockpile of nuclear weapons if warhead design flaws or aging of nuclear weapons result in problems that a robust stockpile stewardship program cannot solve.

(6) The United States is committed to funding the Nevada Test Site at a level that maintains the ability of the United States to resume underground nuclear testing within one year after a national decision to do so is made.

(7) The United States reserves the right to invoke the supreme national interest of the United States and withdraw from any future arms control agreement to limit underground nuclear testing.

(b) SENSE OF THE SENATE REGARDING PRESIDENTIAL CONSULTATION WITH CONGRESS.—It is the sense of the Senate that the President should consult closely with Congress regarding United States policy and practices to ensure confidence in the safety and reliability of the nuclear stockpile of the United States.

(c) SENSE OF THE SENATE REGARDING NOTIFICATION AND CONSULTATION.—It is the sense of the Senate that, upon a determination by the President that a problem with the safety or reliability of the nuclear stockpile has occurred and that the problem cannot be corrected within the stockpile stewardship program, the President shall—

(1) immediately notify Congress of the problem; and

(2) submit to Congress in a timely manner a plan for corrective action with respect to the problem, including—

(A) a technical description of the activities required under the plan; and

(B) if underground testing of nuclear weapons would assist in such corrective action, an assessment of advisability of withdrawing from any treaty that prohibits underground testing of nuclear weapons.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1997, $17,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATIONS AUTHORIZED.—During fiscal year 1997, the National Defense Stockpile Manager may obligate up to $60,000,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3302. DISPOSAL OF CERTAIN MATERIALS IN NATIONAL DEFENSE STOCKPILE.

(a) DISPOSAL REQUIRED.—The President shall dispose of materials contained in the National Defense Stockpile and specified in the table in subsection (b) so as to result in receipts to the United States in amounts equal to—

(1) $338,000,000 during the five-fiscal year period ending on September 30, 2001; and

(2) $649,000,000 during the seven-fiscal year period ending on September 30, 2003.

(b) LIMITATION ON DISPOSAL QUANTITY.—The total quantities of materials authorized for disposal by the President under subsection (a) may not exceed the amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Aluminum	62,881 short tons
Cobalt	30,000,000 pounds contained
Columbium Ferro	930,911 pounds contained
Germanium Metal	40,000 kilograms
Indium	35,000 troy ounces
Palladium	15,000 troy ounces
Platinum	10,000 troy ounces
Rubber, Natural	125,138 long tons
Tantalum, Carbide Powder	6,000 pounds contained
Tantalum, Minerals	750,000 pounds contained
Tantalum, Oxide	40,000 pounds contained

(c) DEPOSIT OF RECEIPTS.—(1) Notwithstanding section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) and except as provided in paragraph (2), funds received as a result of the disposal of materials under subsection (a) shall be deposited into the general fund of the Treasury.

(2) Funds received as a result of such disposal in excess of the amount of receipts specified in subsection (a)(2) shall be deposited in the National Defense Stockpile Transaction Fund established by section 9(a) of that Act.

(d) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is new disposal authority and is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.

(e) DEFINITION.—The term ''National Defense Stockpile'' means the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Energy $149,500,000 for fiscal year 1997 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.

TITLE XXXV—PANAMA CANAL COMMISSION

SEC. 3501. SHORT TITLE.

This title may be cited as the ''Panama Canal Commission Authorization Act for Fiscal Year 1997''.

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, to be derived from the Panama Canal Commission Revolving Fund, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, improvement, and administration of the Panama Canal for fiscal year 1997.

(b) LIMITATIONS.—For fiscal year 1997, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $73,000 for reception and representation expenses, of which—

(1) not more than $18,000 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.

SEC. 3503. PURCHASE OF VEHICLES.

Notwithstanding any provision of law relating to purchase of vehicles by agencies of the Federal Government, funds available to the Panama Canal Commission shall be available for the purchase of, and for transportation to the Republic of Panama of, passenger motor vehicles, including large, heavy-duty vehicles.

SEC. 3504. EXPENDITURES IN ACCORDANCE WITH OTHER LAWS.

Expenditures authorized under this title may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina [Mr. THURMOND] is recognized.

Mr. THURMOND. Mr. President, today, the Senate begins consideration of S. 1745, the national defense authorization bill for fiscal year 1997. In crafting this important legislation, the Committee on Armed Services placed the national security interests of the United States and the strength of our Armed Forces above other considerations. The national defense authorization bill for fiscal year 1997 reflects the committee's bipartisan approach to these overarching priorities, and provides a clear basis and direction for U.S. national security policies and programs into the 21st century.

Mr. President, I would like to thank the distinguished ranking member of the Committee on Armed Services, Senator NUNN, for his outstanding leadership and cooperation in the formulation of this bill. It has been a singular privilege and honor for me to work with Senator NUNN over many years on the Armed Services Committee. I very much regret that this will be his last defense authorization bill, and hope that this bill will serve as a clear legacy to Senator NUNN's enduring contributions to the U.S. Armed Forces and this Nation's security.

I would also like to recognize the distinguished contributions to national security of Senator COHEN and Senator EXON. This bill is also the last defense authorization bill for these two outstanding Senators, and I would like to thank them for their dedication to and support of our Armed Forces.

Mr. President, the following priorities were our roadmap in formulating this authorization bill:

Ensuring national security and the status of the United States as the world's preeminent military power; protecting the readiness of our Armed Forces; enhancing the quality of life of military personnel and their families; ensuring U.S. military superiority by continuing to fund a more robust, progressive modernization program to provide required capabilities for the future; accelerating the development and deployment of missile defense systems; and preserving the shipbuilding and submarine industrial base.

I am satisfied that this bill does a good job in fulfilling these priorities. Let me mention some of its highlights:

The bill gives our service personnel a well-deserved 3-percent pay raise and 4-percent raise in quarters allowance, effective January 1, 1997.

It authorizes the award of the Congressional Medal of Honor to seven African-Americans who served during World War II.

The bill contains provisions to enhance our ability to protect our military forces from ballistic missile attacks.

It adds essential funding for the modernization of our Armed Forces, including: $40 million for the Marine Corps to develop revolutionary operational concepts and technologies through a warfighting laboratory known as Sea Dragon; a funding program for the Army's Force 21 initiatives to expedite the acquisition and evaluation of new equipment and associated technology for the future force; and $997 million for advance procurement and construction of the next two nuclear attack submarines.

The bill also adds $1.2 billion to increase the readiness funding for otherwise unfunded priorities of the service chiefs, and it adds $150 million in funding for the Department of Defense's activities to combat the flow of illegal drugs into the United States.

Mr. President, I wish I could say that the national defense authorization bill for fiscal year 1997 is a major step in the road to recovery for our Armed Forces. It is not. However, this bill does a much better job than the President's budget request in funding our Armed Forces. By offsetting the President's requested decreases in certain key programs, this bill enhances our national security, while still authorizing $7.4 billion less in real defense spending than last year's bill.

The main shortcoming in the President's budget request is its wholly inadequate funding for procurement. Our service chiefs, whose primary responsibility is to ensure that our forces are prepared and equipped to defeat any adversary, have repeatedly warned about increasing risks due to the low level of procurement. Our combatant commanders, who rely on adequately prepared and equipped forces to conduct military operations, have said the same. Further, General Shalikashvili, who as Chairman of the Joint Chiefs is specifically directed to serve ''as the spokesman for the combatant commanders, especially on the operational requirements of their commands,'' has this to say about procurement: ''We must commit ourselves to a sufficient procurement goal, a goal I judge to be approximately $60 billion annually.'' Yet, despite the advice of his principal military adviser, the President requested only $39 billion for procurement. The Committee on Armed Services added $7.7 billion to this requested amount for procurement. To do any less would be to ignore the very advice we have charged our military leaders to provide.

As for the administration's repeated promises to compensate by increasing procurement in future years, the testimony of Admiral Owens, then-Chairman of the Joint Requirements Oversight Council, is revealing:

> [The administration said that in 1994] procurement would be at 64 billion. Of course, what really happened was that it went to 48 billion . . . and in 1995, [the administration] said [procurement] was going to 55 billion. But, in fact, what really happened was 46 billion. [The administration] promised [again] it would go up. [But] in 1996, we're . . . down to 39 billion and [the administration is] promising . . . it will go up.

As the saying goes, You don't learn much from the second kick of a mule. Or maybe I should say ''donkey.'' This administration's record is so bad, the Congress simply has no reason to believe that if we lower defense spending, the President will make up for it in future years.

Mr. President, some of my colleagues may feel that this is a time when we can afford to cut defense spending. In fact, history teaches us the opposite. We have always enjoyed a period of relative calm before the winds of war. With the lethal technologies, emergence of fanatical movements, and proliferation of weapons of mass destruction that exist today, we do not have the luxury of investing in our military after the fact. We must remain ready and fully capable, both to deter and defeat. Although we cannot—and should not—commit to every conflict where we might have an interest, we must be able to dominate those where we clearly do have vital national security interests. Imagine what this world would be like without United States involvement and leadership in World Wars I and II, the Korean war, and the Persian Gulf war. Without a strong military, our identity as Americans would be a shadow of what it is today.

Then, there are those who think that our military capabilities should depend solely on the threat. Their familiar refrain is: Where is the threat? What threat? That is exactly the point. What they see now is the result of a commitment to a strong defense in the past. When they do see a threat, it will be because of a lack of commitment to adequately fund our military today. As General Reimer, Army Chief of Staff, aptly says, ''History shows that those who wish to threaten us will do so at our weakest point * * *. They will seek to exploit a perceived lack of U.S. commitment.''

Mr. President, our Armed Forces continue to suffer from a decline in size and spending levels. Fiscal year 1997 will witness the 12th straight decrease in defense funding, which has declined 41 percent since 1985. Some of my colleagues may not know what happened the last time our defense budget was this low. Let me tell them. Repeated budget cuts in the late 1940's, and their deleterious effects on our Armed Forces, served as a virtual invitation for aggression in Korea. By the time we saw this threat, it was too late. As described by former Army Chief of Staff, Gen. Creighton Abrams:

> We paid dearly for unpreparedness during those early days in Korea with our most precious currency—the lives of our young men. The monuments we raise to their heroism and sacrifice are really monuments we owe to ourselves for our blindness to reality, for our indifference to real threats to our security, and . . . for our wishful thinking about how war would not come.

In Korea, we suffered nearly 50,000 American dead and had to settle for an embarrassing stalemate. Indeed, that war has yet to officially end, and we are still living with its consequences.

Some saw Korea as a military embarrassment. But it was, in fact, a political embarrassment. Our lack of military readiness was a result of our lack of political commitment. I fear we may be laying the seeds for another Korea. Are we willing to suffer another such war?

Mr. President, this bill is a sound bill. It provides a foundation to build on to prepare our Nation's Armed Forces to meet the challenges of the 21st century. I urge my colleagues to join the members of the Committee on Armed Services, who voted this bill out of committee 20 to 0, and pass this bill with a strong bipartisan vote. Of special note, the committee vote reflects a consensus that the issue of national missile defense policy should be dealt with only in connection with S. 1635, the Defend America Act. Accordingly, I strongly urge my colleagues to refrain from offering amendments relating to national missile defense policy to the defense authorization bill. If Members on either side of the aisle wish to debate national missile defense policy, I suggest we proceed to consideration of S. 1635 as soon as possible following passage of the defense authorization bill.

Mr. President, I would like to remind my colleagues that any amendments to the defense authorization bill that would increase authorizations for defense spending should be accompanied by offsetting reductions. Finally, Mr. President, because the Armed Services Committee marked up this bill before the approval of this year's budget resolution, we marked to the defense allocation for fiscal year 1997 contained in last year's budget resolution. I want to assure the Senate that the amount authorized for defense will conform to the funding level designated in this year's budget resolution when we complete the conference on this bill.

I thank the Chair, and yield the floor.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Jerry Reed, a congressional fellow in my office, have the privilege of the floor during the consideration of this bill.

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

Mr. THURMOND. Mr. President, Senator NUNN is expected to be here momentarily to make his opening statement. I expect that other Members will follow thereafter. We want to get as many statements completed during these initial hours as possible.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The senior Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed as if in morning business for the purpose of introducing a bill and making a statement thereon that will not exceed 10 minutes.

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

Mr. BYRD. I thank the Chair. I thank the managers of the pending measure.

(The remarks of Mr. BYRD pertaining to the introduction of S. 1881 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BYRD. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Georgia has the floor.

Mr. NUNN. Mr. President, as we begin debate on the National Defense Authorization Act for fiscal year 1997, I first express my deep appreciation to Senator THURMOND, the chairman of the committee, for the bipartisan process under his leadership that was followed in marking up this legislation.

I also thank Senator THURMOND for the very gracious remarks he made about me. This is my last Defense authorization bill that I will be helping to manage on the floor, and I deeply appreciate his remarks but, most of all, his friendship and his leadership and his stalwart support of national security for the entire time I have been in the U.S. Senate and really for many years before.

I express my appreciation to Les Brownlee, the majority staff director, and the other members of the majority staff, for their hard work and cooperation during markup.

Of course, I add my deep appreciation, on a continuing basis, to Arnold Punaro, minority staff director, as well as all members of the minority staff working with Mr. Punaro.

The Armed Services Committee has a long tradition of members working across the aisle in the interest of national defense, and that was fully reflected in the process that was used to develop the bill now before us. So, Mr. President, I say to Senator THURMOND, I am very grateful to him and to his staff.

We have had and will continue to have issues on which there are sharp differences of opinion between Senators on that side of the aisle and this side of the aisle, and between Senators on both sides of the aisle among themselves. It is not simply a breakdown of Democrats versus Republicans. There are a lot of individual views on defense, and that is how it should be on a defense bill, as important as it is, as much money is involved and as much is at stake, which is, indeed, the stake of our national security and our freedom.

Those differences, however, should not obscure the fact there is a broad consensus in favor of the key features of this bill. Mr. President, there is strong support for provisions in the bill that enhance the quality of life for our men and women in uniform and their families, including a 3-percent pay raise, a 4-percent increase in basic allowance quarters, revised allowances for single personnel and for couples in which both spouses are members of the Armed Forces, and increased funding for military construction pertaining to family housing, unaccompanied personnel housing, dining facilities and, most important, child development centers.

The bill also continues many of the committee's key initiatives over the last decade, including modernization of weapons systems and support for programs essential to the readiness of our military forces.

Mr. President, there will certainly be a lot of controversy about the funding level in this bill, and I am sure we will have amendments to try to reduce the funding level of the bill. Let me state, I believe the overall funding level of

$267.4 billion represents a prudent increase by the committee to the administration's budget request. It is slightly higher than the $265.6 billion that is contained in the conference report on the budget resolution because that budget resolution contains later information related to inflation. These differences will not require any major readjustment of the committee's priority, but we will need to reduce either on the floor or in conference this bill from $267.4 to $265.6 billion, which is our guideline given to us by the budget resolution passed by both the House and the Senate.

I hope that my colleagues on both sides of the funding question will recognize that even with this plus-up of the Clinton administration's budget, this bill still represents a real decrease in spending from last year. So I am sure, as usual, all the reports and headlines will read that this is a vast increase in defense. That is not accurate. This is not an increase in defense. This $265.6 billion in the budget resolution, compared to last year, is a reduction in real dollar terms from last year's funding level, but it is an increase over the President's recommended level by about $11 billion.

Mr. President, some of the provisions of the bill are likely to be the subject of vigorous debate. Although we have avoided, thus far, many of the provisions that make the House-passed bill unacceptable to the administration, there are a number of issues that remain troublesome.

I think it is important for everyone to bear in mind it is clear the House bill and a number of its provisions are unacceptable to the administration, and I hope we can avoid that here. It is clear that we do have some issues that already are unacceptable in this bill to the administration. For example, the language relating to the demarcation line between theater and national missile defense, which is in our bill, is not at this time acceptable to the administration, and the language concerning multilateralization, or adding new parties to the ABM Treaty. Both of these provisions, it is my hope, can be worked in a way that will avoid a veto by the President of this bill, but that remains a very serious challenge.

We will also consider a number of amendments that are likely to draw broad bipartisan support, in terms of enhancing our national security. As I noted in my remarks on the floor on May 30, I have been working very diligently with Senator LUGAR and Senator DOMENICI, and others, to address our Nation's lack of preparedness to cope with threats from the full range of weapons of mass destruction, including biological and chemical weapons.

We will have an amendment on this bill by Senator LUGAR, Senator DOMENICI, and myself that will strengthen the ability of the Department of Defense and the Department of Energy to assist local fire departments and police departments, local law enforcement, in terms of helping prepare them and equip them to deal with a possible chemical or biological attack by terrorists.

Mr. President, the nuclear component of that, the so-called NEST capability, already exists in the Department of Energy. We do not have anything comparable on the chemical or biological side. It is my judgment, after having numerous hearings on this subject, after having considerable in-depth hearings and a long preliminary investigation of the Aum Shinrikyo and the religious cult attack in Tokyo over a year ago that killed 12 people but injured 5,000. If that attack had been better prepared in terms of delivery system for the sarin gas, there would literally have been tens of thousands of people killed. That was a religious cult that existed and had over $1 billion in assets, although more members are in Russia than Japan. They had tested sarin gas in Australia and even embarked on preliminary stages of trying to develop biological weapons. They had a very serious chemical stockpile and had already, previous to the Tokyo attack, carried out other smaller chemical attacks in Tokyo.

Not many of us would have predicted Japan would have been the first place that would have happened, but it is predictable that effort is going to be made in the United States, by either foreign or domestic terrorists.

We had the World Trade Center attack. We have seen the devastation of that explosion. What many people do not realize, and what the judge noted in his findings, is that attack on the World Trade Center also included a chemical weapon that was consumed by the flames and, therefore, did not activate and did not cause damage. The damage was done by the conventional-type weapons.

So we have already, according to the judge, had a chemical attempt in this country. So it is almost predictable, with very little doubt, that we are going to have chemical and biological efforts made against soft targets in this country, including our cities, including our population centers, over the next 5 to 10 years.

We can either begin to get in front of it and deal with it in advance, try to prevent it from happening, or we can wait until it happens and then have everybody say, ''Why didn't we do something about it?''

Mr. President, we are going to try to do something about it on this bill. We are going to have an amendment that would have the Department of Defense and the Department of Energy, in a very carefully prescribed way—we are not getting DOD and DOE involved in enforcing the law at a domestic level. We are not talking about that. We are talking about having them help prepare, in terms of training, in terms of equipment, our local police, and fire officials around this country to deal with what almost all experts on terrorism believe is an inevitable kind of threat we face to our own country.

We have seen the work of domestic terrorists in Oklahoma City and the terrible, terrible destruction that was caused in terms of human suffering in Oklahoma City and to the Murrah Building there. We have seen the attack in Tokyo. We have seen the World Trade Center attack. Fortunately, the chemical part of that attack did not activate. There was enough destruction without it, but it would have been truly of a worse magnitude had the chemical component really done its job.

Mr. President, we have also seen in Russia the Chechen or some group representing the Chechen rebels put a radiological weapon in a very prominent place near Moscow, a radiological weapon being using the radiation from nuclear materials without causing an explosion but causing huge destruction. That was not an effort to actually use the weapon but a warning that it could be done.

So we are in a different kind of world now. We have moved from an era of very high risk of nuclear war to an era of much lower risk of nuclear war. But we have moved from an era of high stability because of that very risk of nuclear war and because the two superpowers knew that, if their clients got into a war or if there was some event that came that got out of control, the whole escalation could take place and we could have a nuclear war.

Because of that, we had high stability, high risk but high stability, during the cold war. We moved to much lower risk in terms of a nuclear war. We can all be very thankful for that because of the change in climate, because of the arms control agreements, because of the substantial number of nuclear weapons in the Soviet Union. All of that greatly reduces the risk of nuclear war.

But the decline of the Soviet Empire has also ushered in a new era of lower stability, meaning that there are countries all over the world that are having ethnic, religious conflict. We no longer have the two superpowers who are basically policing the world so that we do not have conflict between two superpowers.

We are in another era. We are in an era of organized crime not only in Russia but in many other places. We are in an era where we have had the first empire in history disintegrate but still containing 30,000 or so nuclear weapons, over 40,000 tons of chemical weapons, and no one even knows how much in the way of biological weapons, and also scientists all over the former Soviet Union, not just in Russia, who know how to make these weapons of mass destruction, who know how to make ballistic missiles, but in many cases do not know how they are going to feed their families, and rogue nations all over the world trying to develop these kinds of capabilities, as we have seen in the past in Iraq and other places.

The combination of organized crime, terrorism, empire disintegration, tons

of material and know-how in terms of weapons of mass destruction, all of that combined means that we are in a different era. What we have to make sure of, in terms of our overall debate in both the ballistic missile defense area, as well as this Nunn-Lugar-Domenici No. 2 effort, as we can call it, we have to make sure that we are not so obsessed with the past that we cannot think of the future.

The future kind of threats we are going to face are going to be different. We are going to have to be more agile, as David Abshire, president of the Center for Strategic and International Studies, said in a recent article he wrote. We are going to have to be more agile, more flexible. We are going to have to understand the threats that face us in the future. And we are going to have to understand that the Department of Defense mission is still to protect the national security of this country. Included in that mission, I think at this stage, is a very critical need to help our police officials and our fire officials be able to deal with the kind of threat that they may face in the future.

Mr. President, I will have more to say on this subject. I know that Senator LUGAR and Senator DOMENICI will have more to say. But I did want to let people on both sides of the aisle know that sometime in the next few days while we are considering this bill there will be that kind of an amendment.

Mr. President, it will be aimed primarily on the domestic side. It will be very carefully framed so that there will be no doubt that we are not getting DOD and DOE involved in the actual enforcement of the law. That is not the effort here. It is to equip and train and prepare our law enforcement officials to deal with these kinds of threats. There will be a part 2 of this that will deal with a growing need to beef up our Customs Service to make sure that they can do their part and do it well in preventing those kinds of materials from ever getting into this country, and also to help them be more effective in preparing the customs services of other nations, particularly the former Soviet Union, in preventing materials from getting out of those countries—a growing threat.

So, Mr. President, there really are three parts of this overall Nunn-Lugar effort. Part one is already underway and has been for about 4 or 5 years. That is, in my mind, still the most crucial need because the window is open for cooperation with these former Soviet states, including but not limited to Russia. We are helping to do that. The last missile was just taken out of the Ukraine. The last nuclear warhead was taken out of the Ukraine the other day. So this is a remarkable success.

Two years ago it appeared we were going to have four new nuclear states coming out of the one old one, the Soviet Union. It appeared we were going to have a nuclear component, very strong nuclear component, not only in Russia, but in the Ukraine, also in Kazakhstan and also in Belarus. I know all nuclear warheads have been taken out of Kazakhstan, all nuclear warheads have been taken out of Ukraine, and the last weapons, I am told, will be taken out of Belarus this year. The missiles will be destroyed. The Nunn-Lugar program has helped facilitate that. Secretary of Defense Perry told us this morning at the armed services breakfast, without that program we could not have done what has been done. There is a long way to go. There is a lot left to do.

The most prominent feature of this program has been stopping these weapons at the source, preventing them from leaking all over the world. It is going to cost us hundreds of billions of dollars—if we have nuclear materials and chemical and biological materials and missile technology know-how disbursed all over the world, it is going to cost us hundreds and hundreds of billions of dollars to defend against it. Even then it will be extremely difficult to defend against.

The first priority is to stop it at the source, to help these countries—not only Russia, but Ukraine and Kazakhstan and Belarus and others—get control of their own borders, to help them understand the priority of controlling nuclear materials and chemical materials and biological materials and know-how; second, to make sure that they have strong and effective border control and, where they want our help, to help them in that regard; third, to beef up our borders here in this country, to beef up our border protection; and, fourth, to be able to deal with this kind of catastrophe if it ever occurs. First to deter it, prevent it domestically, but to be able to deal with it, not only with police departments and fire departments, but also with health departments.

In the Aum Shinrikyo attack in Tokyo, the Japanese police were certainly not prepared. There is no doubt about that. But the health officials, under the circumstances, did a pretty good job. There is strong indication that the Japanese were better prepared to deal with the health aspects of this kind of chemical attack than we are in this country. In fact, one of the key agencies in HHS to deal with this, one of the few agencies, very, very thinly staffed, has had almost all of its funding cut in the House. I hope that can be corrected because I am sure that the people who made those cuts did not realize the context in which that agency would have to work. So we are going to be talking about all those issues.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent that the following named 14 minority staff members on the Committee on Armed Services and two congressional fellows be granted the privilege of the floor during the consideration of and votes relating to S. 1745, the National Defense Authorization Act for fiscal year 1997.

Minority staff members: Christine E. Cowart, Richard D. DeBobes, Andrew S. Effron, Andrew B. Fulford, Daniel B. Ginsberg, Mickie Jan Gordon, Creighton Greene, Patrick T. Henry, William E. Hoehn, Jr., Jennifer A. Lambert, Michael J. McCord, Frank Norton, Jr., Arnold L. Punaro, Julie K. Rief, James R. Thompson III. Congressional fellows: Maurice B. Hutchison and DeNeige V. Watson.

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

Mr. NUNN. Mr. President, summing up my remarks, I pledge to Senator THURMOND my cooperation on this bill. The chairman has an awesome responsibility to be here on the floor, to help manage the bill and to make judgment on amendments. My role will be to help him and assist him where he calls on me and where I can be of help.

I hope that people who have important amendments will come to the floor and begin that process in the next few hours. I know that the majority leader is under a great deal of pressure with a lot of other bills. I have never known us to be able to pass this bill in less than 3 or 4 days. It is my hope that we can do that in this context. That will depend on the cooperation of all of the Members.

I yield the floor.

Mr. THURMOND. Mr. President, I wish to thank the able Senator from Georgia, Senator NUNN, for his kind remarks. It will be a pleasure working with him on this bill. He is a former chairman of this committee. He is now the ranking member and does a very fine job for defense, and we are very proud of him.

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Mr. President, I ask unanimous consent that CRAIG Williams, a fellow on the staff of Senator MCCAIN, be granted the privilege of the floor during the discussion of S. 1745.

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

Mr. THURMOND. Mr. President, I yield Senator INHOFE 15 minutes. Is that sufficient?

Mr. INHOFE. Yes.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. First of all, Mr. President, I thank the distinguished Senator, the chairman of the committee, Senator THURMOND, for all of his hard work. I really believe that our committee has spent a lot of time, has had a lot of bipartisan cooperation in coming up with a product, which I think is still inadequate but is still the very best that we could come up with at this time.

I think it is very unfortunate that most American people do not realize what a crisis our country is in in terms of our defense. I was very proud the other day before Senator THURMOND's committee when the four Chiefs of the four services came in and made the statement that we are $20 billion underfunded in our procurement accounts. I think this is something that

we have to listen to because this is unprecedented. At least I do not recall any time in history when the Chiefs themselves have come in and said that the President's budget is underfunding procurement by $20 billion. They said that we need to get it up there in order to have the very minimum requirements the American people expect to defend our country.

The administration's request is almost $20 billion less, in real terms, than we are spending this year, and there are several of us who are trying to do something about this by adding back an amount of money.

So I guess what I am trying to say is that the authorization that we are dealing with in this bill is still, in my opinion, inadequate. Yet, I think it is the best that we can do at this time. Our budget has actually decreased for 12 consecutive years.

There is a lot of talk about what to do about the deficit. All of the liberals will point toward defense and say, ''We need to cut defense spending,'' when we have done nothing but cut defense spending for the last 12 consecutive years. Back during the Kennedy administration, 60 percent of our budget went to defending America and 17 percent to human services. Now, 17 percent of our budget goes to defending America and 60 percent goes to human services. It just shows the change that has taken place in the attitude of the function of Government.

We talked about the balanced budget amendment not long ago, and the fact that we need to do something to bring it into balance. So they always point toward national defense, when we have already taken cuts there.

It is kind of interesting that there is a study documented —and it has not been refuted on the floor of the Senate, and I brought this up several times—that shows that if we were to put growth caps on Government—one was a 2-percent cap, and one was a 2.5-percent cap—we could actually balance the budget without cutting one Federal program. I can assure you that I would be delighted to have that kind of treatment in our defense budget because it has deteriorated and consistently gone down over the years. Since World War II, there have only been 4 years that have been lower than we are right now—1947, 1948, 1949, and 1950. This is the lowest budget since 1950.

So it gets down to the question, is there a reason for this? Is it because the threat is not as great out there as it was in previous years? I suggest that that is a matter of interpretation. You will get a lot of difference of opinion on this floor. To me, it is incontrovertible.

I have some articles I will submit for the RECORD. I am going to paraphrase these. The first one—this is just in the last few days—was in the Washington Times. The last paragraph of this is:

> In a report released ahead of publication today, Stern—

That is the German magazine.

> Said the plant was similar to one in Tarhunah, Libya. The United States says that complex is a chemical weapons factory. Libya says it is an irrigation plant.

Then we have what appears to be a new relationship between Syria and Iraq. This was an article in the Washington Times on June 5.

The third article I will submit is ''U.S. Investigates Ukraine-Libya Alliance.'' This is kind of a scary thing that is going on right now. All of these are recent.

The fourth article is, ''Report Cites China-Pakistan Missile Links.''

> A new, draft U.S. Government report states that all intelligence agencies believe with ''high confidence'' that Pakistan has obtained medium-range ballistic missiles made by China, and says for the first time that Pakistan probably has finished developing nuclear warheads for these missiles, U.S. officials said yesterday.

Of course, we have been talking, time and time again, about the threat that is out there that is different than it has been before. I understand that we are not going to be really addressing the national missile defense problem that we have. We tried to do that with the Defend America Act.

We have a President in the White House who vetoed last year's authorization bill because his veto message was that he did not want to spend more money on national missile defense.

Time and time again, we have Members of this body stand up and talk about, well, we cannot spend another $50, $60, $70, or $80 billion more on star wars. Star wars is just a term to try to make it appear as if there is not any real threat out there. I suggested that back in 1983. We recognized that, in the medium term, we were going to have to defend America against ICBM's, a missile attack with weapons of mass destruction.

Now, everything has gone in accordance with the schedule that was articulated at that time by President Reagan. So that here we are today with a system that was to be in place by the year 2000, and we have an investment of approximately $50 billion in a national missile defense system.

Yet, we stopped it dead in its tracks in spite of the fact that the Russians have missiles, that China has missiles, and the Taepo Dong II missile from North Korea is one that will be able to reach the United States by somewhere around between the year of 1999 and 2002.

So the threat is very real. It is out there. And we have people that are of the caliber of Saddam Hussein who made the statement back at the time of the Persian Gulf war. He said, ''If we had waited to invade Kuwait for 5 more years we would be able to have the missile capability of reaching the United States.'' Would he do it? Sure he would. Anyone who would kill his own grandchildren would do something like that. Look at what is happening in Libya. Qadhafi is developing weapons of mass destruction, and they have a new alliance with the Ukraine. We have very real problems that are out there.

The Senator from Georgia, Senator NUNN, mentioned the crisis, the disaster, the bombing of the Murrah Federal Office Building in Oklahoma City and all the tragedy that was linked to that. It is something—that unless you are there to see not just the loss of lives of 168 innocent people but the brutality that was with it; the fact that all that happened with one bomb that is the equivalent of 1 ton of TNT. The smallest nuclear warhead known is 1 kiloton—1,000 times that power; that explosive power. So just imagine. No one is immune from that type of threat.

We saw just recently China and how overt they are getting right now in the Taiwan Straits with their missile testing that is taking place. Then the statement that was made by a high ranking Chinese official—it has been verified that he did say it. He said, ''We are not concerned with the United States coming in and defending Taipei because they would rather defend Los Angeles.'' At a very minimum it is an indirect threat. Are we being held hostage? I think we are.

We see the new developments in Syrian-controlled Lebanon and throughout the Middle East; that when Jim Woolsey 2 years ago—it has been 2 years now since. He certainly would not be considered a Republican. He was a CIA Director under two Democratic Presidents including President Clinton—said 2 years ago that we know of between 20 and 25 nations that have or are developing in the final stages weapons of mass destruction, either biological, chemical, or nuclear, and working on the missile means of delivering it. That was 2 years ago. He has come out since then and expanded that up to 30 nations.

So we are not talking about the days when we had two superpowers. Of course, we are looking at elections taking place right now in Russia. We do not know how they are going to come out. But we see a change in attitude in the former Soviet Union. We saw what happened in the newest elections last December when the Communists took over 153 seats to Yeltsin's 54 and Zhirinovsky roughly 53 or 54 seats. So we are seeing a change there.

But let us assume that there was tranquillity and there was no problem between the United States and the former Soviet Union, as we talked about, during the cold war. The threat was there. I have always contended that the threat during the cold war was not as great as the threat is now because at least we could identify who enemy was at that time. We had the Soviet Union and we had the United States. We had at that time a treaty, an ABM Treaty, and said that we were going to agree to downgrade our nuclear capability. That was called mutually assured destruction. ''You shoot at us. We shoot back at you. Everyone dies, and everybody is happy.'' That is no longer the case. I did not agree with the policy. That was not a Democratic policy. It came under Nixon and Kissinger. That did not make any sense. But

there were those who did believe it was worthwhile. I talked to Kissinger about it. He said, ''It's nuts to make a virtue out of our vulnerability.'' That is what we have done. So here we are out there adhering to a policy through START II, which in my interpretation puts us back with the ABM Treaty where we are downgrading our nuclear capability with one other nation while the rest of the 25 or so rogue nations are increasing their nuclear capability.

So I think that we do not address that in this. We should be addressing that in this authorization bill. But I know what would happen if we did. We would not get it passed and the President would veto it because he said that he would.

So I say, Mr. President, that this bill does not go far enough. We have real serious problems today. During the Persian Gulf war we had 26 divisions. We are going to be down to 15 divisions with this. I think that it is a very serious threat. We are right now No. 9, as I understand it, in ground forces, having been passed by Pakistan.

So America is not at the strength level that America should be. While I say that, I am supporting this bill because it is the only dog in the fight. We need to have an authorization bill. I support this.

Since the beginning of our country's history, national security has been the most solemn obligation our Government holds with its citizens. In order to honor this obligation, top priority must be given to the forces that guarantee our national security. These forces do not ask much of us for their service. But they do need a certain amount of support from their Government in order to carry out their duties and protect the security of the United States as well as maintain our status as the world's preeminent military power.

However, in order to allow our military to honor their sworn duty, we have to provide them with the means to do many things. We must give them the authority to retain ample manpower in the form of adequate end strengths. Our military must have the means to recruit high-quality personnel to carry us into the 21st century. In addition, in order to keep our high-quality personnel, and protect their quality of life which is so important in maintaining morale, we must provide them with equitable pay and benefits—including a 3-percent pay raise to protect against inflation—and appropriate levels of funding for the construction and maintenance of troop billets and military family housing.

We must keep the battle sword sharp by providing enough resources to maintain readiness and continue modernization efforts to provide the capabilities needed for future wars. Our military must also be given the means to field the type and quantity of weapons systems and equipment needed to fight and win battles decisively, with minimal risk to our troops, just as they did in the gulf war.

Another important lesson learned in the gulf war was that we need to be able to protect our troops from ballistic missiles, missiles that are capable of delivering weapons of mass destruction. Whether it is nuclear, chemical, or biological, we must protect our forces while they are in the field and we must protect their families at home. The way we do this is through the development and deployment of missile defense systems: land and sea-based theater missile defense systems, which can protect United States and allied forces against cruise and ballistic missiles while deployed in the field; and a national missile defense system to defend American families at home. We will have a ballistic missile defense, it will either be before—or after—we first need it.

I have spoken about what we must provide for our military, now I would like to point out what we can take away. To begin with, we can eliminate defense spending that does not contribute directly to the national security of the United States; such as policing of the Olympic Games. More importantly, we should stand back and evaluate U.S. involvement in nontraditional military operations, and its impact on combat readiness, budgeting, and our national interests. Bosnia, Somalia, and Haiti; these and other police actions continue to drain defense funds and put a strain on personnel who are already being stretched beyond their breaking point—the breaking point that our military as a whole is rapidly approaching. Bosnia alone is going to cost American taxpayers $3 billion in defense dollars.

Some people never seem to see a breaking point, however. They say we are spending enough on defense. Some say that we are spending far more money on defense than other countries.

Well—of course we spend more money on defense than other countries. In fact, in 1996 the United States will spend three times as much on defense as any other country on Earth, and more than all its prospective enemies and neutral nations combined.

There are two problems with this comparison, however: it assumes that all countries are equal, and it suggests that the comparison between how much the United States spends versus other nations is a legitimate measure of which side will prevail in a conflict. But because of geography, all things aren't equal. We are separated from our potential enemies by two great oceans. And rather than fighting wars in our own backyard, Americans prefer to fight ''over there.'' Because we prefer to fight abroad, it will naturally cost us much more than it costs our enemies to field the same force, since we have to transport, sustain and operate our fighting force in a place where his already is. Each of these activities—moving, sustaining and fighting far away—increases the cost of our military without significantly changing the friendly-to-enemy force ratio. This cost is raised further if we want to field a force that is not just equivalent to our enemy's, but one that can defeat his force, again, with minimal casualties as in the gulf war. The question, therefore, is not whether we will be paying more for our armed forces than our enemy does, but rather how much more we must pay. Is the right number three times as much, as with Russia, or more?

More than 2,000 years ago, Sun Tzu said you should have five times the strength of an enemy to assure success. Well, there have been some changes in warfare since Sun Tzu's time. We now have tanks, and planes, and submarines, so the ratio has changed a little. And we can stand here and argue till we are blue in the face over what the proper force level is; two times, three times, five times as much as the other guy. But the cost of our unique geography makes any comparison between what we pay and what our enemies pay irrelevant. The point is: if you want to fight, ''over there,'' and win, decisively, with minimal losses, then you can expect to pay many times what the enemy pays for his military.

Now, the people who complain that we spend three times as much on defense as any other country on Earth are smart people. They know that we must cross our oceans to fight. They know that what we consider defense spending may not be what our enemies consider defense spending: First, there is the high cost of our high-quality volunteer military: recruiting, paying, providing medical care and retirement. Many people do not realize it, but two-thirds of our defense budget is spent on paying people. Then there is the cost of supporting our worldwide surveillance network, our nuclear deterrent and so on. They know these costs are unique to the United States but they choose to ignore it in their arguments. Why? Because it supports their view of proper levels of defense spending.

We can disagree on what it takes to field a given capability, but let us drop these invalid comparisons and let us deal with the facts. And with the facts in hand, let us spend no more than necessary to get the job done, and let us spend enough to fight, ''over there,'' and win, decisively, with minimal losses.

In this regard, I have to say I was disappointed by the administration's budget request for 1997 defense spending. The administration's fiscal year 1997 budget request was $18.6 billion less in real terms than the level enacted for fiscal year 1996. Now, let me put that another way; in real terms, since the end of WWII, there have only been 5 years that the United States has spent less than the Clinton administration is recommending for fiscal year 1997. Only in fiscal year 1947, fiscal year 1948, fiscal year 1949, fiscal year 1950, those years immediately following WWII, and fiscal year 1955 immediately after the Korean War, has defense spending been so low that it is less

than the President's recommendation for this year. Not even during the hollow force years of the 70's have we spent so little on defense. Clearly, it is time that we address these shortcomings.

As we prepare to vote on the fiscal year 1997 defense bill, it should come as no surprise, that I am truly concerned about the effects that decreasing levels of defense spending have had upon our Armed Forces. If the general public fully understood the severity of defense cuts under the Clinton administration, I believe that they would also be very concerned. In my State of Oklahoma, I have heard this message already. We can see the cuts all around us and it is time to put these reckless defense cuts to an end. History has demonstrated that superpower status cannot be sustained cheaply, nor can it be sustained by budget requests which do not provide for adequate funding of our forces. I am committed to maintaining America's superpower status. However, I am skeptical about the administration's commitment to this goal.

Right now our military—the finest fighting force on this Earth—is being torn in two directions. Our spending on defense is decreasing, while at the same time, the demands on our personnel are increasing. We are stretching the rubber band tighter and tighter, and if defense funding levels do not increase, I fear the rubber band will break and this dangerous combination may result in an exodus of high quality, trained-personnel and, ultimately, a military crises.

It is our duty, as Senators of the United States, to do our part in providing for our national security. In doing our part, we must vote for a defense bill which gives our military the means to do their part. Our forces do not ask much of us for their service, but they do need a certain amount of support from their Government in order to carry out their duties and protect the security of the United States of America.

I feel it is time we take a more responsible approach to defending this Nation, and I therefore urge my colleagues to support the fiscal year 1997 DOD authorization and its modest increase over the administration request.

Mr. President, I ask unanimous consent that four articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, June 5, 1996]

U.S. INFORMS BONN OF SYRIAN TOXIC-GAS UNIT

BONN.—Syria is building a poison gas factory in the western city of Aleppo that could constitute a major threat to Israel's national security, a German magazine reported yesterday.

The weekly Stern said U.S. intelligence officials had passed on satellite photographs of the plant to their German counter-parts, who were checking if any Germans were involved.

In a report released ahead of publication today, Stern said the plant was similar to one in Tarhunah, Libya. The United States says that complex is a chemical weapons factory; Libya says it is an irrigation plant.

[From the Washington Times, June 5, 1996]

IRAQI OPPOSITION TELLS OF TALKS IN DAMASCUS

LONDON.—A prominent Iraqi businessman with close ties to the regime of his president, Saddam Hussein, is in Damascus to discuss future cooperation between Syria and Iraq, an Iraqi opposition group reported yesterday.

Sattam Kaoud, who heads the Jordanian Iman company and oversees other companies owned by Saddam's son Uday, arrived in Damascus June 1 and is staying at the Meridien Hotel there, according to the Iraqi Broadcasting Corp. (IBC), run by the umbrella Iraqi National Congress.

Mr. Kaoud's trip was arranged by a man named Mishaan Jibouri, who is also in Damascus, the IBC said. It did not provide details on Mr. Jibouri's identity, but other Iraqi opposition sources say he attended an Iraqi opposition conference in Syria this year.

Mr. Jibouri and Mr. Kaoud have discussed the possibility of reopening the Iraqi-Syrian border, the IBC said. Iraq, which has been under international sanctions since its 1990 invasion of Kuwait, reached agreement last month with the United States to resume limited oil sales to buy humanitarian supplies.

[From the Washington Times, June 13, 1996]

U.S. INVESTIGATES UKRAINE-LIBYA ALLIANCE

The State Department is investigating reports that Ukraine and Libya are working on a strategic alliance that could involve the transfer of weapons technology to the proterrorist regime in Libya, a department spokesman said.

''We're looking into it. We take it seriously,'' spokesman Nicholas Burns said in response to a report of the Ukrainian-Libya cooperation in Monday's editions of The Washington Times.

Mr. Burns said the Clinton administration believes Ukraine will honor existing U.S. sanctions against Libya, but it will continue to watch the Libyan government to ensure it is not acquiring weapons technology.

[From the Washington Post]

REPORT CITES CHINA-PAKISTAN MISSILE LINKS

(By R. Jeffrey Smith)

A new, draft U.S. government report states that all intelligence agencies believe with ''high confidence'' that Pakistan has obtained medium-range ballistic missiles made by China, and says for the first time that Pakistan probably has finished developing nuclear warheads for these missiles, U.S. officials said yesterday.

The classified report's unanimous reaffirmation of a long-standing intelligence conclusion that complete Chinese M–11 missiles are in Pakistan puts additional pressure on the Clinton administration to consider imposing tough economic sanctions against both nations, as required under a U.S. law aimed at punishing the global spread of such missiles, the officials said.

In the past, U.S. policymakers have repeatedly said that while components of the M–11 missiles may be in Pakistan, Washington lacks concrete evidence that the complete missiles are there. As a result, these policymakers have said, Washington need not invoke the law and cut off U.S. government contracts with China, halt licenses for U.S. exports to China or ban Chinese imports worth up to several billion dollars.

But with the imminent completion of the new report, which updates a U.S. intelligence assessment on the issue that was prepared in 1994, policymakers may have a tougher time fending off calls by many proliferation experts, intelligence analysts and certain lawmakers to acknowledge publicly that the M–11 missiles are in Pakistan.

Details of the draft report are emerging at a sensitive moment in U.S.-Chinese relations, as administration officials are conducting final negotiations with Beijing regarding possible sanctions against China for copying U.S. commercial goods. The administration is also defending a decision by President Clinton to renew the most-favored-nation trading status that allows Chinese goods to be imported with low U.S. tariffs.

The refusal of top policymakers to accept the intelligence community's judgment regarding the presence of the M–11 missiles, as well as its recent decision not to impose sanctions against China for selling nuclear weapons-related equipment to Pakistan, has rankled certain U.S. officials who favor a much tougher policy toward China. This dissatisfaction has helped fuel a series of leaks about Chinese wrongdoing over the years.

The first U.S. intelligence report regarding the M–11s was leaked in 1992. Last July, the Washington Post quoted Intelligence officials as saying that more than 30 of the missiles were stored in crates at Pakistan's Sargodha Air Force Base west of Lahore.

Several U.S. officials said yesterday that is where the entire intelligence community believes the missiles remain. But they added that a sharp dispute has broken out within the community over whether the missiles should nonetheless be described in the new report as ''operational,'' a term that would raise policy alarms in Washington and upset the Indian government.

Yesterday's Washington Times reported the existence of the new draft report and first described the dispute about its contents.

Representatives of the CIA and the Defense Intelligence Agency, in particular, have argued that because a unit of the Pakistani army has been assigned to operate the missiles and has been trained by Chinese experts, the missiles can probably be withdrawn from their crates and deployed in the field within a matter of days.

The State Department's Bureau of Intelligence and Research (INR), alone among U.S. intelligence agencies, has argued to the contrary that not enough information is known about Pakistani training practices to reach this judgment. The missiles cannot be considered operational until they have actually been withdrawn from the crates and been used in such training—and act that has not yet occurred, the bureaus has argued.

''There is nothing new on this issue [of missile operations],'' said one policymaker. That means ''it is kind of a semantic question,'' rather than an act reflecting a shift in Pakistani military strategy or security policy.

A similar dispute has broken out over the draft report's new conclusion that ''it is probable'' Pakistani weapons engineers have completed the arduous task of creating nuclear warheads compact enough to fit atop the missiles.

Several officials said this conclusion is derived from an estimate of how long Pakistan has been trying to complete this task and certain information about the sophistication of its weapons designs. But INR analysts have argued to the contrary that the effort cannot be considered successful until the warhead has been flight-tested—an act that again has not yet occurred.

Officials said the final wording of the report is to be decided by CIA Director John M. Deutch, after further drafting by the Weapons and Space Systems Intelligence

Committee, a little-known panel that includes representatives of all U.S. intelligence agencies as well as officials from Australia, Canada and Britain, Australia and Canada have sided with INR in concluding the M–11s are not yet ''operational'' and that Pakistan might not yet have completed the requisite nuclear warheads.

Mr. INHOFE. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. THURMOND. Mr. President, I wish to commend the able Senator from Oklahoma for his fine statement. He is a valuable member of the Armed Services Committee. We appreciate his coming here and making a good statement.

I now yield to the able Senator from Indiana, Senator COATS, another valuable member of the Armed Services Committee.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I thank our chairman and my friend, the Senator from South Carolina, for his kind statements and for allowing me this time.

PRIVILEGE OF THE FLOOR

First of all, Mr. President, I would like to ask unanimous consent that a member of my staff, Maj. Sharon Dunbar, be allowed permission to be on the floor during the debate on the defense authorization bill.

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

Mr. COATS. Mr. President, I have a somewhat lengthy statement which I will try to abbreviate. There are essential points which I would like to make as we are debating the 1997 national defense bill.

The President's proposed defense budget of $254 billion is, in my opinion, the epitome of a mindset that has been prevalent throughout the Congress and this administration that the military can do more with less. Not only does this budget figure as has been proposed to us constitute the 12th consecutive year of decline for defense spending but it flies squarely in the face of his many pledges and commitments to ensure a strong national defense, and at the same time in the face of this declining figure of 12 straight years our military is being asked to do more and more, to be prepared to do more, and actually is committed to more conflicts and more deployments around the world than it has in a long, long time.

In his 1994 State of the Union Address the President said:

> From the day I took the oath of office, I pledged that our Nation would maintain the best equipped, best trained, and best prepared military on Earth.

This year's defense budget is a disavowal of that pledge—that falls far short of meeting many of the needs of our Armed Forces. But the President's rhetoric in this instance, as in many other instances and many other issues, simply does not match the record. The President has praised our men and women in uniform for their courage and skill, and yet each budget that he sends up refuses to back up that praise and that commitment with adequate resources to allow them to do their job.

Let me just give a couple of examples. In the area of procurement, in order to ensure future military readiness and superiority against threats from outside by tyrants, terrorists, rogue nations, and others, our military needs to, on a regular basis, recapitalize existing equipment and buy new systems.

There is amazing change taking place today in technology and what is available to us. We saw vivid pictures of that during Desert Storm—a revolution in terms of the way warfare is fought to engage in that size conflict with that number of troops, and to come away with as few casualties as we have. It was extraordinary. Never in the history of warfare has this happened. It is due to those changes in technology which allow us to have a significant advantage over our adversaries. It is due to the extensive training of troops to utilize that new technology, to outstanding leadership, and the availability of a synergy of training, quality personnel, quality leadership, and modern technology in new weapons.

Yet, in spite of warnings by senior military officials that procurement is in a crisis, in the defense budget the President seeks to fund procurement at its lowest level since the Korean war—$21 billion less than what senior military leaders have testified as required by the year 1998. We are significantly under the procurement budget that is necessary to maintain pace with recapitalization of existing equipment.

The war-fighting commanders, military service chiefs, and Chairman of the Joint Chiefs of Staff have all testified to their deep concerns about the President's budget. These senior military leaders universally have identified readiness, quality of life, and modernization as desperately requiring attention and increased funding. The Senate Armed Services Committee has weighed their testimony carefully. It authorized an additional $12.9 billion over the President's budget based upon the military's own needs and requirements. Even with this addition, the 1997 committee bill will still be $5.6 billion below the inflation-adjusted spending levels of last year's defense bill.

So Members and colleagues need to understand that even though we are adding this to the President's request, we are still below what is necessary to maintain a level of funding over last year's bill.

So we are now entering the 12th consecutive year of defense declines. The defense bill before us does not provide our troops with what is required for the defense of our Nation, what is required to sustain military superiority in a rapidly changing global environment. Rhetoric matters little if our troops lack the resources they need to execute the mission or enjoy an acceptable quality of life during military service. The bill that we are bringing forward authorizes our Armed Forces to modernize their equipment, to replace aging trucks, ships, and aircraft, and encourages our military to develop new operational capabilities based on emerging technologies and to better prepare themselves for a military technological revolution that may well be ushered in in the next century, a revolution that may profoundly change the character of future conflicts.

Finally, the bill that the Armed Services Committee is bringing forward will improve the quality of life of our military personnel by addressing compensation, work and living conditions. Addressing these issues will enable the troops to focus on their mission rather than worry about the welfare of themselves or of their families.

So, Mr. President, what I am stating here is that had we followed the President's requested budget, we would not have begun to address the concerns that were laid out before us as members of the committee and members of the armed services leadership came and testified.

With this $12.9 billion plus up, in addition, even though we fall short of maintaining parity with spending last year inflation adjusted, we do address some of the critical areas that need to be addressed, primarily improving our readiness, improving quality of life for our troops and their families and beginning the process of modernizing to keep pace with the technological changes that are before us.

As chairman of the Personnel Subcommittee, I have had the opportunity to visit our troops, listen to them testify before our committee and meet with them at many military installations around the country and the world. With a 30 percent less force structure, I found that our military is overextended in meeting many of the new demands of the post-cold-war world. By demanding more of those who remain in the military after a nearly 40 percent decrease in personnel levels and spending levels but by not training or equipping them to conduct these additional missions, we are eroding the state of military readiness and the quality of life of our military members.

Let me give some examples. What is called personnel tempo, that is, the amount of time our military members spend away from their home base, has increased considerably since the end of the cold war. Today, four times as many Air Force personnel are deployed as there were in 1989. People think we are in this peace period, post-cold-war period, where most of our troops are staying home and not having commitments for deployment or heavy training. That is simply not the case. Air Force personnel are deployed at four times the rate they were in 1989. General Reimer, the Army Chief of Staff, indicated that requirements for the

Army forces have risen 300 percent during that time. Today, more than 41,000 U.S. soldiers are currently deployed on nearly 170 missions in 60 countries. General Sheehan, the Commander in Chief of the U.S. Atlantic Command, has testified that he has forces deployed in 18 separate operations worldwide, 70 ships, 400 aircraft, and 37,000 personnel. At this pace, maintenance, morale, and readiness rapidly erode if they do not have the resources capable of meeting these demands.

General Reimer has testified:

> Excessive time away from home is often cited by quality professionals as the reason for their decision to leave the military. It is common to find soldiers that have been away from home for 140, 160 or 190 days in the past year. The Army's future depends upon our ability to retain the best soldiers to be tomorrow's leaders.

The quality of our Armed Forces, their training, their professionalism, and their commitment, is what distinguishes the American military from all the others. Today we have an excellent, dedicated force, but in order to attract and retain the quality of personnel for which our military is known, we must pay attention to their needs and concerns.

Quality of life is a factor of readiness that we cannot ignore. It involves not just where our military families live but how they live. We must not forget that training programs and the quality-of-life initiatives are major investments in the future of our Armed Forces. If we fail to address these issues today, our Armed Forces will suffer the consequences tomorrow.

The defense bill before us addresses the quality-of-life issues that matter the most to our military personnel and their families. Included in this legislation are provisions to provide equitable pay and benefits and to restore funding for troops, barracks, and military family housing. The committee added $122 million to the fund for family housing requirements. This need was pointed out clearly by General Krulak, Commandant of the Marine Corps, who expressed his concern about conditions of housing. General Krulak testified:

> We are not where we ought to be. I went with my godchild to his barracks and was appalled at what he was living in. Appalled is probably a mild word for it. We are building some barracks, we are building some homes, but it is not to the level that I as Commandant or you as a public servant would be very pleased about. It is simply a matter of available money.

Mr. President, I have visited barracks and family housing units at bases across this country and in different parts of the world. I wish I could take every Member of the Senate to these bases and show them personally what we are providing for our troops in terms of living arrangements. They would be appalled to see the conditions that we are asking our service members and their families to live in. Today, over 60 percent of all military housing is deemed substandard by military standards, and those military standards are far lower than the standards we find in civilian occupations outside of the military—soldiers with rotting shower stalls and running toilets, half of which do not work, with drywall with holes punched through, with leaky, rusted pipes and units with asbestos in the ceilings and in the walls. It is just extraordinary to see the disrepair that our troops are required to live with and raise their families in.

I commend the Secretary of Defense for understanding this problem and taking initiatives to address this problem. He has established both an internal task force and an external task force to address this housing problem, but housing year after year after year has been deferred and delayed in terms of rebuilding new housing and maintaining existing housing because we have had scarce resources and have had to divert those resources into the essential needs of readiness and training and pay for our personnel, and yet we have ignored the very facilities in which they live. Members would feel it a disgrace if they visited these facilities. Members here would not think of raising their families under the conditions that our soldiers and sailors and marines and airmen are required to raise their families in. Soldiers today are pooling their own funds and going down to Home Depot to buy materials to bring back to their barracks to fix their shower stalls, to fix leaky windows, to fix rotting ceilings, to repair the facilities that they live in, with their own money on their own time.

Our units are being organized by their commanders to do self-work projects in order just to obtain minimal living standards. It is a disgrace. So, for those who come to this floor and say the military has money flowing out of its pockets and is wasting taxpayers' dollars on defense needs, I would like them to join me on a short trip to a number of facilities so they can see what kind of quality of life our troops have, what conditions they are asked to live in.

We take great pride in providing our troops with the best training, the best leadership, and the best weapons. Yet, when it comes to quality of life, whether it comes to the time they spend with their family or take the weekend off, they return to a substandard quality of life that this Nation ought to be ashamed of.

One of the ways in which the committee is attempting to close this gap between military housing costs and housing allowances, to span that gap, is we have recommended a 4-percent increase in the basic housing allowance. We also have authorized single E–5's to receive basic allowance for quarters, one of the Navy's highest quality-of-life priorities.

In addition, we provided a 3-percent pay raise for our troops, both needed and well deserved, which is, again, less than the Congressional Budget Office's 3.2 inflation estimate, but it is close. So it is hardly unreasonable to ask for a 3-percent increase in pay.

Additionally, General Shelton, who is commander in chief of Special Operations Command, testified before our committee about his inability to pay Army special operation forces special duty assignment pay. He simply did not have the funds. So we authorized the funding to give them that pay that other special operations forces receive. These are just a few of the personnel initiatives that we have taken to attempt to address some serious personnel problems.

With regard to modernization issues—procurement, research, development, test and evaluation, military construction, housing—the administration concedes that the budget is "* * * contingent on the realization of savings expected to accrue from infrastructure reductions, especially base closings, and the successful implementation of acquisition reform initiatives."

Let me just comment briefly on that. I have some very fundamental concerns about the administration's approach to funding future needs based on assumptions that may not pan out. Many of these funding modernizations are critical to the future of our forces, yet we are depending on freeing up funds based on assumptions about inflation which will defy all past records of what inflation levels will be in the future. Any miscalculation is going to impact greatly the resources necessary for updating many of our programs.

Second, planning for weapons modernization is not the same as funding weapons modernization. Mortgaging of modernization to fund near-term readiness over recent years has already created massive bow waves in weapons requirements. The tactical air fleet is reaching its half-life. Army and Marine utility helicopters have already exceeded their half-life, and combat vehicles and trucks will reach their full life cycle by the end of the future year's defense plan. We have military personnel today who are flying aircraft and driving trucks that are older than they are.

So linking future modernization funding to illusory savings from acquisition reform, base cloture and inflation is unacceptable. Even if these savings materialize, modernization at best will be funded at $60 billion 4 years later than what is required. If these savings do not materialize, and I suspect they will not, modernization of our Armed Forces will be pushed further into the 21st century.

Finally, let me just state that the assumptions behind the administration's defense budget are based upon its Bottom-Up Review strategy calling on our military to fight and win two nearly simultaneous major regional contingencies. It is not realistic to expect our military to fight two major regional conflicts with a $10 billion nominal decline in the defense budget. Until the Department of Defense conducts another strategic review, our military

must continue to organize, train, and equip to execute this strategy.

Many of us share concerns that the outdated Bottom-Up Review may be detracting from prudent defense investments. Misinvestments will adversely impact our war fighters, but it will also affect taxpayers. Because of these concerns, I am supporting, along with Senator LIEBERMAN, an amendment calling for the Defense Department to undertake a comprehensive innovative study of alternative force structures in 1997, and urge Members to participate in this debate and listen to the reasons why we need to do this.

Last year, during the debate on the defense authorization bill, we heard from a number of Members who were offering amendments to cut funding for the Defense Department who were questioning the increases that we were seeking in the funding for the defense of our Nation. We heard them say over and over and over, ''Well, the Pentagon did not ask for this money, the Pentagon did not seek these funds. So, therefore, everything that is being requested on this floor that exceeds what the Pentagon sent over in its budget request has to be pork-barrel spending, it has to be unnecessary spending, wasteful spending, spending that is not needed.''

I want to make sure my colleagues know that when this excuse is brought up this year in the context of discussion about this bill, or spending priorities, that this statement that ''the Pentagon did not ask for it, and therefore it is not needed,'' is an excuse that just simply will not wash. It does not square with the testimony received by the Senate Armed Services Committee. It only squares with what the President's budget department decided they would spend for defense. It does not come anywhere close to what the military has testified on the record that they need in order to accomplish the tasks and the missions that have been required of them by this administration.

So that excuse, that this is above the Defense Department's own request, is a phony excuse. It does not reflect in any way the testimony we received from senior military leaders. It reflects what those senior leaders were told to say and the constraints that were placed on them by the administration. So let us make sure we understand what the difference is between defense needs and their stated needs, and what the administration has told them their needs are and their top-line spending is.

In a December 1994 Rose Garden speech, President Clinton affirmed that ''We ask much of our military and owe much to them in return.'' What is a fair return to our troops for dedicating themselves to service for our Nation—for risking their lives to defend America's interests around the world? Our troops do not ask for much. In fact, their requests are actually quite reasonable—modernized weapon systems to defend America's interests, to give them a superior edge over those they fight against, training programs to improve their warfighting capabilities, a decent standard of living, and decent quarters in which to live. Attending to these basic needs is indeed a small investment for the services our Armed Forces provide to the Nation each day. Attending to these needs is a small return on the price we may ultimately ask our Armed Forces to pay in defense of our Nation.

We must not squander the opportunity to plan our military's future during a time of peace. Nor should we be lulled into a false sense of security that in the 21st century—indeed in the years preceding it—our Armed Forces will not again be called upon to defend America. I respect the argument that our Nation must grapple with many, often conflicting, priorities. Clearly, the Government has an obligation to get its financial house in order and balance the budget. However, we must avoid the temptation to act as if cutting defense spending has no consequences. History is replete with examples of the consequences of ignoring military preparedness.

In speaking of our Nation's failure to address these very same issues after World War II, Gen. Creighton Abrams said:

> We paid dearly for unpreparedness during those early days in Korea with our most precious currency—the lives of our young men. The monuments we raise to their heroism and sacrifices are really surrogates for the monuments we owe ourselves for our blindness to reality, for our indifference to real threats to our security, and our determination to deal in intentions and perceptions, for our unsubstantiated wishful thinking about how war would not come.

In his annual report to the President and Congress, Defense Secretary Perry wrote:

> The world has changed dramatically over the past few years, but one thing remains constant: a strong military force, made up of the finest American men and women, is the Nation's best insurance policy.

I urge my colleagues to ponder the haunting words of General Abrams, and the deliberate words of Secretary Perry. As tempting as it may be in an era of scarce resources and competing priorities, we must not allow indifference to serve as the basis for today's defense spending. A strong, well-prepared military has been, and will continue to be, our Nation's only insurance. A strong national defense does not come cheaply. We should not delude ourselves into thinking otherwise.

Mr. President, I will say to those who think defense needs to do more of its share in helping to reduce our spending, had every other item of Government done half the share that defense has provided of reduced spending over the past 12 years, we would more than have a balanced budget. If other agencies of Government had taken the same steps, or half the steps, taken by the Department of Defense, we would not be arguing over the need for a constitutional amendment to balance the budget or how we get to a balanced budget.

The truth of the matter is that over the past 12 years, defense spending has declined nearly 40 percent, and it continues to go down, now the 12th consecutive year. Name me one other program of Government that has begun to match the record of reduced spending as the Department of Defense—40 percent less troops, 40 percent less spending for equipment, troops deployed all over the world, stretched to the limit, in many cases, in terms of their operations tempo and their personnel tempo, troops living in substandard housing.

What Member of this Congress can take any sense of satisfaction in knowing that 60 percent or more of the men and women and families who have committed to defend this Nation live in absolutely substandard housing arrangements? It is a disgrace, and it is simply something that we absolutely have to correct.

So, as we go forward in the debate on the defense bill, I hope my colleagues will remember defense has contributed more than its share in reducing our spending and trying to get in line with a balanced budget. No other agencies of Government can begin to compare with that. And in the end, one of the most essential, if not the most essential, functions for Federal Government is to provide for the common defense and the national security of this country. I can think of no higher spending priority. We need to understand that. We need to understand that this administration is not committed to that priority, despite their rhetoric.

Let's hope that the debate will lead us to a satisfactory result, so we can at least tell our troops that we have done the best we can—we have not provided them everything they need, but we have at least taken steps in the right direction to recognize that they provide security and defense for more than 250 million people of this country and deserve adequate support in doing that.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. Who seeks recognition?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend the able Senator from Indiana for the valuable contributions he has made to this debate.

I now yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I thank the Senator from South Carolina. I will start today by expressing my respect for the Senator from South Carolina. I think he has brought a bill to the floor that includes many features that are very important. He and Senator NUNN are two Senators for whom I have the highest regard. I appreciate very much the work he does on behalf of this country in the area of defense.

I regret I am going to offer an amendment he likely will not support,

but that does not diminish in any way my respect for his work and effort, nor does it diminish in any way the respect I have for the others on the defense authorization committee.

I intend to offer an amendment later today to reduce by $300 million the amount of money that was added to the National Missile Defense Program or, I call it, star wars, because it has a space-based, multisite component. But I intend to offer that, hopefully today, and give the Senate an opportunity to reduce by $300 million this Defense authorization bill.

Mr. President, I ask unanimous consent to be able to show my colleagues the following piece of metal. It is an item that comes from a hinge to a door on a missile silo. The silo was silo No. 110 in Pervomaysk, Ukraine. It held an SS–19 missile that was targeted against the United States of America. That missile likely would have held, I believe, five or six warheads buried in the ground in the Ukraine. Missile No. 110 and SS–19. This piece of metal was taken from that destroyed missile silo.

That missile does not exist anymore. Where this was part of a component to hold an SS–19 targeted against the United States, there now exists not a silo, not a missile, not a warhead, but a piece of level ground planted not with a missile but with sunflowers. Sunflowers have replaced an SS–19 that was targeted against the United States of America.

How did that happen? How does it happen that I hold a piece of metal from a silo that housed a nuclear weapon targeted against our country? This has come from halfway around the world and from more than that distance, philosophically, in terms of what we have understood how we can make progress in arms reductions if we do the right thing.

Senator NUNN and Senator LUGAR proposed legislation that is now law that provides funding for the destruction of missiles under the arms reduction treaties we have with Russia and the old Soviet Union. Today, as I speak, there are missiles armed with nuclear warheads that used to be pointed at this country that are being chopped up and crushed and taken out of silos and destroyed.

Surely, everyone would agree the best way to destroy a missile that is aimed at the United States is to destroy it before it leaves its silo. Hundreds of these missiles have been destroyed before they have left the silo under the Nunn-Lugar provisions, which have substantially reduced the nuclear threat and which, under the arms reduction treaties, have resulted in fewer missiles and fewer nuclear weapons threatening our country.

In this Defense authorization bill, we are going to have a debate about whether to build a new National Missile Defense Program. Some call it Defend America. Some call it star wars. Some call it NMD. Whatever it is, the Congressional Research Service says it is from between a $30 billion to $60 billion new program to build a new set of missiles in our country to create some kind of an astrodome across America so that other potential enemy missiles are unable to penetrate.

This defense authorization bill adds $300 million to the $508 million that was requested by the administration and the Pentagon on research and development on a national missile defense system. Let me be clear, I do not oppose research on a National Missile Defense Program. I do not oppose research. I do oppose going beyond research, adding hundreds of millions of dollars, demanding we deploy, as quickly as is possible, almost immediately, a national missile defense system.

To do that will destroy the arms control agreements we now have. To destroy the arms control agreements makes no sense at all. Those are the agreements by which we are seeing the missiles in the Ukraine—the Ukraine, incidentally, is nuclear free. There are no more missiles, no more nuclear warheads in the Ukraine. There used to be thousands.

To do what is being proposed, to undercut and destroy the foundation of the arms control agreements, means that we may no longer have the Nunn-Lugar program with the opportunity to have our former adversaries destroying missiles and destroying warheads that previously were once aimed at this country.

Should we have a national missile defense program? I do not know. Should we decide immediately that we want to add extra money—$300 million in this case, but a down payment at least on a program that is going to cost $60 billion—to demand early deployment of a multisite, spaced-based component of a national missile defense system? Should we do that now? Of course not. We should not spend money we do not have on something we do not need.

We will have a longer debate on this. I am happy to engage in a debate with my colleagues. I will do so respectfully. I very much respect their views. We, however, have spent a lot of time wringing our hands, gnashing our teeth, mopping our brow about the Federal budget deficit. We should do that because it is a serious problem.

But I find it fascinating that those who have bleated the loudest or brayed the loudest about the Federal deficit are at the first opportunity coming to the floor of the Senate saying, ''By the way, I am concerned about the Federal deficit, but I very much want to see us embark on a new $60 billion national missile defense program.''

My amendment will be very simple. My amendment will be to say, let us preserve the $508 million the administration in the Defense Department asked for in research and development funds for a missile defense program. We may need one sometime. We may need to deploy it sometime after the turn of the century. I do not know. But I do not subscribe to those who believe we ought to deploy it on an expedited basis, who demand we need to build it now, we need to buy before we fly, we need to overstate a threat in order to justify a new program.

So, again, with the greatest respect for those who disagree, I will offer an amendment to cut the $300 million from the defense authorization bill so that we are back at the $508 million on the national missile defense program that the Defense Department had requested in its budget. In the scheme of the Federal budget, $300 million may not be the largest amount of money, but it is a significant amount of money. I hope my colleagues, when we have the larger debate about this subject, will agree.

Let me finish where I began. This piece of metal is symbolic of what we do if we do the right things together. Arms control agreements work. This used to be housed in the silo that held a missile with nuclear warheads aimed at America. The missile and silo do not now exist. There are sunflowers planted on that ground in the Ukraine. Where missile 110 used to exist, an SS–19 with a nuclear warhead, we now have a patch of sunflowers.

That is the way to destroy an adversary's missile, in the ground before it is fired. Arms control agreements have worked. I cannot compliment Senator LUGAR and Senator NUNN enough for the leadership they have shown in these areas. I say, let us be very, very, very careful, as we move forward on any missile defense program, that we do not undercut arms control agreements that have achieved significant and real results in reducing the nuclear threat.

Mr. President, I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I thank the distinguished Senator for his comments. I look forward to a spirited debate on this subject.

Mr. President, Senator WARNER is a valuable member of the Armed Services Committee. He has been on the committee a long time and done a fine job. I now yield such time as he may require.

Mr. WARNER. Mr. President, I thank my distinguished chairman.

PRIVILEGE OF THE FLOOR

Mr. WARNER. Mr. President, first, I ask unanimous consent that Comdr. Mike Matthes, U.S. Navy, a fellow assigned to my office, be granted floor privileges during the consideration of S. 1745.

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

Mr. WARNER. Mr. President, I will begin by again recognizing the fine leadership provided by Chairman STROM THURMOND of South Carolina, and Senator SAM NUNN of Georgia, our ranking member. This year, as in many years past, the defense authorization bill is truly a bipartisan product. I

have often thought that in areas of defense and foreign policy partisanship stops at the water's edge, a concept envisioned by one of our former colleagues many years ago. I think it is a concept that is as true today as it was then.

Despite some differences, we were able to work together to unanimously report out the bill which is before the Senate at this time. Less than 3 months after receiving the administration's budget request, the Armed Services Committee had conducted a thorough set of hearings and completed its markup of the defense authorization bill. This record-setting pace is a tribute to the committee chairman, Senator THURMOND, and the ranking member, and the fine professional staff under the direction of Col. Les Brownlee, U.S. Army, and Gen. Arnold Punaro, U.S. Marine Corps.

Mr. President, the bill before the Senate goes a long way towards ensuring that our Armed Forces will remain capable of meeting the many challenges that lie ahead. To achieve this goal, the committee added $12.9 billion to the Clinton administration's budget request and concentrated the additional funding in the vital modernization accounts.

President Clinton's request of $254.4 billion represented an $18.6 billion real decline in defense spending from the fiscal year 1996 appropriated level. Over the past decade, Mr. President—I want to repeat that—over the past 10 years, the amount the United States has spent on defense has declined by 36 percent in real terms. Of course, that reflects adjustments for inflation. Even with the funding added by the Armed Services Committee, this year will mark the 12th straight year of declining defense budgets. To all of the critics, I simply say what we have done is not increase defense spending; we have merely slowed the rate of decline. That was the purpose of adding back these funds to the President's budget.

I was particularly concerned with the inadequate funding of the procurement accounts contained in the President's budget. Despite last year's promises that a modernization ramp up would begin in 1997, procurement funding continued a dramatic decline. We are already at a 40-year low, Mr. President. Not since the start of the Korean war have we spent so little on purchasing new weapons for the men and women of the Armed Forces today and, also, Mr. President, future generations.

May I give a few examples.

Ten years ago, fiscal year 1986, the United States of America purchased 840 new tanks. This year no new tanks are requested.

Ten years ago, in 1986, the United States purchased almost 400 new tactical aircraft. This year only 34 new tactical aircraft were requested.

Ten years ago, Mr. President, we purchased 40 new ships for the U.S. Navy. This year only 6 new ships were requested.

Enough, I think, is enough, Mr. President.

U.S. troops are currently deployed in 10 separate military operations overseas. Despite the end of the cold war, we are calling on men and women of the Armed Forces at an ever increasing rate. It is our responsibility to provide our troops with adequate resources so they can effectively and safely perform their missions. We must not ever send them into harm's way with equipment that is less than the best, particularly if it is outdated.

As Army Chief of Staff Reimer told the Armed Services Committee in March of this year, and I quote that distinguished soldier:

> In the event of a conflict, a lack of modern equipment will cost the lives of brave soldiers.

I was impressed with the candor shown by the military leaders, particularly those of the Joint Chiefs, who testified before the Armed Services Committee this year during the course of the budget hearings. I told all of the service chiefs—I said I did—all members of the committee joined in advising these chiefs that their challenge is to ensure that their successors 10 years hence will have the forces and the equipment they will need to protect our Nation's interests.

It was clear from their testimony that the budget submitted by President Clinton was not adequate to meet this challenge. In fact, prior to the administration's budget submission, the Joint Chiefs, to the man, unanimously recommended a procurement budget of $60 billion as soon as possible. Unfortunately, that advice was not followed, and the administration proposed a procurement budget of only $38.9 billion.

During the committee's markup, the Armed Services Committee made progress in addressing this shortfall by adding almost $8 billion to the procurement accounts. The AirLand Forces Subcommittee, which I am privileged to chair, added over $4 billion for additional tactical aircraft, upgrades to existing aircraft, precision guided munitions, tank upgrades, new attack and scout helicopters, new radios, jeeps, night vision devices, and other critical equipment. These addition will not correct all of the modernization shortfalls, but they are a step in the right direction.

I want to highlight one item contained in this bill that is very important to me, and has been for many, many years, beginning with my service as Under Secretary of the Navy in the year 1969, through my service as secretary in 1972 on into 1974, which is the U.S. Navy submarine program. Today, Russia, in my judgment, is putting a disproportionately large amount of their defense spending toward their military assets beneath the seas of the world. It is incumbent upon the United States of America, in every respect, to not only maintain the force we have today, but to modernize that force in the face of a determined effort by Russia to try and take command of the submarine tactical ability that they have and to meet us head on. That concerns me.

That brings me to the subject of the New Attack Submarine Program. Last year, our committee fought long and hard to reach an agreement with the administration to provide for competition in the procurement of this new class of submarines. The administration had originally proposed a sole source award of this work to Electric Boat in Connecticut—effectively prohibiting competition and cutting Newport News Shipping & Dry Dock, which is located in my State, out of future submarine construction. Newport News has been in the new construction submarine programs since World War II. There is no question about its competence and its cost effectiveness to compete for the new class of submarines.

We struck, in our committee—with the cooperation of the distinguished Senator from Connecticut, a valued member of our committee, and my colleague, Senator ROBB, joining me in this effort—a compromise as part of the 1996 defense authorization bill, which provided for construction of the first 4 new attack submarines at two—not one—shipyards—namely, that in Groton, CT and that in Newport News, VA—with a competition for the fifth and remaining boats in the class.

Unfortunately, the administration failed to request adequate funding to execute the 1996 submarine program, largely initiated in the Senate. But then once in conference, very valuable contributions were made by my colleague, Congressman BATEMAN, and others, on the House committee. The final bill, of course, was shaped for 1996, which laid out a clear course for competition between these two yards. Competition, Mr. President, has proven, through the decades of procurement, to provide for the American taxpayer the greatest degree of savings. It was imperative that this competition be put in this very large program, envisioned to exceed perhaps over $50 billion in the next 20 years or so.

The bill before the Senate today corrects this problem by providing both funding and directive language to ensure that the shipbuilding compromise and the competitive process mandated in the 1996 defense authorization bill is adhered to by the administration.

Mr. President, before the Senate is a fine bill. I am proud to join my colleagues on the committee—and I think everyone in the U.S. Senate—in acknowledging that our military is second to none worldwide. We need no less than to carry out the very heavy responsibilities of this Nation in terms of its world role of leadership—not world role of policeman, but world role of leadership—if we are to remain the world's most powerful Nation in terms of leadership on security matters. We must be willing to provide adequate funding today for our troops and tomorrow in the form of procurement for

modern weapons. This bill accomplishes that goal.

Mr. President, I salute, once again, the distinguished chairman of the committee, Mr. THURMOND of South Carolina, and the distinguished ranking member, Mr. NUNN of Georgia.

Mr. President, I yield the floor.

(Mr. ASHCROFT assumed the chair.)

Mr. THURMOND. I wish to commend the able Senator from Virginia for the fine contribution he has made to this debate.

Mr. WARNER. I thank my colleague.

Mr. THURMOND. Mr. President, I yield to the able Senator from Texas, a valuable member of the Armed Services Committee, such time as she may require.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. I, too, want to thank the Senator from South Carolina for the leadership he has given to the committee and his strong and enduring, never-flagging support for the military of our country.

Mr. President, the post-cold-war era has brought about tremendous changes in our security environment. The absence of great power confrontation is the peace dividend we have received as a result of our military investments in the 1980's. While the end of the cold war changed the strategic environment, serious threats remain. For just as soon as we paused in our celebration over the fall of the Berlin Wall, Saddam Hussein dashed all illusions that this new era meant an end to the requirement for a strong military capability.

Shaping our military forces to meet existing and future challenges requires strong leadership, strong leadership by the Congress and the President together, to make sure that we have a military that will keep the freedom that we so enjoy.

As we reduce our military forces to the lowest level since just prior to the outbreak of World War II, we must remain mindful that the threats we face are global in nature and that the training requirements of a smaller military must be even more rigorous to retain readiness.

Mr. President, I am very concerned that continuing cuts in defense spending will leave us with a military force structure that lacks the manpower and materiel to defend the United States and our vital interests. This would be disastrous, not only for the United States, but certainly for our allies and for peace and stability in the world. We need to keep in mind that our national security assumptions are based on the capability of our drastically downsized military forces to fight and win two major regional conflicts. We do not know from where the threats will come in the future. But the magnitude of the challenge we have set forth for our military force is discernible from recent history.

In addition to forces currently deployed in Haiti, northern Iraq, the Sinai, and now in Bosnia, we could also conceivably find ourselves facing the threat of all-out North Korean aggression, or renewed aggression by Saddam Hussein. Both represent very real threats to our national security interests, and both demonstrate the increased risk we face when we dissipate our military strength through involvement in operations such as Bosnia and Haiti, which do not represent clear national security interests.

Mr. President, none of us wants to think of this scenario, but it is not inconceivable. In depending on our slimmed-down forces to meet these very real and terrible threats, we must have an expectation that our men and women in uniform can meet that threat if we provide the support that they need.

The success in Operation Desert Storm demonstrated the unequaled capabilities of our military. Even after the post-cold-war drawdown our Army, Navy, Air Force, and Marines remained the best trained, the best led and the most formidable fighting forces in the world. But that superb quality could be at risk. If we do not make the correct strategic decisions today we will reap the sad rewards 5 to 10 years from now. Our responsibility in this Congress is to minimize the risk. I am personally committed to that goal. Before we send soldiers into harm's way, whether it be a Desert Storm, or a Somalia, or a Haiti, or a Bosnia, it is our responsibility here in Congress to ensure that our military personnel are provided the equipment and training they deserve.

While the President is the Commander in Chief, under our Constitution our Founding Fathers established a primary role for Congress. Our Founding Fathers decided that the Congress would have the sole ability to declare war, the power to make regulations of the land and naval forces, the power to call forth the militia, to raise and support the Army and the Navy, the power to provide for organizing, arming and disciplining the military. When Congress deliberates and considers executive branch judgments on military policy, we are fulfilling our constitutional responsibility.

I continue to have strong reservations about whether or not we are providing enough to enhance our military capability. While the major provisions of this bill go a long way toward addressing some of the serious defense shortfalls, I believe serious weaknesses remain which have not been adequately addressed.

As we try to achieve an elusive peace dividend we do so at the expense of our military capability. We have cut too far too fast and too deep. Based on the threats we face today we still need a strong military capability.

How do you define sufficient capability, and what does having this capability mean for our men and women in battle? To soldiers, sailors, airmen, or marines in harm's way sufficient military capability means they have what it takes to win decisively. It means they take fewer casualties. It means they survive the battles and come home to their loved ones.

General Eisenhower once noted that, ''If asked to capture a village defended by a battalion, I would send a division and I would take the village without casualties.'' That is what having sufficient military capability means—accomplishing the mission with as few casualties as possible. This has always been the hallmark of U.S. military operations. We have as Americans preferred to expend firepower and resources—not personnel.

As a member of the Armed Services Committee I have often gone on record with my concerns over the speed of the current drawdown and the implications for our national security. The current force structure simply does not meet our national security requirements.

By further stretching our resources to participate in Bosnia operations I am afraid that we could soon be faced with the painful reality of just how much this drawdown has affected our military. President Bush, Secretary Cheney and General Powell proposed what they termed the ''base force.'' President Clinton's current force is referred to as the ''Bottom-Up Review force.'' It is significantly smaller than the Bush plan. The stated goal of both forces is to be able to prevail in two major regional conflicts, and it is referred to as the ''two MRC requirement.'' The main difference between the two is that under the base force we would be capable of winning under the base force. We would be capable of winning two simultaneous major regional conflicts. But under the Bottom-Up Review force we could prevail in winning two near simultaneous major regional conflicts. The difference between those two terms, Mr. President, is as vast as an ocean.

First, what does ''near simultaneous'' mean? Is it a week? Is it 6 months? Will we have 9 months to build up from a nonmilitary or security deployment of our troops? Under the base force it was assumed that some forces would be engaged in operations other than war, or peacekeeping such as we have in Bosnia. These forces would not be in the calculation for winning two major regional conflicts because the combat skills of any military unit degrade when they are not training for their primary mission. Rather than send troops into a combat situation for which they might be woefully unprepared they were excluded from the two MRC calculations.

So what we are saying is under the base force that was put forward by President Bush these operations other than war would not count toward our goal of winning two major regional conflicts simultaneously. But the Bottom-Up Review force under President Clinton removes that cushion. General Shalikashvili said in testimony before the Senate Armed Services Committee that if one major regional conflict

arises, forces performing operations other than war will have to be withdrawn in order to go to a second major regional conflict.

Mr. President, that is a vast difference from what the base force that President Bush envisioned would be capable of doing. That takes away the ability to have simultaneous conflicts that we would win, and says nearly simultaneous because we would have to rush out and retrain troops that were in an operation other than war because they are not trained and ready for combat when they are performing humanitarian or peacekeeping missions.

We have a large force in Bosnia today. We have sent an entire Army division plus support troops to Bosnia totaling 20,000 personnel with 5,000 at least in Croatia and Macedonia and with thousands more supporting this operation from Hungary, Italy, Germany, the Mediterranean and the United States. This deployment is said to last for a year, and during that time we are not able to have our troops in training for their combat missions. The Bosnian deployment will cost us billions of dollars in unprogrammed contingency defense expenditures in addition to the billions that we know it will cost up front. The military services could have to deplete vital training accounts to pay for these unplanned operations.

As a member of the Armed Services Committee I am alarmed by the cuts that I see being contemplated in our Armed Forces. In my view, many of the reductions which have occurred in the past 5 years have seriously undermined the capability to support a national defense strategy in which we must be prepared to fight and prevail in two major regional conflicts simultaneously. In fact, I feel very strongly, Mr. President, that in rapidly reducing our Armed Forces from 2.1 to 1.4 million we have already reduced their size to a level that is inadequate to meet our needs, and we can reduce no further.

When General Sullivan, the former Chief of Staff of the Army, assumed his position his watchword as the drawdown began was no more Task Force Smiths. He was referring, of course, to the task force commanded by Lt. Col. Bradley Smith which was rushed into battle in Korea in July 1950 to counter the North Korean attack. This courageous American force was sent into battle outgunned, ill-equipped, and ill-prepared, and was quickly and easily overrun by the Soviet-equipped North Korean force. At the time Americans were shocked to learn that the same military which defeated the Japanese and the German armies 5 years before had so quickly become a hollow force.

Last summer, our Nation dedicated a memorial to those who fought in the Korean war. That honor was long overdue. My husband served in the Navy during this time. He and I went to see the Korean monument. And I am going to tell you that visiting the monument to our veterans of the Korean war is one of the most poignant and beautiful experiences that I believe I have ever had.

It is a real tribute to those valiant warriors. Now as we consider the 1997 defense authorization bill, we should reflect not only on those who died in Korea but on the lesson that we should have learned from that war. One of the finest books written about that Korean war is ''This Kind of War: a Study in Unpreparedness,'' by T.R. Fehrenbach, a fellow Texan and close friend of mine. As an infantry commander, he experienced the conflict from a unique vantage point, and his book, first published in 1962, remains in print today. I commend this book to my colleagues because what Mr. Fehrenbach is saying is we must always have a trained and ready field force, that whatever we try to do from the air is not going to win a war and we are not going to protect our freedom throughout civilization if we do not have the ability to go into the field, and place soldiers on the ground, well equipped and well trained.

Mr. President, what we are talking about today is making sure we have it all—that we have the technology, that we have the airlift and the sealift that will allow us to take that very last step, which is placing our troops on the ground. We are talking about having the training and arming our troops who must capture hold that ground while at the same time that we are making sure we have all of the strategic and technological advances which would keep them from having to go in the first place. But if we must send our forces, we want them to have all of the protections we can give them. So we need the technology; we need the equipment; we need the personnel; and we need the training. That is what we are talking about in this bill today.

We are having a major conflict with the President and the Congress on just what we need in terms of military capability. Congress is trying to get the military spending up so that we will not have a hollow force, so that we will be able to win two major regional conflicts simultaneously, because that is what a ready force is, and so that we will be able to prevail in two major regional conflicts quickly and with the fewest possible casualties.

That is our goal, and that is why Congress wants to spend $10 billion more than the President wants to spend to make sure that when the troops are in the field they are trained and equipped, to make sure they have the air cover they need, to make sure they have the equipment they need to protect them if they are in the field, and to make sure our shores are protected from any kind of incoming ballistic missile, which we now know 32 countries in the world have the capability to produce and someday soon send to our shores. We even have groups that are not countries with that capability. And with open borders, we could be vulnerable if we do not do what is right and make the strategic decisions that will protect the people who live in our country and will protect those who are protecting our freedom anywhere in the world in any theater from coming into harm's way if we can prevent it.

Mr. President, those are the decisions we are making with this bill. I hope we can sit down with the President to make sure we are doing what is right for our troops in the field today, for the protection of freedom today, and to make sure we will not wake up 5 or 10 years from now and realize that we have allowed another task force Smith; that we did not do what we needed to do in terms of the strategic thinking necessary to make sure we were not vulnerable to any kind of attack from any source in the world.

I commend the Senator from South Carolina for his leadership. I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I wish to commend the able Senator from Texas for the excellent remarks she has made on this bill. She has made a fine contribution to this debate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. THURMOND. Mr. President, I now ask unanimous consent the Senate stand in recess until 2:15.

There being no objection, the Senate, at 12:25 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

Mr. LOTT. Mr. President, we are working with the Democratic leader and trying to get agreements on how we can proceed on this bill and other

issues. For the information of all Senators, the Democratic leader and I have been negotiating on the minimum wage issue since Friday of last week. This Senator believes that we are making good progress and may yet today be able to reach an agreement that would satisfy all Senators.

With that in mind, I will now outline the agreement that we have been discussing. The agreement is as follows: On Monday, July 8, at a time to be determined later, the Senate would begin consideration of H.R. 3448, the House-passed minimum wage bill, which also contains the small business taxes, and at that time Senator KENNEDY would offer his amendment with a 1-hour time limit. The amendment would then be laid aside, and I would offer an amendment on behalf of Senator BOND, with an hour time limit. The Senate would then vote, first on the Bond amendment, to be followed by a vote on the Kennedy amendment.

Following the two minimum wage votes, the bill would then be opened to two tax-related amendments, one to be offered by each leader and debated separately and limited to 2 hours of debate each. I want to emphasize again that this has not been agreed to, but this is an outline of what we are talking about.

It seems to me this is a fair agreement; that it also offers a date specific that we would take these issues up and act on them. If the Democratic leader is optimistic some agreement along these lines can be reached, then it would be my intention to ask unanimous consent that no minimum wage amendments be in order during today's session in order to make progress on the DOD bill while negotiations are ongoing with respect to this minimum wage issue.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. I understand the Democratic leader has no objection to this, and therefore I ask unanimous consent that no minimum wage amendments be in order during the remainder of the session of the Senate today, Tuesday, June 18, 1996.

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

Mr. LOTT. Mr. President, I ask unanimous consent that the committee amendments be set aside until the close of business today.

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

Mr. LOTT. There was no objection heard?

The PRESIDING OFFICER. There was no objection.

Mr. LOTT. Senator GRASSLEY has one on infrastructure; Senator BINGAMAN has one on ASAT; Senators SIMPSON and THOMAS have one with regard to a Wyoming project; Senator FORD, DOD/DOE chemical munitions. We are not asking at this time for any time agreement on these amendments, but these Members and amendments are ready to go. We need to get started on the amendment process.

It would be the intention of the leadership that we go ahead and take these amendments up and try to get agreement on a time where votes would be agreed to. Perhaps, even, we would stack some of them at a time certain. We will notify the Members as soon as we can get that agreed to.

At this time, we would like the committee members to go ahead and proceed with the DOD bill and amendments that are ready to go.

With that, Mr. President, I turn the floor back over to the distinguished chairman of the committee.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Mr. President, I ask unanimous consent that Michael Montelongo, a fellow in Senator HUTCHISON's office, be granted the privilege of the floor during the consideration of S. 1745.

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

Mr. THURMOND. Mr. President, I ask unanimous consent that Comdr. Thomas Vecchiolla, a Navy fellow in Senator COHEN's office, be granted the privilege of the floor for the duration of the debate on the fiscal year 1997 national defense authorization bill.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LOTT. Mr. President, Senator GRASSLEY, I believe, will be here momentarily. I believe that Senator BINGAMAN is here ready to go.

I see Senator GRASSLEY is on the floor. We will be ready to go momentarily.

CHURCH BURNINGS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 265, submitted earlier today by myself, the Democratic leader and others.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 265) relating to church burnings.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this Senate resolution condemns the arson and other acts of desecration against churches and other houses of worship.

Senator DASCHLE and I are joined in the cosponsorship of this resolution by Senator HUTCHISON, Senator MOSELEY-BRAUN, Senator GRAMM, Senator HELMS, Senator FAIRCLOTH, and Senator D'AMATO. I hope Senators during today, if they have an opportunity, or later on this afternoon, and would like to speak on this issue, that they will feel free to do so.

Mr. President, my State of Mississippi was gravely wounded last night.

Two churches burned in Kossuth, a small town in the northeast corner of our State. The Mount Pleasant and the Central Grove Missionary Baptist Churches were lost to flames.

The fires, like several others that have hit churches elsewhere in the country in recent months, were, as the official reports say, of suspicious origin.

In time, the truth will be uncovered. And if these fires were not accidents, if they were set by the hand of evil, then justice must be done.

The good people of Kossuth will rebuild their churches.

Bill Dillworth, a deputy sheriff and a deacon at Mount Pleasant Church, affirmed, ''We will always survive. You look to the Lord at times like this. He will be your guide.''

I hope that same spirit prevails in the meeting President Clinton has scheduled for tomorrow with several of the Nation's Governors, to discuss ways to combat church arsons.

It will not help the situation to turn these tragedies into a racial or regional issue. Attacks on churches and synagogues are attacks on religion itself.

James Glassman's column in today's Washington Post lays out the sad statistics. The Bureau of Alcohol, Tobacco and Firearms has investigated 123 church burnings over the last 5 years. Of those, 38 have been at black churches.

Attacks of any kind against any of our places of worship should unite Americans in outrage and in resolve. That is why, early this year, a coalition of pro-family organizations—the Christian Coalition, Eagle Forum, Family Research Council, and others—publicly appealed for action to protect churches—all churches.

In response to their petition, the House Judiciary Committee held hearings in May. And the Christian Coalition offered a $25,000 reward for information leading to the arrest and conviction of a church-burner.

Those were constructive steps in the right direction.

Perhaps additional legislation is needed to make it easier for Federal prosecutors to intervene in cases of church burnings.

On the other hand, perhaps the administration should take a closer look at the extraordinary powers to protect churches which congress gave the Justice Department 2 years ago in the clinic access bill.

That legislation, designed to protect only abortion clinics, was expanded, at

the insistence of Senator HATCH and other Republican Members of the House and Senate, to apply to religious institutions as well.

To date, however, the administration has failed to use its powers under that legislation to deal with attacks on churches. I urge the Attorney General to rethink her Department's approach.

I urge the President, as well, to rethink the approach he and some others associated with him have taken toward religious institutions, and in particular, toward their role in public affairs.

Every time Americans are denounced as extremists for standing up for their religious beliefs, every time persons of faith are stigmatized for intruding their values into politics, it becomes easier for those who wish evil to actually do evil.

That evil is all of one piece, whether it is a wooden church aflame in rural Mississippi or a synagogue defaced in California or a cathedral disrupted in New York City.

For persons of faith, those buildings are more than places we visit regularly. They are extensions of our own homes.

Whoever raised a hateful hand against our homes in Mississippi last night is going to learn an important lesson.

Along with the entire Nation, they will learn that the faithful people there are like the three young men of Israel who were cast into the fiery furnace. The raging flames could not harm them, and they were brought forth radiant with the protection of their God.

I am glad we are able to get this unanimous-consent agreement on this resolution. It is very important that the Senate express its outrage at these churches being burned.

Unfortunately, in my own State of Mississippi last night, we had two incidents in the northeastern part of the State that are of suspicious origin. There is no way that we can tolerate this type of activity.

We want to express our outrage and also assure our colleagues that our intent is to take a quick, serious look at House-passed legislation and hope we will be able to pass their bill, which provides some additional authority for law enforcement investigations and activity with regard to these church and other religious buildings burnings.

I am very pleased we have this resolution, and I am glad it was done in a bipartisan way.

Mr. COCHRAN. Mr. President, I am pleased to join my State colleague and other Senators in cosponsoring this resolution condemning recent church burnings and urging that all appropriate Federal authority be used to investigate these incidents and bring to justice those who are responsible for them.

I suggest, in addition to passing this bipartisan leadership resolution, that we hold at the desk the bill that will be passed by the House and call it up for passage as soon as possible, without amendment, and send it to the President for his signature.

Taking this action should serve notice on all concerned that this kind of conduct will not be tolerated in our society, and those who engage in this terrorism will be caught and they will be punished.

Mr. KEMPTHORNE. Mr. President, I am proud to cosponsor this resolution by Senator MOSELEY-BRAUN and Senator LOTT which places the Senate firmly on record against the recent incidents of church burnings in our Southern States.

Church burning is religious persecution at its worst. It denies Americans their right to worship their God as they see fit.

Our Southern States are witnessing the worst number of black church bombings and fires since the 1960's civil rights era. Mount Zion AME Church in Greeleyville, SC, was burned to the ground last year by an arsonist. Church bombings are occurring in Virginia, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Louisiana, and Texas. For well over 18 months, communities in these States have been held hostage by cowardly and intolerant individuals threatening their inalienable right to pray and praise. This is simply unacceptable. America is a land of toleration and acceptance; not of prejudice and fear.

What do these criminals hate that makes them act so miserably? If their goal is racial prejudice, they should think again. Burning a church is not just a crime against people of different ethnic origins. It is an attack on the House of God. Surely God knows and will remember those who commit these crimes. Church arsonists are playing with fire, the fire of judgment day.

Regrettably, religious persecution is not limited to the South. Illinois citizens are waking up to crosses burning in their yards. Idahoans, especially Idaho Mormons, have suffered as well. Three years ago, on the campus of Idaho State University in Pocatello, the LDS Institute was burned to the ground. Arson was the cause. And that's not the only incident. Random acts of vandalism to the Boise and Idaho Falls Temples, as well as to churches and seminaries unfortunately continue today.

Religious persecution has no place in Birmingham, AL, or Boise, ID.

Our Founding Fathers enshrined religious freedom in the first amendment. They knew worship strengthens our daily lives. They knew that Americans held, and would continue to hold, differing religious convictions. They also knew America stands for freedom and that thousands of immigrants had come to these shores seeking refuge from religious persecution.

My prayers go out to those parishioners whose churches have been bombed, burned, or threatened. The faith that helped their forefathers through the worst days of slavery and suffering will carry them through now. Already God is at work opening the hearts of Americans all across the Nation who are helping rebuild these houses of worship.

These random acts of kindness show America will not move back to a time of fear, ignorance, and prejudice. We will move forward to a world of racial and religious tolerance, acceptance, and respect.

All Americans are entitled to the right to worship their God. Let us renew our faith and remember what a privilege it is to freely be able to practice our religion according to the dictates of our own conscience. This resolution recognizes and reenforces that right. I fully support it and want it to pass.

Mr. DASCHLE. Mr. President, my heart goes out to the victims of the recent rash of church burnings. Like so many Americans, I have watched with great dismay and real sadness as one after another African-American house of worship has gone up in flames. There have been at least 35 fires of suspicious origin at these churches in the last 18 months. As a nation, we will not tolerate this attack on African-Americans and their right to exercise their religion freely and in peace. I know that the vast majority of Americans joins with us today in condemning these acts of destruction and recognizing that we cannot allow a small number of hate-filled people to derail the progress we have made toward ending racial discrimination and intolerance.

We have seen in recent years the destruction of well over 100 houses of worship serving people of different faiths and different races. This resolution rightfully condems all those acts of destruction and desecration.

The burning of these churches—which constitute the heart and soul of the communities they serve—is a national tragedy that requires a strong and swift response. I commend President Clinton both for his moral leadership on this issue and his commitment of all possible Federal resources to the investigation and prosecution of the perpetrators of these vicious crimes. I hope we will be able to help these Federal law enforcement efforts by passing legislation introduced by Senators KENNEDY and FAIRCLOTH that gives Federal officials more tools to fight these terrible acts. Bringing these arsonists to justice must be one of our highest national priorities.

Mr. WARNER. Mr. President, the continued spate of burnings of African-American churches in the South is a national tragedy. I commend Attorney General Reno for redoubling the efforts of the Department of Justice to catch the perpetrators of these most heinous crimes. I have also joined with Senator FAIRCLOTH in cosponsoring legislation which reiterates that burning of a church is a Federal crime and lowers the damages threshold to bring Federal enforcement.

One of out most precious freedoms is to practice our religious beliefs. To have that freedom abridged because of racist acts is doubly troubling.

I know that substantial efforts have been made to investigate these fires. But it is clear that more must be done because the fires, some 30 in all over the past year and a half, keep happening. The leadership of my Commonwealth is responding. The attorney general of Virginia, Jim Gilmore, was recently elected as chairman of the southern region of the National Association of Attorneys General. One of his first acts was to organize a coordinated effort among southern attorneys general to combat hate crimes such as church burnings. His leadership on this issue will bring results, and I commend him and the organization for taking this action.

Everybody concerned with the rash of church burnings wants to know whether these crimes are the work of an organized group or isolated instances of violence. I hope that the efforts of the State attorneys general and of the Department of Justice will answer this question. Just as importantly, I hope that whomever is committing these horrible crimes will see that law enforcement across the country is committed to solving and preventing these despicable acts. Even one instance of church arson is too many—to have dozens of church burnings is a crisis that must be solved.

Unfortunately, as disturbing as these cases of arson are, they are not the only instances of racist violence intruding on the right to worship. Yesterday, a church in Charles County, VA, was defaced with racist words and symbols. The Mount Zion Baptist Church has served the Charles City community since 1812 and is celebrating its 100th year at its present location.

Now the Federal Government cannot protect every church in America. I hope, however, that by finding and prosecuting arsonists and by encouraging law enforcement efforts such as those led by Attorney General Gilmore, the Federal authorities can make a difference in protecting America's houses of worship.

The wife of the pastor of Mount Zion Baptist Church was quoted that the church will survive this racist incident. She said that the ''membership is just going to bind closer together.'' I wish them well, and my thoughts go out to all who have suffered at the hands of cowardly attacks on our churches.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating thereto be printed in the RECORD at the appropriate place as if read.

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

The resolution (S. Res. 265) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 265

Whereas there have been at least 156 fires in houses of worship across the Nation since October 1991;

Whereas there have been at least 35 fires of suspicious origin at churches serving African-American communities in the last 18 months;

Whereas these churches and houses of worship are a vital part of the life of these communities;

Whereas intentionally burning churches or other houses of worship is a very heinous crime;

Whereas intentionally burning churches, when done to intimidate any American from the free exercise of his or her rights as an American, is inconsistent with the first amendment of the United States Constitution, which guarantees every American the right to the free exercise of his or her religion, and which ensures that Americans can freely and peaceably assemble together; and,

Whereas intentionally burning churches, when done to intimidate any American from the free exercise of his or her rights, is a serious national problem that must be expeditiously and vigorously addressed: Now, therefore, be it

Resolved, That—

(1) the Senate condemns arson and other acts of desecration against churches and other houses of worship as being totally inconsistent with fundamental American values; and

(2) The Senate believes investigation and prosecution of those who are responsible for fires at churches or other houses of worship, and especially any incidents of arson whose purpose is to divide communities or to intimidate any Americans, should be a high national priority.

Mr. LOTT. Mr. President, I ask unanimous consent that Senator COCHRAN's name be added as a cosponsor of this Senate resolution.

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENT NO. 4047

(Purpose: To freeze at the level programmed for fiscal year 1998 the amount that may be expended for infrastructure programs of the Department of Defense in order to increase funding for force modernization)

Mr. GRASSLEY. My purpose for rising is to introduce an amendment. I am not going to send the amendment to the desk quite yet. Also, I inform the leadership on both sides of the aisle that I do not have any intention of speaking for an extra long period of time. But before I agree to a time limit, I want to make some opening remarks in regard to my amendment. After that, I will have an opportunity to sit down and probably work something out with the leadership on the time.

Mr. President, we are at a point in the defense authorization bill where I want to bring up the point that we ought to be saving some money in infrastructure costs, but we are not. We ought to be saving some money in infrastructure costs because it is just natural that infrastructure ought to be somewhat less as we downsize the military, both from the standpoint of personnel and from the standpoint of the number of bases we have, and a lot of other factors. The fact that we really are not, the point of my amendment is to drive that point home, but also to offer a plan that will allow us to guarantee that when we are told that money should be saved, that it is in fact saved.

We are in a situation here, Mr. President, where from a political standpoint we ought to have the votes to accomplish what I want to accomplish. I do not anticipate that we do. I anticipate that we are in a long process of educating the people of this country and the Members of this body to the fact of what I have already stated, that if we are going to close bases to save money, somewhere we ought to be able to show the American people that here is X numbers of dollars we saved. Because that is what we were told would happen; if we closed bases, we would save money. But we have had even experts like the General Accounting Office audit to identify the savings, and they have issued reports that it is not saved.

But we are also in a political environment here where—in past years, it has been very easy for us to make some points on saving money from the standpoint of my being a conservative Republican. Leading the efforts to cut the defense budget or to save money, I would almost have the full support of Members on the Democratic side of the aisle because they were generally of the opinion that Republican Presidents were spending too much on defense, even wasting money on defense, so fiscally minded Republicans, joining together with Democrats, would have enough votes to actually win the battle and to save the taxpayers money.

But now we have a political situation in the last 3 years where we have a Democrat President and a Republican Congress, and we find people on the Democratic side of the aisle, even though that President may be spending money above and beyond the level he should be doing it as Commander in Chief, they seem to be in a position where they want to get behind their President even if they might disagree with him on the amount of money he is spending. So we have a divided Democratic Party more so than usual on the issue of saving defense money.

As is typical on this side of the aisle, my Republican side of the aisle, it seems that there is a willingness just to give more money to defense because somehow by giving more money you get more defense.

The point that I try to drive home so often to my colleagues and I think it is legitimate; and I am speaking now just about people in this body who consider

themselves conservative; and for the most part those are people who are also registered as Republicans and elected to this body as Republicans—is that we are constantly admonishing the other side of the aisle, for decades, that you cannot solve in the typical way liberals like to solve problems, throwing money at those problems, and somehow just by spending more money on a lot of social problems, you actually solve those problems; and we would always say, ''Well, you know, it's not how much money you spend, but it's how you spend it, and how you invest it, whether or not you're going to get your money's worth.''

We do not seem to have the same caution on this side of the aisle when it comes to money for defense. We seem to take the attitude that if you just put more money in the defense budget, give more money to the Pentagon, somehow you are just automatically going to have more defense.

I raise this argument more so at the level of adopting the budget as opposed to the defense authorization bill. I suppose that is really a better place to make that generic argument about more money for defense or less money for defense. But I think it is legitimate, when we are dealing with a very specific item like infrastructure costs, and particularly when we were told over the last several years that if we close bases we ought to save money, and if we cut down on the number of personnel in the Defense Department we ought to save money, that after a few years of that argument, you ought to be able to look and say, ''Yes. We have saved X number of dollars. Here it is.'' I would have believed it. The General Accounting Office expected to find it. But the reports of the General Accounting Office do not confirm those savings.

The point is, savings are real things. You ought to be able to see them. My amendment is geared toward the proposition that if there is going to be savings, we ought to know where those savings are and what they ought to be used for and that, if they are going to still be spent in the defense budget and not reduce the deficit, at least we ought to know what they buy. So that is the basis for my amendment.

But I will to get into more detail about my amendment, more specifics in just a moment. I want to remind my colleagues of the debate we had on April 15 in this body. It was a very excellent debate on what the size of the defense budget should be. At that point, the budget resolution we had before us had already added in an extra $12 billion to the budget for defense. That is $12 billion over and above what the President had recommended that we spend on defense. I opposed that move. I opposed it by offering an amendment to cut back most of that money. The vote was 57 to 42 against what I was trying to accomplish.

The majority rules in this body, and I am willing to accept it. But all that extra money then is in the bill before us as a result of the decision that we made on the budget resolution and also the decision of the Senate Armed Services Committee to go to the maximum allowed under the budget resolution.

Most of this money is for modernization of our military capabilities. But, sadly, an analysis of the bill shows that $12 billion does not buy much at the Pentagon. That should come as no surprise to people who have been watching the defense budget and how the Defense Department has operated over a long, long period of time. It does not come as any surprise to me.

The money has been spread around in so many different areas that all we end up with is a few bits and pieces. If you would take the key area of combat aircraft as an example, this is what we get. We get six extra F–18's, two extra AV–8B's, four extra F–16's. That is it, 12 more fighters. The military needs to buy hundreds of fighters each year to modernize the force. The other areas are not much better. We do get a few extra missiles, a few extra transports, a few extra helicopters. But I might say that we do not get one extra ship for the Navy, as an example.

Now, all of this added together, I suppose somebody is going to make a case that it is absolutely needed and it is going to improve and modernize our military considerably. But it seems to me that when you see exactly what we get, then it is not even a reasonable downpayment on modernization. And $12 billion—of course, when you look at what this bill has for a total expenditure for a year—happens to be peanuts at the Pentagon, kind of a drop in the bucket.

So this brings me to a point that I have hammered on for years, as I indicated, admonishing my colleagues, particularly on the Republican side of the aisle, that throwing more money at the Department of Defense is not going to solve the problem. We will never succeed in modernizing the force structure at these prices without fundamental reform.

Now, it happens that there are even outstanding members of the Armed Services Committee that have been fighting a long time for fundamental reform. I want to commend my colleagues for fighting for fundamental reform. I think that fundamental reform is very, very important to make sure that whatever extra money we spend—including the $250-some-billion we are going to spend—is invested wisely and we get the most bang for the buck. But it seems to me that the reform ought to go ahead of the additional $12 billion.

We have had some types of reform over the last 15 years. But, again, we think we make some dramatic changes—what we feel are dramatic changes—in the way the Defense Department does business. After you look back at it, you really do not see the changes come about that we had hoped for when we passed the reforms or the reforms that go on within the Defense Department that can be done without actually passing the legislation.

We have had a host of defense reforms, one after the other. But there tends to be a big gap between promises and reality. None of these reforms have worked completely as advertised. We do not get all of the desired impact that we want to have.

Some could even been classified as bureaucratic tricks to cover for business as usual. It all leads up to the fact that what the Department of Defense needs to do is to find a new way of doing business—a completely new way of doing business, a new attitude, a new culture there. But, in fact, we really never really get the complete changes that ought to be made so that we get our money's worth when we put additional money in for modernization, or anything else.

If we do not get this fundamental reform, I think we still have to say, as good as our Armed Forces are, how much better they could be, how much more we would get for our investment of money if these reforms would really happen. We are talking about changing a basic culture. To do that, you need new ideas and new strategies. Most importantly, you need a disciplined management. You have to find ways to make reforms work—and work now, not later—not in the year 2001.

So I am suggesting in the amendment, which I will deposit at the desk shortly, a way of making sure that we get real modernization with the savings that we are supposed to get from infrastructure savings. We have already had four rounds of base closures. We have had a shrinking force. This should mean savings in infrastructure accounts. The Department of Defense has promised these savings, but the savings, as I have indicated, are not there. So promises do not match the reality.

My amendment would, hopefully, make the savings real. So this is what I propose to do would accomplish that goal. I will give you seven specific objectives of my amendment.

The first is to seek to establish a better balance between force structure and infrastructure costs. I will show you, eventually, how there is an imbalance there—an imbalance that does not make sense to me, but it is still an imbalance.

Second, this balance would be brought about and achieved by freezing the infrastructure budget at the fiscal year 1998 level of $145 billion. The freeze would save $10 billion in fiscal year 1998 to the year 2001.

Fourth, the Secretary of Defense would transfer the savings to the procurement accounts to pay for modernization. This is the key, then, to getting money from savings that we ought to be able to account for and get it into modernization, not into overhead. That ought to be going down; instead, it is going up.

The fifth point is that key readiness accounts would be protected. That

would be like for spare parts, training, and a lot of other things like that.

Sixth, the savings would be reflected in the future years' defense program submitted to Congress next year so that we would be able to know what it was and to see it and to have it accounted for.

Seventh, we would have the Comptroller General review and verify the savings, so we have somebody outside of the Defense Department, with no vested interest, verifying what Defense does, in the sense of just the accounting, or being accountable for the money, and not micromanaging anything that the Secretary of Defense might do.

Now, what is going to be strange to the managers of this bill—both Republican and Democrat—is that I see my goals being 100 percent consistent with the Department of Defense plans. So you take what they say they want to do, which, as I have indicated, is not being done, and make sure that it is done. It seems to me that if there is anyplace for the Congress of the United States to be involved in some detail of the Defense Department's work, it is nothing more than to make sure that they do what they say they are going to do, what they report to us they are going to do, to kind of make their performance in office commensurate with their rhetoric. That's making them accountable. That is perfectly consistent with constitutional oversight functions of the Congress of the United States.

This DOD plan was presented to the Armed Services Committee as recently as March 5, 1996. At that time, Secretary of Defense Perry testified that $10 billion in savings from base closings would be used to pay for modernization. A very distinguished member of the Armed Services Committee who was just here—and I suppose he is going to speak on my amendment. I am glad to have him engage in this debate. But we know this very distinguished member as a person who is a real hero for the defense of our country as well as being a very good Senator, John McCAIN. I am going to say he also agrees. He may stand up here shortly and say that he disagrees, but at least I want to give my version of that.

He has said that there is a gross imbalance between our military forces and the infrastructure. He says we need to eliminate excess infrastructure, we need to save money. He has a white paper on our national defense. That is the way I interpret it. There is just one minor problem on what the Secretary of Defense said on March 5 of this year when he was going to take this $10 billion in savings from the base closings and use it for modernization. The savings promised by Mr. Perry do not exist. The General Accounting Office just audited those accounts. You cannot find any savings. The savings have evaporated into thin air.

Mr. President, earlier this year, on April 25, I spoke about the General Accounting Office report on this subject. What I said then I am going to repeat now. Anybody can read that. It is entitled, ''Defense Infrastructure: Budget Estimates for 1996–2001 Offer Little Savings for Modernization.'' It was published on April 4, just 2 months ago. Unfortunately, it was based on the fiscal year 1996 future year defense program publication.

The fiscal year 1996 future year defense program was submitted to Congress over a year ago. So I suppose to some extent, as things move very rapidly, it is somewhat out of date. It is at least a year old. I thought I should have more current data. I thought that the Pentagon bureaucrats might have been able to get their act together since last year. Maybe they succeeded in getting infrastructure costs on the right track. I think we could legitimately surmise that they should have done that.

So not being able to get this information, I wrote to Mr. Bowsher on May 10 of this year asking him to provide me the updated information drawn from the fiscal year 1997 future year defense plan. I thank Mr. Bowsher and his expert staff, including Mr. Bill Crocker, for working so hard and to turn around my request in less than 2 weeks. That is pretty fast even for a responsible organization like the General Accounting Office. It must be a record.

I have the General Accounting Office's brandnew report right here with me. It is entitled, ''Defense Infrastructure: Cost Projected To Increase Between 1997 and 2001.'' This is dated May 1996.

Before I get started, I think it is important to define infrastructure cost. This is the money that DOD spends to house, train, and support the Armed Forces and keep them ready to go. The General Accounting Office has provided a brief description in this publication of each category of infrastructure costs. The General Accounting Office has also provided a table that shows how infrastructure costs are spread across the various appropriations accounts.

I ask unanimous consent to have that material printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CATEGORIES OF DEFENSE INFRASTRUCTURE

Installation support consists of activities that furnish funding, equipment, and personnel to provide facilities from which defense forces operate. Activities include construction planning and design, real property maintenance, base operating support, real estate management for active and reserve bases, family housing and bachelor housing, supply operations, base closure activities, and environmental programs.

Acquisition infrastructure consists of all program elements that support program management, program offices, and production support, including acquisition headquarters, science and technology, and test and evaluation resources. This category includes earlier levels of research and development, including basic research, exploratory development, and advanced development.

Central logistics consists of programs that provide support to centrally managed logistics organizations, including the management of material, operation of supply systems, maintenance activities, material transportation, base operations and support, communications, and minor construction. This category also includes program elements that provide resources for commissaries and military exchange operations.

Central training consists of program elements that provide resources for virtually all non-unit training, including training for new personnel, aviation and flight training, military academies, officer training corps, other college commissioning programs, and officer and enlisted training schools.

Central medical consists of programs that furnish funding, equipment, and personnel that provide medical care to active military personnel, dependents, and retirees. Activities provide for all patient care, except for that provided by medical units that are part of direct support units. Activities include medical training, management of the medical system, and support of medical installations.

Central personnel consists of all programs that provide for the recruiting of new personnel and the management and support of dependent schools, community, youth, and family centers, and child development activities. Other programs supporting personnel include permanent change of station costs, personnel in transit, civilian disability compensation, veterans education assistance, and other miscellaneous personnel support activities.

Command, control, and communications consists of programs that manage all aspects of the command, control, and communications infrastructure for DOD facilities, information support services, mapping and charting products, and security support. This category includes program elements that provide nontactical telephone services, the General Defense Intelligence Program and cryptological activities, the Global Positioning System, and support of air traffic control facilities.

Force management consists of all programs that provide funding, equipment, and personnel for the management and operation of all the major military command headquarters activities. Force management also includes program elements that provide resources for defense-wide departmental headquarters, management of international programs, support to other defense organizations and federal government agencies, security investigate services, public affairs activities, and criminal and judicial activities.

TABLE 2.—DIRECT INFRASTRUCTURE BY APPROPRIATION, FISCAL YEARS 1997–2001

[Dollars in billions]

Appropriation	Fiscal year—				
	1997	1998	1999	2000	2001
Operation and maintenance	$56.30	$56.17	$56.41	$57.57	$59.50

TABLE 2.—DIRECT INFRASTRUCTURE BY APPROPRIATION, FISCAL YEARS 1997–2001—Continued

[Dollars in billions]

Appropriation	Fiscal year—				
	1997	1998	1999	2000	2001
Military personnel	33.53	33.10	33.67	34.33	35.20
Research, development, test, and evaluation	10.47	10.89	11.20	11.43	11.89
Military construction	4.99	4.15	4.15	3.84	3.96
Family housing	3.98	3.84	4.08	4.08	4.12
Procurement	2.38	2.53	3.48	3.21	3.46
Revolving funds and other [1]	0.93	1.11	1.06	1.13	1.17
Total direct infrastructure [2]	$112.58	$111.80	$114.05	$115.61	$119.30

[1] These include adjustments for foreign currency fluctuations and service and Defense Logistics Agency managed stock fund cash requirements.
[2] Totals may not add due to rounding.

Source: GAO analysis of DOS data.

AGENCY COMMENTS

The data and analysis in this report were provided to DOD for review and comment. In oral comments, DOD stated the data were complete and accurate with the analysis.

SCOPE AND METHODOLOGY

To define and evaluate DOD's infrastructure activities in the 1997 FYDP, we interviewed the acting Director, Force and Infrastructure Analysis Division in the Office of the Secretary of Defense, Program Analysis and Evaluation. Our analyses are based on data contained in the fiscal year 1997 FYDP. In addition to the FYDP and associated annexes, we reviewed DOD's Reference Manual for Defense Mission Categories, Infrastructure Categories, and Program Elements, prepared in conjunction with the Institute for Defense Analysis. We also reviewed the President's fiscal year 1997 budget submission and our prior reports.

Our work was conducted during the month of May 1996 in accordance with generally accepted government auditing standards.

Mr. GRASSLEY. I wish I could say, Mr. President, that the Department of Defense has turned the corner. I wish I could report that infrastructure costs were coming down. But the latest report of the General Accounting Office tells me that nothing has changed since the last future year defense plan, meaning 1996. The trends have to be the same. The Pentagon still has infrastructure costs on the wrong track. They are still on an up-ramp instead of on a down-ramp. This is what the new data show. As the Department of Defense budget top line goes up, infrastructure costs go up. Infrastructure costs should come down even if the top line goes up. The infrastructure costs ought to be decoupled from the top line. The infrastructure costs need to be recoupled to the force structure because that is what Secretary Perry says is his intent.

The infrastructure costs in the military force structures are not in sync. They are out of whack. We need to bring them back into balance. As I read what Senator MCCAIN has written in his white paper, he says that is what we must do as well. But that is not what has happened. The Department of Defense seems to be creating new infrastructure faster than the old stuff is made excess.

That is what this new data tells us. This is its new data that the General Accounting Office has followed for 1 year that was not available until the General Accounting Office updated it. It shows a steady increase in the infrastructure costs for fiscal year 1997 through fiscal year 2001.

I want to repeat. There is a very steady increase from $146 billion in fiscal year 1997. It dips by $1 billion to $145 billion in 1998, but then it goes right back up to $148 billion in 1999; $2 billion more in the year 2000. Then it leaps by $5 billion to $155 billion in the year 2001. That is a projected increase of $9 billion over the next 5 years. If Congress keeps pumping up the defense budget, these numbers will increase even more.

The data portrayed on table 1 of this new General Accounting Office report is particularly troublesome.

I also ask unanimous consent at this point to have table 1 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 1.—PROJECTED FUNDING FOR INFRASTRUCTURE CATEGORIES, FISCAL YEARS 1997–2001

[In billions of dollars]

Infrastructure categories	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001
Installation support	25.10	23.64	22.68	22.53	23.03
Central training	19.35	19.40	20.08	20.71	21.46
Central medical	15.47	15.82	16.13	16.64	17.38
Central logistics	13.33	13.30	14.18	14.15	14.70
Force management	12.91	12.38	13.05	13.12	13.35
Acquisition infrastructure	10.25	10.64	10.97	11.19	11.76
Central personnel	10.33	10.24	10.41	10.60	10.83
Central command, control, and communications	5.78	5.84	6.05	6.05	6.20
Resource adjustments [1]	.05	.53	.50	.62	.58
Total direct infrastructure [2]	112.58	111.80	114.05	115.61	119.30

[1] These include adjustments for foreign currency fluctuations and service and Defense Logistics Agency managed stock fund cash requirements.
[2] Totals may not add due to rounding.

Source: GAO analysis of DOD data.

As shown in figure 3 and table 2, most direct infrastructure activities are funded by operation and maintenance and military personnel appropriations. Thus, if DOD is to achieve significant infrastructure savings for future force modernization, the savings must come from these accounts. However, these appropriations have been closely associated with the readiness and quality-of-life of the force, the Secretary of Defense's priority areas for the last few years.

Mr. GRASSLEY. Mr. President, this table breaks the infrastructure costs into nine distinct categories. The new General Accounting Office data shows major increases in every category, with one important exception, and that would be installation support. Even installation support shows increases in the outyears. The four BRAC commissions proposed closing 97 bases. Yet, installation support costs are projected to rise. I think it is legitimate to ask why. Is it because few, if any, of those bases have really been closed?

The downstream savings promised by base closings and a shrinking force structure should be reflected in these numbers, but they are not. We should be able to identify where the savings are. I do not expect to see any savings. We will not ever see those savings unless we hold the Department's feet to the fire.

A comparison of the numbers in the fiscal year 1996 future year defense plan with the numbers in the 1997 future year defense plan suggests that installation support figures on table 1 are misleading. That comparison reveals a shocking trend. That comparison suggests that base support costs will actually increase by $1 billion per year between the years 1997 and the year 2001.

Take fiscal year 1997 just for example. The fiscal year 1997 column in the 1996 future year defense plan shows installation costs at $23.96 billion.

Then if you go over to the fiscal year 1997 column, in the the 1997 future year defense plan, the number goes up to $25.1 billion. That is an increase of $1.14 billion in 1 year in projected installation support. The next year it is the same thing. The number goes from $22.76 billion up to $23.64 billion, and that is an increase of $900 million.

I need to clarify one point about the numbers. The numbers on the table that I have submitted for the RECORD do not match up with the totals for the infrastructure costs that I used a moment ago, and there is a reason for that discrepancy. About $35 billion in infrastructure costs get lost in what we refer to as DBOF—that stands for Defense business operation fund—each year. We know the money is in there someplace, but the General Accounting Office cannot track it because dollars in the Defense business operation fund are not identified in the future year defense program.

And so I think it is very ironic because DBOF was established to improve cost accounting at the Pentagon. In fact, that was the whole idea about DBOF. Here is $35 billion in annual DOD costs that cannot be tracked because of the Defense business operation fund. We cannot audit them because of the fund. The fund is an obstacle to accurate cost accounting.

There is yet another problem. That problem is that the Department of Defense had a $4 billion plug figure in last year's numbers, and they pulled it out of the new future year defense plan,

making it look as if some of the funding levels were coming down. The Department of Defense said the $4 billion that was plugged in for last year was miscoded. The miscoded dollars were pulled out of the infrastructure costs and, in a sense, just heaved overboard. I suppose somebody could say they were transferred to another part of the future year defense plan, but if they cannot be tracked, no one knows.

That makes me think they are kind of phony numbers.

In a nutshell, Mr. President, that is what is in this latest report of the General Accounting Office on defense infrastructure. I hope my colleagues will take this as I have referred to it for several minutes here, taking statistics from it, to make a case for my amendment that I will offer.

This latest report, I think, states for another year that Mr. Perry's promised savings are nowhere in sight. His $60 billion modernization plan then is, if the savings are not available, hung out to dry. It is dead in the water.

And so I come here pleading with my colleagues that Congress needs to help Mr. Perry. Without a doubt, reason is on his side.

On March 5, he presented to the Congress of the United States through the Armed Services Committee that there is going to be x amount of savings, and this is the resource for modernization. That all makes sense, right? But is it going to happen? With an increase in infrastructure costs and overhead, it is going to be eaten up someplace else. The modernization that we think we are planning on being there is not going to materialize. In fact, at the beginning of my time today I pointed out how little we actually get for modernization when you look at the materiel that is purchased.

So I cannot come here and condemn Mr. Perry for not having good intent and a plan that he thinks will accomplish what he wants to accomplish. But it just is not going to happen. So my amendment would make sure that money finds its way into modernization and not into this overhead and infrastructure cost where it is going to inevitably end up because four rounds of base closings and a shrinking force structure should be producing substantial savings. Because it should be producing substantial savings, we ought to identify those savings and reserve them for the purpose that Mr. Perry suggested. He wants to recover those savings to pay for modernization. And so unless we freeze these accounts, the savings are going to be frittered away on new infrastructure projects. My amendment will help Mr. Perry do what he says must be done.

I send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. THOMPSON). The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 4047.

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

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

The amendment is as follows:

At the end of subtitle A of title X add the following:

SEC. . FORCE MODERNIZATION FUNDED BY REDUCTIONS IN SPENDING FOR INFRASTRUCTURE PROGRAMS.

(a) FUNDING FREEZE AT PROGRAMMED LEVEL FOR FISCAL YEAR 1998.—The Secretary of Defense shall ensure that the total amount expended for infrastructure programs for each of fiscal years 1998 through 2001 does not exceed $145,000,000,000.

(b) USE OF SAVINGS FOR FORCE MODERNIZATION.—The Secretary of Defense shall take the actions necessary to program for procurement for force modernization for the fiscal years referred to in subsection (a) the amount of the savings in expenditures for infrastructure programs that is derived from actions taken to carry out that subsection.

(c) PROTECTION OF PROGRAM FOR SPARE PARTS AND TRAINING.—In formulating the future-years defense programs to be submitted to Congress in fiscal year 1997 (for fiscal year 1998 and following fiscal years), fiscal year 1998 (for fiscal year 1999 and following fiscal years), fiscal year 1999 (for fiscal year 2000 and following fiscal years), and fiscal year 2000 (for fiscal year 2001 and following fiscal years), the Secretary shall preserve the growth in programmed funding for spare parts and training for fiscal years 1998 through 2001 that is provided in the future-years defense program that was submitted to Congress in fiscal year 1996.

(d) REDUCTIONS TO BE SHOWN IN FISCAL YEAR 1998 FUTURE-YEARS DEFENSE PROGRAM.—The future-years defense program submitted to Congress in fiscal year 1997 shall reflect the programming for the reduction in expenditures for infrastructure programs that is necessary to carry out subsection (a) and the programming for force modernization that is required by subsection (b).

(e) GAO REVIEW OF FISCAL YEAR 1998 FUTURE-YEARS DEFENSE PROGRAM.—The Comptroller General shall review the future-years defense program referred to in subsection (c) and, not later than May 1, 1997, submit to Congress a report regarding compliance with that subsection. The report shall include a discussion of the extent, if any, to which the compliance is deficient or cannot be ascertained.

(f) INFRASTRUCTURE PROGRAMS DEFINED.—For the purposes of this section, infrastructure programs are programs of the Department of Defense that are composed of activities that provide support services for mission programs of the Department of Defense and operate primarily from fixed locations. Infrastructure programs include program elements in the following categories:

(1) Acquisition infrastructure.
(2) Installation support.
(3) Central command, control, and communications.
(4) Force management.
(5) Central logistics.
(6) Central medical.
(7) Central personnel.
(8) Central training.
(9) Resource adjustments for foreign currency fluctuations and Defense Logistics Agency managed stock fund cash requirements.

(g) FUTURE—YEARS DEFENSE PROGRAM DEFINED.—As used in this section, the term ''future-years defense program'' means the future-years defense program submitted to Congress pursuant to section 221 of title 10, United States Code.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I should like to inquire of the distinguished Senator if he is willing to enter into a time agreement on this amendment?

Mr. GRASSLEY. You propose one, and then I will respond after it is proposed.

Mr. THURMOND. I would suggest maybe 20 minutes to a side.

Mr. GRASSLEY. Yes.

Mr. THURMOND. Is that agreeable?

Mr. GRASSLEY. Yes, that is agreeable.

Mr. THURMOND. Mr. President, I ask unanimous consent that the time on the Grassley amendment be limited to 40 minutes equally divided in the usual form and that no amendments be in order, and that following the use or yielding back of time, the Senate proceed to vote on or in relation to the amendment.

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

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I say to the manager of the bill, I would like to yield the floor now and listen to the opposition to my amendment before I speak again.

Mr. THURMOND. As I understand, the Senator is willing to agree to 40 minutes equally divided.

Mr. GRASSLEY. Yes. We have already agreed to that. So I have 20 minutes that I control and you have 20 minutes that you control.

Mr. THURMOND. That is correct.

Mr. GRASSLEY. If the Senator would be so kind, I would like to have him use some of his 20 minutes so I can hear the opposition to my amendment, and then I would like to respond to that.

Mr. THURMOND. I will be glad to speak at this time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in strong opposition to this amendment. If the Senate votes to pass this provision and it is eventually signed into law, it could have a serious negative impact on the readiness of our military forces.

Like my good friend, the Senator from Iowa, I am concerned about the amount of money that the Department of Defense annually expends for infrastructure. In fact, the Defense authorization bill that we are considering now and is before us, reduces such programs by approximately $600 million and allocates these funds for higher priority programs including force modernization.

Mr. President, I believe that we should carefully examine any reduction that is proposed in order to ensure that we do not adversely impact our military forces. I am sure that my fellow Senators will agree with me when

I say that we do not want to jeopardize our national security or the men and women in uniform who protect that security.

With this in mind, I must inform my colleagues that the proposed amendment could force severe funding reductions to important programs such as the medical care of military personnel, military housing, and military intelligence activities. Are we sure we can reduce these programs without negatively impacting upon military readiness?

Does the Senator from Iowa really believe that we should reduce such programs? Does he want to deny health care to our men and women in uniform? Does he want to force the families of military personnel to live in substandard housing? Mr. President, I cannot speak for every Member of this Chamber, but I know that I cannot support such reductions.

Mr. President, I agree with the Senator from Iowa that we must look for new and innovative management practices in order to find ways to shift funds from the infrastructure accounts to the modernization accounts. However, we must be sure that the shifting of such funds does not significantly impair military readiness. Reducing funds for unnecessary infrastructure is a task which the Armed Services Committee performs each year during its markup of the Defense Authorization Act and, as I have already noted, this year we reduced such funds by $600 million. In addition, the bill before us today includes a provision that would require the Department to examine new ways of maintaining its forces in order to further reduce funding required for day-to-day operations, and make these funds available for force modernization.

Mr. President, I cannot advocate, nor agree to support, an arbitrary cut such as that advocated by this amendment. We must preserve the flexibility of the President and the Secretary of Defense to request what they believe is necessary to ensure our national security. If the Congress disagrees with this request, it can authorize and appropriate a different mix of funding.

Mr. President, I urge my fellow Senators to vote ''no'' on the Grassley amendment.

Mr. President, I now yield to the able Senator from Arizona, Senator MCCAIN.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Iowa who continues to be a persistent, constructive critic of defense issues, especially in the area of spending. I think this GAO report is a good one and should have a sobering effect on our defense planners, who somehow believe and support a precept that I have long questioned, and that is that base closings and other savings are going to support the modernization of the force.

The Senator from Iowa, I think, through his efforts, and also that of this GAO report, points out clearly that there are not going to be savings. In fact, according to this GAO study—which I must say needs to be fleshed out, I am sure my colleague from Iowa would agree—it shows there is going to be an increase in cost.

Just one example of that, one of the clear reasons for that, is the base closing issue. We believed for a long time there would be enormous savings associated with base closures. Those bases needed to be closed. More need to be closed. But the fact is we are not realizing those savings. In fact, the opposite has been the case. Rather than sell the valuable land on which these bases reside, we give it away to the local community. We are finding more and more toxic waste sites and areas of pollution that need to be cleaned up, and anyone who has ever had any contact with that issue knows that the costs rapidly spiral in a dramatic fashion when you are talking about cleanups. In fact, as the Senator from Iowa points out, these costs have been much higher, much, much higher than we had originally estimated.

The Senator from Iowa was kind enough to make reference to the white paper that I did concerning tiered readiness, and this GAO report and his amendment highlight the absolute criticality of making the kind of hard choices which we are not making today because there is no possible way we are going to maintain the level of readiness, operations, and training of our Armed Forces and at the same time modernize the force.

We have a Hobson's choice, because the money simply is not there and, as the Senator from Iowa correctly points out, much less money is there than even we had envisioned. The Chairman of the Joint Chiefs of Staff has stated on numerous occasions that we need about $60 billion for the purchase of modernization. We have, the last number I saw, was about $30 billion.

Having said all those things, I still have to disagree with this amendment. One reason is because of its scope. For example, the amendment calls for reductions in spending for such programs as health care, personnel, and training. I do not see how you can impose arbitrary cuts on those programs. One of the aspects that we are most proud of in the military today is the quality of life, that is, the quality of young men and women that we have been able to attract and keep in the military. I am not sure that we could maintain that if we just, across the board, forced certain cuts without designating where they should be.

I want to emphasize that I believe we are spending money in ways that are really not appropriate. In this year's bill we added some $600 million in military construction that was not needed. We add two new oceanographic ships for $99.4 million. We have added $13 million to fund a new bureaucracy in the case of civilian research in oceanography. We are going to add on $15 million for the High Frequency Active Aural Research Program. This program has benefited from congressional add-ons since 1990, costing a total of $76 million in just 7 years, with another $115 million required. We continue to purchase B–2 bombers. In this bill we included an additional $759 million in the National Guard and Reserve equipment account, plus as much as $242 million in additional unrequested equipment earmarked for the Guard and Reserve in the regular service procurement accounts. Within this amount is $284 million for six unrequested C–140J aircraft for the Guard and Reserve, a tactical airlift aircraft that the Air Force has not yet been able to afford.

Mr. President, the list goes on and we are spending money that we should not spend. We have lost sight of the fundamental reason why we spend money on defense, and that is to defend the security of the Nation.

I strongly suggest to my friend from Iowa that there are different ways of doing this. I look forward to working with him on this. I will have a couple of amendments that I hope will impose some savings. I am told there will be some additional military construction projects which will be attempted to be added to the bill here on the floor. I hope my colleague from Iowa will help me in trying to defeat those, although I am not totally optimistic about chances of success.

But, as I oppose the amendment, I thank my colleague from Iowa because the fact is that the American people are losing confidence that their tax dollars that are earmarked for defense are being spent wisely. If that continued erosion reaches its logical conclusion, sooner or later we are going to reach a point where the American people will not support sufficient funding to meet our vital national security interests.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Nine minutes twenty seconds.

Mr. MCCAIN. Mr. President, I reserve the remainder of my time.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself 10 minutes.

First of all, I accept Senator MCCAIN's offer to work with him on this issue, because I am very impressed with the intent of his white paper and his first-hand knowledge of the military, being the military hero that he is and serving our country so well and being on the Armed Services Committee and his expertise in that area. So whether my amendment is adopted or not, I accept the offer to work with Senator MCCAIN.

I would, first of all, like to respond to some specific points both Senator THURMOND and Senator MCCAIN raised, but also to give an example from military persons themselves about what

needs to be done about infrastructure costs and his frustration that infrastructure costs have not gone down.

First of all, on the legitimacy of questioning whether my amendment is going to hurt funding for command and control and for medical support, it will not, but it seems to me, without my saying it, common sense ought to dictate that a shrinking force structure and fewer military bases should reduce command and control and medical requirements.

My amendment would, in fact, just freeze; it would not reduce. It would reduce increases, yes, but there are no cuts that come as a result of my amendment. Increasing infrastructure costs are inconsistent with the philosophy behind the base closure process. My amendment would hold the Department of Defense infrastructure costs at $145 billion per year. Now, remember, this is, as we are, in a process of closing bases and reducing the number of personnel connected with defense.

It seems to me that the Department of Defense needs to address the critical shortfalls and allocate money to meet the highest priorities within the infrastructure accounts. At this point in the base closure process and at this point in the reduction of personnel, infrastructure should not be on the rise.

We need to make sure that we eliminate the excess infrastructure and that we save the money that Secretary Perry promised, not just for the sake of saving money, but Secretary Perry says that is money that we are going to use for modernization. If it goes to infrastructure costs, which are going up, it is not going to go for modernization.

It was also suggested that my amendment might harm training and readiness, but very specifically I want to address that issue. Subsection (C) of my amendment specifically protects key readiness accounts, including training and spare parts.

I now want to refer to some remarks that were made by Marine Maj. Gen. John Sheehan. He is the commander in chief of the U.S. Atlantic Command. I think he made some very pertinent remarks, a person in the military, a person in command who views how the taxpayers' dollars are being used every day. If you do not want to listen to a civilian's point of view, like the Senator from Iowa has a civilian point of view, it seems to me that we ought to pay some attention to those who are in the military, because General Sheehan offers some very real insight.

His insights were given at a June 6 breakfast hosted by the Association of the U.S. Army's Institute for Land Warfare. I have excerpts of his comments from a trade journal called Inside the Pentagon. It was in the June 13 issue, page 20.

In a nutshell, this is what General Sheehan said:

> The overflow of staff organizations within the Department of Defense consumes too many personnel and resources and puts the force structure at risk.

That is a major general who said that.

Opponents of my amendment say it is going to put certain aspects, like readiness and training and command and control and medical treatment, in jeopardy. Here is a major general who says what we are doing now, if we maintain the status quo, is putting our force structure at risk. Of course, he is talking about the Department of Defense infrastructure. This is what General Sheehan had to say:

> There is a debate that's being formed right now, where the only sides in the debate are modernization versus force structure. . .

He says:

> My argument says we ought to take a very serious top-down look at the overhead costs of doing business.

He asked:

> Why do we have so many headquarters? Of what value are they?

The general has identified one of the big drivers in infrastructure costs, and he has identified them as excess headquarters and excess commands. General Sheehan says:

> We have too many excess headquarters and too many commands.

So he has put his finger on one of the root causes of the problem.

He pinpoints the problem, and I want to quote from his report. He says:

> There are 199 DOD staff organizations of two-star level or above, and the number has not changed since 1989.

I say, parenthetically, that is about the time the Berlin Wall came down.

His 1989 benchmark is important because the force has shrunk 30 to 40 percent since that time. So, headquarters should shrink as the force gets smaller, but headquarters are not shrinking.

As an example, he cited the U.S. Army in Europe with its 23 staff echelons to command only 65,000 soldiers. He also cited the U.S. Southern Command as another example of a top-heavy organization.

General Sheehan raised this provocative question:

> Why is it, for example, that you have SOUTHCOM with 770 officers commanding less than 4,000 men?

Mr. President, I say to my colleagues, listen to what General Sheehan says:

> Why is it that you have SOUTHCOM with 770 officers commanding less than 4,000 people?

He goes on to say:

> There are still 65 NATO headquarters with over 21,000 staff officers sitting around doing paperwork. That's more staff officers than two NATO nations have in land forces.

We have more people doing paperwork than two NATO nations have in their land forces.

So you have to ask yourself.

General Sheehan says—

> . . . of $1.79 billion we invest in NATO on burdensharing, why is $800 million of that just for infrastructure?

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. GRASSLEY. Mr. President, I yield myself 10 more minutes. I know that is all the time I have, but I think what General Sheehan says is very important.

General Sheehan has hit the nail on the head, and this is his main argument:

> Bloated staff organizations have created a demand for personnel that can starve warfighting units into hollowness.

A hollow fighting unit like we had in the late 1970's, in other words.

Bloated command staffs and headquarters are an outgrowth of top-heavy rank. In other words, General Sheehan is saying, we have excess admirals and generals, and each one needs a home, and every senior officer needs a command, a headquarters, a base, a staff, or a large department of some kind, somewhere, someplace to look over.

Take the Navy, for example. At the height of World War II, the Navy had 6,768 ships. Those 6,768 ships were commanded by 333 admirals. That is one admiral for about 20 ships. Today's 363-ship Navy is commanded by 218 admirals. That is almost one admiral for every ship. To be precise, it is one and two-thirds ships per admiral.

General Sheehan is wrestling with this problem, and doing it from the standpoint of a person serving his country, in uniform, on the line where the money is being spent—or should we say, on the line where the money is being wasted.

He told the audience that he is searching for technical solutions to the problems of swollen staff organizations. This is what he had to say:

> What is needed are systems that can help reduce the overhead costs for commanding large forces. With all this technology and smarts running around, why aren't we more efficient?

That is a question that every Senator ought to ask before he votes for this bill.

In other words, General Sheehan has made an excellent case for cutting infrastructure costs.

The military today is top-heavy with rank and staff organizations and command headquarters left over from the cold war. That is the official word from the commander of the United States Atlantic Command. That is a pretty good authority.

General Sheehan has clearly identified the culprit. He obviously understands the problem. And he is also frustrated by his inability to get rid of his own excess command fat.

We know that the Department of Defense cannot do it, so we need to help them. So if you vote for my amendment, you will help General Sheehan do what he says he sees is necessary to get more bang for their defense dollar.

He put it this way:

> Nobody likes to cut their own staff.

He goes on to say:

> I've never seen a butcher hand a pig a cleaver and say, ''Go make pork chops.''

So Congress needs to lend a helping hand to people like General Sheehan.

Mr. President, I ask unanimous consent to have this report about General Sheehan's speech printed in the RECORD, the article from Inside the Pentagon.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[From Inside the Pentagon, June 13, 1996]

ATLANTIC COMMANDER CRITICIZES PROFUSION OF STAFF ORGANIZATIONS

(By Douglas Berenson)

Marine Corps Gen. John Sheehan, commander-in-chief of the U.S. Atlantic Command; last week decried the profusion of staff organizations within the Department of Defense, arguing they consume too many personnel and resources, and therefore put at risk already strained force structure. Sheehan, who has previously targeted the top-heavy command structure of the NATO alliance (Inside the Pentagon, Sept. 21, 1995, p1), offered his remarks at a June 6 breakfast hosted by the Association of the U.S. Army's Institute for Land Warfare.

''There is a debate that's being formed right now, where the only sides are in the debate [are] modernization versus force structure. My argument says we ought to take a very serious top-down look at the overhead costs of doing business. Why do we have so many headquarters? Of what value are they?'' Sheehan asked.

Sheehan noted that within the Department of Defense, there are 199 staff organizations of two-star level of above, a number that has not changed since 1989. As an example, he cited the fact that the U.S. Army in Europe has 23 staff echelons to command 65,000 soldiers. He said that U.S. Southern Command offered another example of a top-heavy organization. ''Why is it, for example, that you have SOUTHCOM [with] 770 officers commanding less than 4,000 men?'' he wondered.

He argued that these bloated staff organizations have created a demand for personnel that can starve warfighting units into hollowness. ''Why is it that the Bradley fighting vehicle spends so much time in gunnery when you go into the field? Why is it you don't spend more time in the integration of operations of the rifle unit coming out the back [of the Bradley]? It's because of this process,'' Sheehan said, noting that Bradley infantry squads are often fielded at lower than their optimum strength.

Sheehan argued that the ''tooth-to-tail'' ratio has become badly skewed against the warfighter, such that, ''we field in the entire Army 125,000 killers.'' The rest of the force is made up of support and staff personnel, he said. Sheehan warned that the staff noncommissioned officer corps is being decimated, and that as the services focus on freeing up money to spend on force modernization, they are ''forcing great people out of the system.''

Sheehan noted that Army Chief of Staff Gen. Dennis Reimer has been working to streamline the Army's structure in response to these problems. ''Dennis Reimer has to be allowed to go after the European staff structure. He has got to be allowed to go after the SOUTHCOM staff structure and take some of that staff structure out to keep combat capability.''

Sheehan warned that ''the next organization to go is the 2nd ACR [Armored Cavalry Regiment]. That would be a travesty. We need light, mobile attack type forces with a protected gun system for the battlefield of the future.''

''Nobody likes to cut their own staff,'' Sheehan observed, quipping, ''I've never seen a butcher hand a pig a cleaver and say, 'Go make pork chops.'''

Sheehan appealed to the assembled audience to help find technical solutions to the problem of swollen staff organizations. What is needed, he said, are systems that can help reduce the overhead costs for commanding large forces. ''With all this technology and smarts running around, why aren't we more efficient?''

As he has in the past, Sheehan levelled similar criticism against the NATO command structure. In addition to his responsibilities as U.S. Atlantic Command chief, Sheehan serves simultaneously as Supreme Allied Commander of NATO's Atlantic Command. ''As a major NATO commander, my main complaint against my NATO allies is that many of these countries took their force structure out and took a peace dividend without reinvesting in the future. [But] they didn't take the overhead out . . .

''There are still 65 NATO headquarters, with over 21,000 staff officers sitting around doing paperwork,'' Sheehan continued. ''That's more staff officers than two NATO nations have land forces. And so you ask yourself, of $1.79 billion we invest in NATO on a burdensharing basis, why is $800 million of that just in infrastructure?''

Mr. GRASSLEY. Mr. President, I yield the floor and reserve the balance of my time. I inquire of the amount of time I have left versus the amount of time that the opposition has.

The PRESIDING OFFICER. The Senator has 6 minutes, 24 seconds. The opposition has 9 minutes, 10 seconds.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Mr. President, I ask unanimous consent that Dan Ciechanowski, a fellow with Senator KYL, be granted floor privileges for the duration of the consideration of the DOD authorization bill.

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

Mr. THURMOND. Mr. President, I ask unanimous consent that the vote occur on or in relation to the Grassley amendment No. 4047 at 5:30 p.m., and following the conclusion or yielding back of time the amendment be laid aside until 5:30 p.m. this evening.

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

Mr. GRASSLEY. Mr. President, I yield back the balance of my time on my amendment.

Mr. THURMOND. Mr. President, I yield back my time.

The PRESIDING OFFICER. The amendment is laid aside until 5:30.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Delila Lacevic be accorded the privileges of the floor during the pendency of the defense authorization bill. She is employed with the Center for Democracy and is working as a staff fellow in my office.

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

Mr. DORGAN. Mr. President, I rise to offer an amendment on my behalf and on behalf of Senators LEAHY, HARKIN, and BUMPERS.

AMENDMENT NO. 4048

(Purpose: To reduce to the level requested by the President the amount authorized to be appropriated for research, development, test, and evaluation for national missile defense)

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. LEAHY, Mr. HARKIN, and Mr. BUMPERS, proposes an amendment numbered 4048.

On Page 31, strike out line 2 and insert in lieu thereof the following:

''$9,362,542,000, of which—

''(A) $508,437,000 is authorized for national missile defense;''.

Mr. DORGAN. Mr. President, if I could have the attention of the Senate.

The PRESIDING OFFICER. The Senate will come to order.

Mr. DORGAN. Mr. President, I am offering an amendment that would reduce, by $300 million, the amount of money authorized in this piece of legislation for national missile defense.

For those who do not know much about this process and have not been involved in the lexicon of Defense issues, the national missile defense, or Defend America, or antiballistic missile system, or Star Wars, all relates to a system that some say is needed to be built in order to defend America against incoming attacks from missiles launched by a potential adversary, ICBM's that would be launched by a rogue nation, or ICBM's that are launched accidentally. All of these are described as threats to our country, and it is proposed by a number of Members of the Congress, and others, that we should build a defense system against them.

Now, if I were to provide a chart to the Senate that showed an array of the threats against our country, the threats would range all over the board. The threats against our country would be, for example: A terrorist who fills a rental truck with a fertilizer bomb and drives it in front of a courthouse or Federal building in Oklahoma and murders scores and scores of American citizens. A threat against our country might be not a fertilizer bomb in a rental truck, but perhaps a small glass vial of the deadliest biological agents

known to mankind, placed in a subway strategically, killing thousands and thousands of people. A threat to our country perhaps would be a suitcase bomb, or a nuclear device no bigger than the size of a suitcase put in the trunk of a Yugo car and left at a dock in New York City to hold hostage an entire city. Another threat might be a nuclear device on the tip of an incoming cruise missile launched by air, ground, or sea, by a potential adversary. Another threat might be a full-scale nuclear attack by an adversary, with dozens or scores of incoming missiles, ICBM's, or cruise missiles for that matter. Another threat might be that some rogue nation, some international outlaw on the scene, gets ahold of an ICBM and launches one intercontinental ballistic missile at our country tipped with a nuclear warhead. Or another might be simply an accidental launch of someone who possesses an ICBM with a nuclear warhead.

All of these are potential threats to our country. They are not new threats. These threats have existed for some long while. In fact, a much greater threat existed some years ago than the ones I have just described, and the greater threat was hundreds and hundreds and hundreds of missiles in the ground, in silos, armed with multiple warheads, aimed at American cities, aimed at American military targets, all poised and ready to be fired by a potential adversary called the Soviet Union.

The Soviet Union does not exist any longer. The Soviet Union was fractured into a series of independent states—the Ukraine, Russia, and others—in which there were missiles with nuclear warheads targeted at the United States. But a series of arms control agreements with the old Soviet Union, and now with the independent states, has changed that much larger threat. It has not erased the threat, but it has changed the much larger threat. Arms control agreements now mean that Soviet missiles that used to be aimed at our country in many cases no longer exist.

Mr. President, I showed this piece of metal on a previous occasion. I ask unanimous consent that I be allowed to show it to my colleagues again.

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

Mr. DORGAN. Mr. President, this is a piece from a hinge on the massive door that covered missile silo No. 110, in Pervomaysk, Ukraine. This comes from a silo that housed an SS–19, which had half a dozen warheads aimed at the United States of America. Each of those warheads had a yield of 550 kilotons each, 20 times the power of the atomic bomb dropped on Hiroshima.

I want to show my colleagues a chart that describes something that I think is quite remarkable. This is that missile site, which housed missile No. 110. On June 5 of this year, this photo shows the Ukrainian Defense Minister Shmarov on the left and his U.S. counterpart, Secretary Perry, watering sunflowers planted in the ground where there use to be a Soviet intercontinental ballistic missile. In other words, it is where there previously existed a missile with nuclear warheads aimed at America, and there now are sunflowers growing. The silo is gone, the missile is gone, and there are sunflowers.

How did this happen? Was this a magic act? Was Harry Houdini involved? No. This happened through a great deal of diligent, hard work. Some of it was here in the Senate, which approved the arms control agreements that were negotiated between the United States and the Soviet Union. Substantial credit, in my judgment, should go to Senators LUGAR and NUNN, who worked to create the Cooperative Threat Reduction program, which funds the dismantling of nuclear weapons in the former Soviet states. The Soviets, the Russians and Ukrainians now, began destroying nuclear weapons.

That destruction of nuclear weapons means that one way to protect America is to destroy a foreign missile before it leaves the silo; destroy the missile before it leaves the silo. This chart shows what happened. There used to be a missile. Now there are sunflowers. What a wonderful thing for humankind—that a missile that used to be aimed at us is now gone. This bit of hinge does not exist as a functional piece of some kind of nuclear threat against the United States. It is not just missiles that Senator LUGAR and Senator NUNN have through their initiative in the U.S. Senate helped to destroy. Here is a picture of Soviet workers sawing off the wings of Soviet long-range bombers. This is success. Arms control agreements have worked. They have substantially reduced the nuclear threat. We are today every day seeing in the old Soviet Union—now Russia, Ukraine, and Kazakhstan—missiles being destroyed, bombers being destroyed, and the world is a safer place as a result.

Some would come to the floor of the Senate and say, ''None of this matters very much.'' The hundreds of ICBM's that are now gone do not matter much. The fact that the President of Ukraine announced that his country, which had previously housed thousands of nuclear warheads, is now nuclear free; no nuclear warheads in the Ukraine is quite a remarkable thing. Some would come to the floor of the Senate, and say, ''That does not mean much. What we need to do is begin a new arms race. We need an America to begin building on an expedited basis with expedited deployment a National Missile Defense Program. And we insist on doing it in a way that would make it a multiple-site system, in a way that would provide that it has a space-based component,'' both of which would jeopardize the arms control agreements we currently have. And they say, ''Well, if we jeopardize those arms control agreements, so be it. We will force the other parties to renegotiate.''

I am not coming to the floor of the Senate saying that research and development on missile defense programs are not relevant or unworthy. I have supported them in the past. I support them today. The administration requested $508 million in this bill for research and development on national missile defense systems and programs.

In fact, if taxpayers are interested we have spent $98 billion on strategic and theater missile defense programs; $98 billion. The most recent proposal that was brought to the Senate for its consideration, the Congressional Budget Office says, will cost anywhere between $30 billion and $60 billion to construct without regard to the cost of its operation. That is what it will cost simply to build on an expedited basis the kind of national missile defense that was called the Defend America Program that the sponsors envision.

I support the recommendation of the Pentagon to spend $508 million for research and development of a national missile defense system. What I do not support is the Congress saying, ''Pentagon, you do not know what you are talking about. We insist on adding $300 million more.''

Let me read a comment from the Vice Chiefs of Staff in the Joint Requirements Oversight Council. It says:

> The Joint Requirements Oversight Council believes that with the current projected ballistic missile threat, which shows Russia and China as the only countries able to field a threat against the U.S. homeland, the funding level for national missile defense should be no more than $500 million a year through the Future Years Defense Plan.

That is what the Joint Requirements Oversight Council says. One might argue they are not experts. I do not know how one could credibly argue that. They are the Vice Chiefs of Staff of our Armed Services. But one could make that case and try to make that point. These are the people who ought to know, in my judgment.

General Shalikashvili in a letter to Senator NUNN says the following:

> Efforts which suggest changes to or withdrawal from the ABM Treaty may jeopardize Russia's ratification of START II, and could prompt Russia to withdraw from START I.

These are the arms control agreements that resulted in taking these missiles and warheads out of the ground and reducing the threat posed to the United States of America.

General Shalikashvili says the following. He says:

> I am concerned that failure of either START initiative will result in Russian retention of hundreds or even thousands more nuclear weapons thereby increasing both the cost and the risks that we face.

We will hear no doubt, especially when the Defend America Act comes back to the Senate, if it does—and I cast a vote on that recently. This was a bill to potentially require $30 to $60 billion of expenditure on the part of the taxpayers—just to build, not to operate. It is not the right way in my

judgment to do it. But that was the vote we had. Of course, I voted against cloture because, if we are going to have a debate on this, there ought to be a debate. There ought to be a thorough and lengthy debate. It is of substantial importance for this country, its foreign policy, its defense policy, and certainly for the taxpayers.

We will no doubt have comments made here—I do not intend to address these at the moment, although I would be happy to come back and do so—that reflect the comments we heard last year during the same debate. We will have maps put up talking about the threat that North Korea could pose to Alaska, or the threat that some other rogue nation would pose to Hawaii. Those statements are not justified by the facts. Those are not threats that are currently justified by information given by this country's intelligence community.

It seems to me that we ought to worry a bit about how we are spending money, for what purpose we are spending money, and where we are going to get the money. This $300 million is the first incremental first step on a long staircase. And we had a quote from Senator Dole at a press conference. The question was asked where the money was going to come from. ''Senator, how much do you think this is going to cost, and where is that money going to come from?''

The answer: ''Well, I'll leave that up to the experts.''

The experts are not going to pay the bill. The taxpayer will pay this bill—$300 million this year, a long step on a long staircase leading up to the Congressional Budget Office suggesting as much as $60 billion.

In the main, this is a security issue. I accept that and agree to debate it on that premise. But it is also an issue that combines the question of security with the question of, ''What is it going to cost?'' Well, it is reasonable to ask: How much did we spend, and how much are we going to spend to get a system? What kind of protection will it provide us?

In North Dakota, we have some experience with this. We have in my State the only antiballistic missile system that was ever built in the free world. In today's dollars, they have spent about $26 billion. It looks a little like this. It is a big concrete pyramid. It was incidentally mothballed in the same year that it was declared operational. That was built in the early 1970's with billions of taxpayers' money spent.

I mentioned that somewhere between $96 and $98 billion was spent in the aggregate in pursuit of missile defense technology. I also said I am not opposed to spending all of the money but that I am opposed to this rush to add extra money to this defense authorization bill. And I will be opposed to adding the money to the appropriations bill as well—to demand that we have accelerated deployment in a system that we are told will cost up to $60 billion, and the accelerated deployment must be combined with a multisite system, and a space-based system that, in my judgment, will jeopardize most of our arms control agreements, agreements that I think are critically important to this country.

I would say this to my friends who support this—and I have great respect for many who will stand up and support this aggressively: Senator KYL has in the past, Senator INHOFE and others. I suspect the Senator from Virginia will weigh in on this subject. I have great respect for their views, but I do believe this. You have to make the case that spending this extra money is critically necessary for our defense. I do not think that case can be made, No. 1. And, No. 2, you also ought to make the case, given what we have talked about—the danger of the Federal deficits and who is for more spending and who is for less spending—you also ought to make the case, who is going to pay for this? Where is the $60 billion going to come from?

This bill contains the first small increment of $300 million, which may not seem like a lot of money to some but I think is a whole lot of money for the American taxpayers to shell out when they do not need to shell it out. This is a proposal that we do not need, a proposal that we cannot afford, a proposal the Pentagon says it does not want, and a proposal this country should not adopt. It defies common sense for this Congress to say to General Shalikashvili: It does not matter what you think; it does not matter what you say about arms control agreements; it does not matter how much you want to spend. We demand you spend more on this because we believe this ought to be built on an accelerated basis.

I say you have to make the case that that be done first, and I do not think the case can be made. And second, as you make that case, if you think you can make the case, tell us, who are you going to get to pay for this? Which taxes are you going to raise to get $60 billion?

Mr. President, I indicated previously we will no doubt have comments from those who say there is a direct threat to some States in our country from this, that, or the other approach. I began speaking about the array of threats to our country and let me end with the same notion. If we are concerned about the principal threats to our country, it seems to me somewhere back on the far side of the range of threats that are likely would be that a Mu'ammar Qadhafi acquires through some magic an intercontinental ballistic missile that he is able to launch complete with a nuclear warhead destined for some American city. That is one of the least likely threats.

Far more likely a threat is an international rogue, some international bandit on the scene who is more likely to acquire a dozen other devices, including, if you are talking missiles, a much more easily acquired missile such as a cruise missile, easier to acquire and easier perhaps to operate. It is much more likely that we will find a threat other than that which they are going to build the national missile defense system to protect our country against. Should our country be unprotected? No. We have always had protection with this understanding: every missile launched against our country has a return address. Every missile launched against America has a return address because we know who launches it. We see all launches in this world through our satellites. Should any country, any rogue nation, any adversary be foolish enough to launch a missile with a warhead against this country, that country will cease to exist quickly. Our defense and our deterrent has always been our ability to let everyone in this world understand you launch a nuclear weapon against our country, and our nuclear arsenal, the most capable in the world, will erase from the face of the Earth those with that kind of judgment.

That nuclear arsenal still exists, and I hope that we will support the amendment to reduce the $300 million. We will still be left with $508 million, which is a substantial amount of money, for research and development, but we will have sent a signal that we do not want to begin climbing the first step on a stairway to a $60 billion expenditure, the justification for which has not and in my judgment cannot be made at this point in this Chamber.

(Mr. ABRAHAM assumed the chair.)

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. DORGAN. I would be pleased to yield.

Mr. WARNER. I have followed very carefully his points here. As a matter of fact, it is basically a recitation—and I say this most respectfully—of the points the Senator made last year. The Senator has been consistent in his message. But I was taken by his closing remarks of the history of the relationship between those nations possessing intercontinental systems and how our planet has thus far avoided any confrontation.

This is a subject that I have been dealing with since 1969 when I went to the Department of the Navy, I do not want to calculate how many years ago. But the Senator is absolutely right; it was the deterrence that prevented any confrontation between the former Soviet Union and the United States of America. It was the doctrine of mass destruction, mutual massive destruction. But we were dealing in those days, despite our antipathy toward communism, with governments, with military organizations that were able to grasp the reality of mutual assured destruction and had a very tight command and control over every single one of those sites.

I should say that in the many years I followed this, having served on the Intelligence Committee, there were isolated incidents where there was alcohol involved on a site here and there.

We saw the occasional reports. But, fortunately, the command and control was exercised so as to eliminate what I personally regard as the prime reason for this expenditure, the accidental or unintentional firing.

In the former Soviet Union, the rocket forces were the elite. Only the finest men and, I suppose in some instances, women were put into those units. We did not have in those days the risk that I think is present today of the accidental or unintentional firing.

Quite apart from the dollars and cents—and we could debate on into the night as to what the estimates are to build the system and the time in which it is to be done, but I cannot look into the faces of my fellow Americans and say that there is any budget or any calculation which would induce me not to support this given the horrific damage from a single accidental firing of an ICBM against a major city. Take whatever you want as the budget to build this system. If you hit on 57th and 5th Avenue in New York City, it would be billions and billions of dollars in property damage and incalculable lives.

Mr. DORGAN. Mr. President, I wonder if the Senator is warming up to a question.

Mr. WARNER. I am sort of on a roll here, and I rather enjoy it, but my point is, what is your concept of a single accidental firing, a risk present today that was not present during the height of the cold war? That is essentially the purpose of this system.

Mr. DORGAN. The Senator asks a good question, and I understand it well because he set it up quite well. I say to the Senator, you describe this in the context of a rogue nation or an international terrorist who gets hold of one missile and launches one missile against the United States. I contend that it is far more likely that an international terrorist would get hold of a suitcase and put it in a rusty Yugo on the dock in New York City than be able to find an ICBM and launch an ICBM at the United States. The point I made at the start of my discussion is you have an array of threats against our country. The one you describe is a threat, there is no question about that.

Let me give you another one. How about——

Mr. WARNER. Mr. President, if the Senator will——

Mr. DORGAN. Let me give you a threat.

Mr. WARNER. I am ready to concede that you are correct. It may well be the suitcase——

Mr. DORGAN. Let me continue before you concede. You are conceding a small part. Let us assume a captain of a Typhoon submarine goes half wacko somewhere out in the ocean and launches the entire supply of warheads on that submarine, which is 200 warheads, ICBM's, sea-launched ICBM's against this country. That is a rogue threat. There is nothing proposed by anyone, that I am aware of, nothing under any condition or any system or any bizarre scheme I am aware of that is going to protect this country against that large a threat, is that correct?

Mr. WARNER. Mr. President, the Senator is correct. We do not have anything and that is in the realm of risk. I think farther down the scale than the single isolated incident is either in Russia or, indeed, North Korea—they are rapidly approaching the potential, with their Taepo Dong missile, which could reach Hawaii or Alaska.

My point is the Senator is correct. There is a risk from the suitcase. There is a risk from a berserk crew on a Typhoon submarine. And there is a risk associated with the accidental firing of a single, or perhaps two missiles against the United States.

But the fact that we have a number of risks does not eliminate the responsibility of every Member of this Chamber to apply, diligently, every resource we have in this country to stop these risks.

Mr. DORGAN. I would say this to the Senator, I fully accept the responsibility of doing the research and development on a missile program, a national missile defense program of some type for which there is, in this bill, $508 million—plus $300 million added by the committee, saying $508 million is not enough, we want to add $300 million more. I respect the obligation to be doing the research and development to be available and to be ready to deploy a system if it becomes certain that we need this system and conceivable we can build it in a cost-effective way. I am ready to do that.

But what I am saying to the Senator is this. If you come to us with proposals that the Defense Department says threaten to undermine the arms control treaties that now exist that result in destroying the missiles in the ground—all the missiles are out of the Ukraine at this point.

The fact is today—I know the Senator knows this because we have people on both sides of the aisle who have engineered this, and I would say the Senator has been instrumental in a number of these areas in helping this along—we are seeing adversaries' missiles now being destroyed, sawed in half, cut up. It seems to me you would agree that the very best way to destroy a potential adversary's missile is to destroy it before it leaves the ground. If you propose a national missile defense system that threatens the underpinnings of our arms control agreements, it seems to me what you have done is add to the arsenal of weapons that are potentially going to be weapons against us.

So I am willing to walk down the road, to talk about threats and how one responds to them. I am not willing, under any circumstances, not any, to do anything that I think starts to take apart the arms control agreements. It is not just me that says that. It is the Chairman of the Joint Chiefs of Staff and others who say this threatens to destroy the foundation of these arms control agreements.

Once you start to do that you are not dealing with little rogue threats out there. You are not dealing with some international nut case who manages to find some ICBM and then manages to find a nuclear tip to put on the top of it. Then you are dealing with the questions of hundreds, perhaps thousands of additional weapons and launchers that will be retained when they should in fact have been destroyed, because we were trying to enter into arms control agreements that really do accomplish a reduction in the threat.

So, I hope—I have taken some time, but I hope the Senator understands. I am not opposed to research and development. I am opposed to adding, on top of that, money that means we will run off and buy and build and damn the consequences. I would listen to some very thoughtful people who say you are going to injure the opportunities we have had in the past and will have in the future, as a result of the arms control agreements. That is my major concern.

Mr. WARNER. Mr. President, I would like to reply. Let us say that the Senator and I have a disagreement on the arms control issue. I firmly believe that we can resolve with Russia any apprehension that they may have with respect to the development of this system in a manner that will pose a threat to them. As a matter of fact, I would argue it is in their interests that we have such a system because, should a missile be fired we could have some errors on our side, thinking a strike had been launched against us and suddenly trigger something against Russia.

But let us say we have a disagreement on arms control. But how does the Senator from North Dakota answer the question: We have no arms control with China, yet they have the capability of an accidental firing. We have no arms control with North Korea, yet they are within 3 or 4 years of having a missile that could hit two of our States. What does the Senator say to those arguments?

Mr. DORGAN. The entire philosophy of arms control is to reduce the stock of nuclear arms and launchers and devices to deliver arms that now exists and to try very hard to work on the issue of nonproliferation of nuclear arms. We must do a better job of that.

Do you know why? Because I think people are all too interested in going off and building things. The efforts at nonproliferation are not very sexy. It is not an area that produces the same kind of thing that a building project does. A building project, you pour concrete and get something that you can see and everybody can say, ''Look what we have.'' We ought to, in our country, it seems to me, take seriously this issue of who has and who is going to have nuclear weapons and pose a threat in the future.

If the Senator says it matters with respect to China, yes, it does. Sure it matters. It matters with respect to North Korea, yes. It also matters with

respect to what our intelligence community tells us about the capabilities of these countries, No. 1. I will be happy to put that in the RECORD, because we are at odds on that issue.

But, second, it matters very much, it seems to me—it matters very much that this country behave in a way that recognizes it is in our interests to have fewer nuclear weapons in the world. And our arms control agreements, as deficient as they might be—some would want them much more aggressive—have started the process of doing what you and I might have thought unthinkable not too long ago.

The Senator was in the Chamber when I showed this chart. I want to show it again, because I suspect 8, 10 years ago, no one would have believed this. Ten years ago would anyone have believed that the Secretary of Defense and the Defense Minister of the Ukraine would be planting sunflowers on ground where there was planted an SS–19 aimed at the United States of America?

Mr. WARNER. I say to my good friend, Secretary Perry came and met with members of the Armed Services Committee at a breakfast hosted by the distinguished chairman, Chairman THURMOND, this morning, and recounted the very incident portrayed by this picture. We concede all that.

But I would like to come back to this issue. You stress arms control. We have a disagreement on that. Come back to China. We have no arms control—do you not agree they have the capability today of a missile system that could hit Alaska and could hit Hawaii, and that there could be an accidental or rogue firing in that nation? Just witness what happened in connection with the Straits of Taiwan here just several months ago, when we saw what in my judgment were actions by China, presumably under tight command and control, where those actions were in defiance of what I call responsible conduct by major nations in this hemisphere.

Let us go back. Let us see if we can narrow debate. They have the system, am I not correct?

Mr. DORGAN. Let me ask the Senator, since he has raised the question of China, does the Senator know approximately the estimate of how many ICBM's the Chinese possess?

Mr. WARNER. I do, but I am not sure it is a matter we should bring out in public at this time.

Mr. DORGAN. Does anyone know whether that is classified information?

Mr. WARNER. Let us just concede that we know they have them. I do not know the number—I do know it but I am not sure—let us just assume that they have a system. I think you and I can agree on that.

Mr. DORGAN. Does the Senator also agree that, should any nation——

Mr. THURMOND. Mr. President, I wonder if the Senator will just let us take a voice vote on the Grassley amendment?

Mr. DORGAN. I will be happy to.

Mr. THURMOND. Mr. President, notwithstanding the previous unanimous-consent request, I ask unanimous consent that we resume consideration of the Grassley amendment. I understand Senator GRASSLEY has agreed to have the amendment voted on by a voice vote. I understand there is no further debate on this question.

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

VOTE ON AMENDMENT NO. 4047

The PRESIDING OFFICER. The Senate will vote on amendment No. 4047 of the Senator from Iowa. The question is on agreeing to the amendment.

The amendment (No. 4047) was rejected.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I want to make certain the RECORD shows the Senator from Virginia voted in the negative by voice vote.

The PRESIDING OFFICER. The RECORD will so reflect.

AMENDMENT NO. 4048

Mr. WARNER. Parliamentary inquiry, are we now returning to the colloquy?

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. WARNER. And the distinguished Senator was about to pose a question.

Mr. DORGAN. I was about to ask the question, if the Senator agreed with me, if a rogue nation—China, I suppose, would not be in the definition of ''rogue nation'' here; China is a trading partner of ours.

Mr. WARNER. Mr. President, it depends on the day of the week. They do have some actions——

Mr. DORGAN. Normally, those who refer to rogue nations or international outlaw leaders have three or four in mind. Now, the Senator raises——

Mr. WARNER. You are correct, China should not be put in the same category as the generic term ''rogue nation.'' I am talking about the accidental, unintentional firing.

Mr. DORGAN. I understand. The Chinese have, as you know, without discussing it, very few intercontinental ballistic missiles. The Senator raises the question of the potential of a country with intercontinental ballistic missiles launching an attack against the United States.

The question I want to ask is, does the Senator agree with me that there cannot be an intercontinental ballistic missile launched without a return address; we will know instantly where it is launched from?

Mr. WARNER. Mr. President, the Senator is correct in that.

Mr. DORGAN. If the launching of an intercontinental ballistic missile means this country immediately knows where that launching took place, is it reasonable to expect, if they attack the United States, they would expect a response that would annihilate the country sending the missile? The point is, that has been a deterrence that has been around for sometime. I thought the Senator was really talking about a real outlaw, nut leader someplace out there in space, and now he has raised the question of China.

Mr. WARNER. Mr. President, for the purpose of this debate, there are really only two nations which possess intercontinental systems that can strike the United States, and that is Russia and China. China has a system which can reach not only two States, Alaska and Hawaii, but, indeed, we have reason to believe that it could reach the central parts of the mainland United States. For the record, I am not talking about an organized command and control attack on the United States by China. I am talking about the accidental firing, the unintentional—perhaps in a training mission—firing of a live missile, either from Russia or China. Should not we have the bare minimum capability in this country to defend against a single or perhaps two or three missiles being fired?

I say yes. Our difference is the schedule on which it is to be built. You have reasons to believe that $500 million is enough. I feel strongly, as does the committee, that $800 million is the required amount to keep the research and development at the most expeditious pace, such as a President can make the decision with regard to deployment.

Mr. DORGAN. The Senator has narrowed this interestingly. So let me ask this question. The Air Force has proposed a system that they say is a minimal cost system to respond to exactly what you are talking about: one isolated case of one intercontinental ballistic missile, perhaps with one warhead, being launched accidentally or deliberately at someplace in this country.

There is a plan floating around that they say will cost $2 billion, $2.5 billion to defend against that, not to give us a defense that is not impenetrable, but one that gives a reasonable certainty of stopping that limited threat.

I ask the Senator, is that what the Senator would support and would that be sufficient?

Mr. WARNER. This Senator is in favor of supporting a system that could perhaps interdict up to 10, 12, 15, maybe as many as 20, certainly not an exchange as was practical, that potentially could have occurred between the former Soviet Union and the United States. China's total arsenal we have agreed we should not discuss here, but it has numbers that could approximate those amounts of exchange. That is not an accidental firing in reality or unintentional to send 10 or 20 missiles. Nevertheless, the system should be built to cope with it.

Mr. DORGAN. If I understand your response, you are not proposing then a

system that would in any way protect this country against a lunatic *Typhoon* submarine captain who launches 200 warheads from a *Typhoon* submarine against this country? You are not proposing a system that protects us against that?

Mr. WARNER. Mr. President, the system that I have in mind could limit the damage. Now, whether it could deal with all 20 missiles fired——

Mr. DORGAN. Two hundred warheads.

Mr. WARNER. I am not prepared to give you an answer.

Mr. DORGAN. Two hundred warheads.

Mr. WARNER. If you interdict the missile, you get 10 warheads.

Mr. DORGAN. It depends on when you interdict the launcher. But my point was, I guess most people would say you are not proposing a system that could respond to that threat. So, again, on the scale of threats, you have some you respond to, some you do not. Look, I would not support a penny for research and development if I did not think it is reasonable for us to be trying to figure out what are the threats and what is a reasonable approach to begin thinking about them and planning to meet them when they become sufficiently real that the intelligence community says this country needs to do something about those threats.

The Senator knows, and we have said before in this debate, that the intelligence community in this country does not concur that this is the time to do what is being proposed we do. The Defense Department tells us that it will undercut the arms control agreements and launch us into an orbit to spend an enormous amount of money against a system that the Senator now concedes will not respond to the more aggressive or robust threats.

Mr. WARNER. Well, Mr. President, all I can say is that what we envision is a limited system to deal with the accidental or unintentional firing. I am not prepared, nor any of us are really prepared, to give you precise numbers, whether it could interdict the entire load of a *Typhoon*. It depends on when interdiction takes place, whether there is warhead separation. There are a lot of factors that deal with it.

I want to also put in the RECORD, I respect your arguments about the suitcase. Fortunately, I think technology is not quite at the point where that is the highest risk now, but we have in place a number of systems to deter and, indeed, interdict the suitcase. It is just my concern we have nothing—nothing—in place to interdict the stray two or three missiles that could be accidentally fired or a terrorist firing against our Nation.

That is the direction in which this Senator wants to move as expeditiously as possible. And we have O'Neill, who was the prior head—he just resigned—of the BMD office, who said $800 million is the figure. I happen to agree with him. You happen to disagree. Therein, I think, we framed the argument.

Mr. DORGAN. You say $800 million. Let me make just a couple additional points. Again, I respect very much the Senator from Virginia. I have admired his work for a long while. We disagree from time to time on things. We disagree on this. I, nonetheless, think he contributes a great deal to defense policy.

This little pager that I use is about the size, I am told, of the device that brought down the Pan Am flight by a terrorist planting a device this size on the Pan Am 747 which crashed in Lockerbie, Scotland. That was a terrible attack. We know what the terrorist attack was with a rental truck in Oklahoma City. We know of many terrorist accidents. We know of the deadly chemical agent attack in Japan on the subway. We know of the bombing of the World Trade Center by terrorists.

The Senator raises the question, what about the ultimate terrorist act of a terrorist getting ahold of, not a suitcase, not a Yugo, but an ICBM, not a cruise, an ICBM missile, and tipping it with a nuclear warhead and launching it against our country?

Again, I will say to the Senator, there is a prospect advanced by one of the services that they say would cost $2 billion that would use existing technology to provide a defense against a very limited, isolated, single missile kind of rogue nation or accidental launch. That proposal does exist.

The Senator and I may not have much disagreement if he said, let us take the limited option at minimum dollars and provide the protection against that threat that he has just described in some detail. I am not sure we would have much disagreement about that.

That is not what is being proposed, as the Senator knows. What is being proposed is a robust system, multiple sites, space-based components, accelerated deployment. That is a much, much different, much more expensive and much more extensive proposal than what we are discussing.

So again I say, if the isolated circumstances that the Senator describes were met by a $2 billion system, which one branch of the service has given me a detailed briefing on, I do not know that we would have a big disagreement. But what we are talking about here—and I believe the Senator in his heart knows we are talking about—is the potential of $60 billion over the years to build a much more capable system, at the end of which we will not have addressed the threat of a robust attack against this country.

I worry that if we spend that money, we may develop the circumstance of saying to the American people, we now have a missile defense system we have spent $60 billion for, just to build, not to operate, and then someone says, ''What if somebody launches 50 missiles against us?'' We say, ''Well, we're sorry about that. We're not going to be able to deal with that.''

If we are talking threat, let us respond to the most aggressive threats first. Let us do the things that are necessary to do research and development on national missile defense.

I notice my friend from Oklahoma is now on the floor. I mentioned earlier he is someone who has an interest on this subject. I mentioned him in a kindly way.

But I just believe that to rush off and commit $300 million above what General Shalikashvili recommends, Secretary Perry and others recommend as is prudent and wise, given our circumstances and arms control, and other needs, I think that is not in this country's interests. So I appreciate the colloquy the Senator and I have had.

Mr. WARNER. I shall yield the floor momentarily. I have enjoyed the colloquy. But let us make it clear, this additional $300 million by the Armed Services Committee was for the purpose of the ground system. And it is our collective judgment that that amount of money is needed to keep an aggressive R&D going.

I strongly support it. And $300 million is not specifically earmarked for any system. It in fact is the BMD's program that they have at the moment. We have disagreements as to the total cost. That is clear. But I think we isolated this to be a debate between two individuals who feel equally strongly from their various perspectives.

I think we owe it to the American public to do everything we can to put in place such systems to deter against a suitcase, to deter against the *Typhoon* suddenly coming up and firing its whole load. But I see this as a risk, which I think is far greater, the accidental firing of a single or a double, by either a terrorist or someone who comes in and seizes an installation in China or Russia, some group, band, who goes in and seizes it and fires it somehow. That is what I want to stop.

Mr. DORGAN. If the Senator would yield on that point.

Mr. WARNER. Yes.

Mr. DORGAN. I encourage the Senator to receive the briefing, if he has not yet, on the planning that has been done by the Air Force for a minimal system at minimum cost to address exactly that circumstance.

Mr. WARNER. Mr. President, I have gotten that briefing. I am just not sure that that is a sufficiently robust system to meet the requirements as I see them.

Mr. President, there are other Senators anxious to speak. I thank the Senator. I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I will make some remarks with regard to the matter at hand, and the general feeling that I have with regard to the bill.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. EXON. Did my colleague from South Carolina wish to make some

kind of a point? I have been recognized. I would be glad to yield to him.

Mr. THURMOND. Mr. President, we have been debating this amendment now for over an hour. I just wanted the Senator from North Dakota to consider entering into a time agreement on his amendment at this time.

Mr. EXON. The Senator from South Carolina had a question for the Senator from North Dakota.

Mr. THURMOND. I wonder if the Senator would agree to a time agreement on this amendment.

Mr. DORGAN. I have no intention of delaying the vote. There are a number of Senators who do want to speak briefly.

Mr. THURMOND. What is a time the Senator would wish to suggest?

Mr. DORGAN. Senator CONRAD from North Dakota wants to speak and Senator EXON wishes to speak.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. EXON. All the Senator from Nebraska is attempting to do is move things along. If an agreement is reached with regard to a time agreement, I will certainly yield to the managers of the bill and the Senator from North Dakota to make that statement. In the meantime, I would like to proceed with the statement I have regarding the bill.

Mr. President, the Senator from South Carolina, the distinguished chairman of the Armed Services Committee, is a very, very dear friend of mine. He does an excellent job and has as long as this Senator has been in the U.S. Senate. He works very well with Senator NUNN, the ranking member of the committee. They have worked very hard on this defense authorization bill that this Senator supported when it came out of the Armed Services Committee. But at that time I sent a first signal that I would be attempting to make some changes to improve the bill in several areas that I thought needed attention.

I will simply say to my good friend from South Carolina, that he has made noble efforts in the committee. We had thorough discussion on a lot of these issues that we are going to be taking up in the form of amendments now that the bill is on the floor, which I think is entirely proper.

What this Senator has been attempting to do since this bill came out of the authorization committee, and as late as this morning—as referenced by my distinguished friend and colleague from Virginia, we met with the Secretary of Defense—what I am trying to do is, as much as possible, make this defense authorization bill vetoproof.

In other words, if we can accommodate some of the wishes of the President of the United States, the Secretary of Defense and others, that have key roles to play in what happens to the authorization bill that we will eventually pass here, it is to make it as acceptable as possible to reach some compromises on several things where I think there should be compromises, make it somewhat more acceptable to the Clinton administration, and then we will have accomplished something rather than passing a defense authorization bill that will end up dead in the water in the form of a veto.

So the comments that I am now about to make are designed, as best I can design them, to try to reach a compromise, a compromise, if you will, up front in the process of the Senate working its will on the defense authorization bill, and hopefully have a bill that will mean something.

Mr. President, the defense authorization bill before the Senate is a rather rare piece of legislation, one might say. It is one of the few spending or authorization bills for the next year receiving a sizable increase—I repeat, a sizable increase—above the administration's request.

To be specific, at $267 billion, the 1997 defense authorization bill dwarfs—dwarfs—Mr. President, any other discretionary spending program in the Federal budget. Like an out of shape prizefighter, it enters the ring $13 billion overweight from the position of the President of the United States.

Having been overfed by the majority of the Senate Armed Services Committee—and I hope we can at least partially correct that—the quarter of a trillion-dollar defense bill before the Senate is not just $13 billion above the Pentagon's proposed budget, it is $1.7 billion in excess of the originally passed budget resolution, and $4.1 billion more than the 1996 defense spending bill. At a quarter of a trillion dollars, the 1997 defense authorization bill is flush, with $13 billion in unrequested spending authority, much of which adds unnecessarily to our national debt, while adding, in the opinion of this Senator, little or nothing to our national defense.

The 1997 defense authorization bill should be termed the ''wish list'' bill. It is so much so that every service official and regional military commander that appeared before the Senate Armed Services Committee on the bill was asked by the members of the majority a question, and certainly Federal managers of domestic programs have frequently heard that recently, and it is going to be driven home again during this debate. This was the question that was asked of these various military officials: ''If you were given additional funds above the budget request, how would you spend it?''

Let me repeat that. Can you imagine a military person sitting before the Armed Service Committee and they are asked a question, ''If you were given additional funds above the budget request, how would you spend it?'' What kind of a reply would you expect? To no one's surprise, when blank checks were enticingly dangled before the witness, the replies were as prompt as they were lengthy. No military leader worth his salt, under such a scenario, could not find something that he could use.

Of the $13 billion added to the President's defense budget request, $11.4 billion, or nearly $9 out of every $10 added, went toward procurement and research and development programs. But approximately $2 billion of the add-on dollars proposed in the Pentagon's wish list is not even part of the Pentagon's own budget plan for the next 5 years, and certainly it is not, nor has it been previously, projected.

What is more, a similar portion of the $13 billion committee add-on is neither part of the long-range budget, nor any armed services wish list, including the wish lists that are included in this proposal.

In other words, the Armed Services Committee did not even get enough requests, after dangling that enticing proposition before the witnesses, to add up to the billions that we are spending. In other words, nearly $4.6 billion of the $13 billion-plus-up to the Pentagon's outyear budget plan, or a part of the services' wish list. It is something that came through the fat-feeding program in the Armed Services Committee.

In my opinion, it is vital that the American public understand this important distinction between several options:

One, what the President proposed in his budget for defense spending. Two, what the Pentagon says it needs to provide for our national defense. Three, what the military witnesses wish they could have after having the proposition dangled in front of them. Four, what level of funding the committee ultimately approved.

Such a wish-list approach to defense budgeting is not responsible, in this Senator's opinion, and stands out as a glaring exception to the manner in which painful cuts have been levied against domestic budget accounts. Nor is the end product of $13 million in additional defense spending justified and, certainly not, Mr. President, in order to do what we are trying to do in these times, when we are supposedly being prudently fiscal, to reach a balanced budget by the year 2002.

A cursory look at the defense authorization bill before the Senate indicates that a rising budget tide floats all boats. Among the largest beneficiaries of the committee's blank check wish list in the budget includes these items: An $856 million increase in the proposed ballistic missile defense spending, which has just been debated to some extent on the floor of the Senate preceding my remarks; a $760 million increase in the National Guard and Reserve equipment; a $750 million increase in DDG–51 destroyer funding; a

$701 million increase in new attack submarine funding; a $700 million increase in military construction and housing funding; a $351 million increase in V–22 aircraft funding; and a $341 million increase in F–16 and F–18 funding for 10 unrequested aircraft.

These increased spending levels are only a downpayment—I emphasize once again, Mr. President, the funding levels I have just cited are only a downpayment for future spending that will confound budget-making in the years to come.

Mr. President, at a minimum, the spending level included in the defense authorization bill should be reduced by $1.7 billion to be brought into conformance with the budget resolution so as to eliminate hollow budget authority in the bill. But the Senate should not stop there. We should question the need for the remaining $11 billion increase and whether this extraordinary increase is needed to properly defend the national security interest of the United States.

Perhaps the starting point for reduction in spending authority contained in this bill should begin at $4.6 billion, the sum total of weapon add-ons and program increases not requested in the service wish lists, or contained in the Pentagon's long-range budget plan.

At a later point during the consideration of this bill, I will propose an amendment along with Senators BINGAMAN, KOHL, LEVIN, and WELLSTONE, to reduce the top-line defense spending figure by a modest $4 billion. This represents a full $600 million less, Mr. President, than the $4.6 billion in unsupported, unjustified, and unwise spending authority.

In essence, the Exon amendment would retain $9 billion in defense spending authority over and above the President's request. Now, let me repeat that. The Exon amendment would retain $9 billion in defense spending authority above and added on top of what the President has suggested. If the Exon amendment is agreed to by the Senate, our Nation would still be spending $155 million more in 1997 than in 1996. I would have more to say about this amendment when it is offered.

One of the most questionable of the committee add-ons, in the opinion of this Senator, is $856 million for missile defense programs—most notably, the $300 million add-on for a national missile defense system.

The Senator for North Dakota has an amendment before the Senate at this time, which has been debated for the last hour and a half. I also intend to support that, and I have included that in the numbers that I have presented and will be presenting later in the form of an Exon amendment, with several important cosponsors.

Earlier this month, the Senate debated the wisdom of the Dole star wars proposal to pursue a crash program to field a continental missile defense system by the year 2003. It was pointed out then that the threat does not and will not exist in the near term to justify such a proposition. In the longer term, all of us are continuing to look at various types of missile defenses that we may need in the long term.

Furthermore, the Dole star wars bill as presently drafted would cost, according to the Congressional Budget Office, anywhere from between $31 and $60 billion. So the $300 million plus that we are talking about now would grow to $31 billion to $60 billion just to deploy, and perhaps another $10 billion on top of that to operate. The committee's $350 million increase is an initial downpayment; $350 million may not sound like a whole lot of money. But that is a downpayment, if you will, on a multibillion dollar program most likely, at a minimum, in the range of $50 billion between now and the year 2002.

Downpayments are easy, as the average American family knows. But in this case this is a system that I urge the Senate to delete as wasteful expenditures even though there may be some arguments and some people sincerely feel that we should move faster than the Pentagon and the experts in the field tell us we should in this area. As was the case in last year's authorization bill, there are language provisions in the 1997 defense authorization bill which are unwise and may prove to be a problem down the road in getting this bill signed by the White House. This is something that I opened my remarks on by saying that I was trying to steer this bill into something that is workable and not another knockdown, dragout between the Congress and the President.

Mr. President, two provisions in particular stand out as being questionable forays by the majority of the Senate Armed Services Committee into the area of foreign policy, and each could possibly jeopardize bilateral efforts between the United States and Russia to lower our nuclear inventories in a balanced and accountable fashion.

One provision ultimately interprets the ABM Treaty demarcation between long-range and short-range missile defenses at a time when our nations are negotiating this very issue right now.

The second language provision that I have concerns about is with regard to changing the bilateral Antiballistic Missile Treaty to a multilateral treaty that includes several of the independent states of the former Soviet Union. This is a major concern of the President of the United States. And, unless this language is corrected, I think we stand a high chance of a veto. The majority's insistence that such multilateralization of the treaty would constitute a substantive change in requiring reratification by the Senate is equally meddlesome on the part of the committee.

As President Clinton stated in his April 8 letter to the Armed Services Committee chairman, STROM THURMOND, he has strong objections to this matter for very valid reasons, in the opinion of this Senator. He said in that letter: ''Refusing to recognize Ukraine, Belarus, and Kazakhstan as coequal successors to the Soviet Union with regard to the ABM Treaty would undermine our own interests in seeing that these countries carry out their obligations as successors to the Soviet Union under other arms control treaties, such as START I—and START II and others—and the intermediate range nuclear forces treaty,'' which is very important.

Mr. President, to summarize, this year's defense authorization bill is a marked improvement over last year's bill. I have saluted the committee for its action on that in the opening of these remarks. Yet, changes must be made, in the opinion of this Senator, to reduce unjustified spending increases and delete intrusive foreign policy language before I can enthusiastically support this bill. However, I would say, Mr. President, that overall I congratulate Senator THURMOND, my friend, colleague, and chairman of the committee, for other than some of the shortcomings that I see. I salute him for a very well-balanced bill in several other areas.

I appreciate the consideration, the cooperation, and the understanding. For those of us who tried to make some changes in the committee, the chairman of the committee did not agree with us, but as usual he gave us every opportunity to make our point. We in turn supported the bill as it came out of committee with the clear understanding to the chairman that we would be making some changes on the floor of the U.S. Senate.

I thank the Chair. I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

UNANIMOUS-CONSENT AGREEMENT

Mr. THURMOND. Mr. President, I ask unanimous consent that there now be 60 minutes equally divided for debate on the pending Dorgan amendment with no amendment in order to the amendment; that at the conclusion or yielding back of time the amendment be set aside; and, further, that at 9 a.m. on Wednesday, June 19, the Senate resume consideration of the Dorgan amendment and there be 15 minutes equally divided for debate with a vote on or in relation to the Dorgan amendment at the expiration of that debate.

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

Mr. THURMOND. Mr. President, in light of this agreement, there will be no more votes this evening. The next rollcall vote will occur at approximately 9:15 tomorrow morning.

AMENDMENT NO. 4048

The PRESIDING OFFICER. Under the previous agreement, there are 60 minutes equally divided on the Dorgan amendment.

Who yields time?

Mr. THURMOND. Mr. President, I now yield myself such time as may be required under the Dorgan amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, it is unfortunate that the Senator from North Dakota does not think that the American people deserve to be defended against the only military threat that faces them in their homes every day, a threat that is growing more severe every year. Simply stated, what the Dorgan amendment seeks to do is perpetuate American vulnerability.

We have heard quite a bit about how there is no threat and how investment in national missile defense is a waste of money. Let's remember that more Americans died in the Persian Gulf war as a result of a single missile attack than any other cause. I don't imagine that their families would view missile defense investments as a waste.

It has been argued that there is no threat to justify deployment of a national missile defense system to defend the United States. This view is strategically shortsighted and technically incorrect. Even if we get started today, by the time we develop and deploy an NMD system we will almost certainly face new ballistic missile threats to the United States. Unfortunately, it will take almost 10 years to develop and deploy even a limited system.

Much has been made of the intelligence community's estimate that no new threat to the United States will develop for 10 years or more. This estimate, however, only has to do with new indigenously developed missile threats to the continental United States. It treats Alaska and Hawaii as if they were not part of the United States. Moreover, the intelligence community has confirmed that there are numerous ways for hostile countries to acquire intercontinental ballistic missiles in much less than 10 years by means other than indigenous development.

North Korea has also demonstrated to the world that an ICBM capability can be developed with relatively little notice. The Taepo-Dong II missile, which could become operational within 5 years, is an ICBM. Each new development of this missile seems to catch the intelligence community by surprise. It certainly undermines the argument of those who downplay the threat and the intelligence community's own 10-year estimate.

Even if we knew with certainty that no new threat would materialize for 10 years there would still be a strong case for developing and deploying a national missile defense system. Deploying an NMD system would serve to deter countries that would otherwise seek to acquire an ICBM capability. A vulnerable United States merely invites proliferation, blackmail, and even aggression.

It has also been argued that the administration's NMD program is adequate to hedge against an emerging threat. Unfortunately, the budget request does not adequately support the administration's own plan. Since the administration's NMD program is supposed to preserve the option of deploying an NMD system by 2003 it is appropriate for Congress to add sufficient funds to ensure that such an option is truly viable. The director of the Ballistic Missile Defense Organization has testified repeatedly to Congress that about $800 million per year is needed for NMD in order to preserve such an option. This is precisely what the Armed Services Committee has recommended.

For those who argue that the Senate Armed Services Committee is throwing money at ballistic missile defense, I would point out that the amount in this bill for the Ballistic Missile Defense Organization is only slightly higher than the Clinton administration's own bottom-up review recommended for fiscal year 1997.

The bottom line is simple. If you think that the American people should not be defended against ballistic missiles, then you should support the Dorgan amendment. If you think that the United States should preserve the option of deploying an NMD system by 2003, then vote against this amendment. I strongly urge my colleagues to put themselves on the side of defending the American people.

Mr. President, I yield the floor and acknowledge the able Senator from Oklahoma, Senator INHOFE.

(Mr. BURNS assumed the chair.)

Mr. INHOFE. I thank the Senator and I certainly concur in the comments that he is making. It is a very frustrating thing to have knowledge of the threat that exists out there and merely because the American people are not aware of it, we are ignoring the defense of our country which I have always understood when I was growing up should have been the primary concern or function of Government, to protect its citizens.

In a few of the things that have been said by a number of those who are on the opposite side of defending America was the discussion about the threat of suitcases, of carrying around bombs, of terrorist activities. Being from Oklahoma, nobody needs to tell me about terrorist activities. I understand. It is almost as if to say that because there are crazy people out there that burn churches and carry around suitcases, we need to address that and not address the potential of an attack on the United States of America by an ICBM, armed with a warhead that can be a weapon of mass destruction, chemical, biological or nuclear. It is like saying you do not want to have car insurance because you want to have insurance on your home. You want to have a comprehensive policy that insures you against everything. There is a threat out there and I think we need to talk about that, and certainly now is the appropriate time because we have heard Senator after Senator stand up and allege there is no threat out there; the cold war is over.

It was 2 years ago that James Woolsey, who was the CIA Director under President Clinton, made a statement, and his statement 2 years ago was we know of between 20 and 25 nations that either have or are in the final stages of completing weapons of mass destruction, biological, chemical or nuclear, and are working on the missile means to deliver those weapons.

That was 2 years ago. He updated that statement and said there are somewhere closer to 30 nations now. Let us look at who those nations are, the type of people, the mentality of those individuals who are potentially armed with this type of destruction, countries like Iraq and Iran and Libya and Syria, North Korea, China, Russia, countries where just not too long ago, for example, Saddam Hussein, a guy who murdered his own grandchildren, made the statement back during the Persian Gulf war that if we had waited 5 more years to invade Kuwait, we would have had the capability of sending a weapon of mass destruction to the United States.

Well, here it is. It is now 5 years later. So let us assume that some of these guys might be right. They come up and they say, well, we do not want to do it because it might in some way affect adversely the ABM Treaty. The ABM Treaty was put together back in 1972, and we cannot say this was done in a Democrat administration. It was not. I am a Republican. Richard Nixon was a Republican. Henry Kissinger, I assume, was a Republican. At least he worked for a Republican. And he put together a plan. The ABM Treaty at that time was designed to address the problem of two superpowers in the world environment. Those superpowers were the U.S.S.R. and the United States, and so they put together a plan that said we will restrict our nuclear capability bilaterally.

So let us assume that they would do it. I never believed they would. Let us assume they would. If you bring that up to today, there is no longer a U.S.S.R. It is now Russia. Let us assume that Russia would agree to stepping into this issue as the former U.S.S.R. And live up to the expectation of the ABM Treaty. What about these other 25 or 30 nations out there?

Let us assume that the United States and Russia are downgrading their nuclear capability. At the same time what is Iraq doing? What is China doing? What are the other countries doing? They are certainly not a part of this treaty.

It was brought out by one of the Senators in the Chamber a few minutes ago that these people are not part and parcel to the treaty so they could continue to increase their nuclear capability, the weapons of mass destruction, and their capability to develop a missile means of delivering them.

If we do not want to take the word of somebody who is not here as to how significant and how applicable today is the policy of a mutually assured destruction, listen to what Henry Kissinger said just the other day. I had lunch

with him. I asked him if I could quote him. He said yes. His statement was, ''It is nuts to make a virtue out of our vulnerability.'' And that is exactly what we are doing. Let us for a minute talk about the cost. I have never heard anyone throw around figures like I have heard in the Chamber of the Senate—talking about another $30 billion to $60 billion. The CBO estimate of $30 to $60 billion over 14 years was taking every system that is out there right now and saying we want to deploy all of these systems by a date in the future.

No one has ever suggested that. Right now, we are talking about in this bill looking at what options are there. Let us take the Aegis system. We have a $40 to $50 billion investment in 22 ships that are floating out there right now. They have missile launching capability. They are there. They are already bought and paid for. We need to spend about $4 billion more to give that system capability of reaching up into the upper tier and giving us a defense from an attack of a missile that might be coming from North Korea or from someplace else. In that, we already have an investment. Mr. President, 90 percent of it is already paid for. We have some estimates here that were made by the team B of the Heritage Foundation. That is made up of people like Hank Cooper, the former director of the Strategic Defense Initiative, and several others. All of them are acknowledged experts. No one has ever questioned their credibility. They say that a Navy-wide area defense system on Aegis cruisers would cost between $2 and $3 billion over the next 6 years, plus $5 billion for a sensor satellite.

We are talking about, now, not $70 billion, we are talking about somewhere in the neighborhood of $7 to $8 billion over the next 6 years. So let us get this in perspective. Let us assume there could be some truth to the statements that these experts like James Woolsey are making, and, in fact, the threat is out there. Let us assume the Russians already have one.

This morning in a speech on the floor I used several articles, four or five of them. I wish I had them with me now. I did not think this subject would come up again. But we talked about how China is now selling technology to Pakistan, how Syria and Libya have a new, cozy arrangement with each other.

Here is an article right here that I did not use. The headline of this article, found in the Washington Times, dated May 20, ''China's arsenal gets a Russian boost. Deal for ICBM technology a threat to U.S., classified Pentagon report says.''

Then it says:

> China, under the guise of buying space launchers, is enhancing its strategic arsenal with technology and parts from Russia's most lethal intercontinental ballistic missile, the SS–18, [that is the MIRV'd missile with 10 warheads] says a classified Pentagon intelligence report.

Further quoting,

> Incorporating the SS–18-related military guidance or warhead technologies into China's strategic missile forces would greatly improve Beijing's ability to threaten targets in the United States. . .

Now, that is in a confidential report that so far no one has refuted. Let us keep in mind that was about the time that a high Chinese official said—during the time they were experimenting with missiles in the Strait of Taiwan, the Chinese were conducting experiments—they said, ''We don't have to worry about the United States coming to their aid because they,'' the United States, ''would rather protect Los Angeles than they would Taipei.''

I would characterize that at the very least as an indirect threat at the United States. It is like the Senator from South Carolina said, the honorable chairman of this committee, he said, ''We are being held hostage.'' Threats like this: ''They are not going to do that, because if they do that we will go after them.'' Do they have the capability? According to the reports, yes, they have the capability.

So I just think we need to look at this in terms of the costs that have been grossly, dramatically inflated into something that is totally unrealistic—the constant use of terms like ''star wars'' and other things to put this into some kind of fiction environment so people will think this thing is not real.

Keep in mind what was started in 1983 and was right on target all the way up through about last year, when the President vetoed the DOD authorization bill from last year, and in his veto message said he did not want to spend any more money on a national missile defense system. In light of that, since that has happened, we have probably had more threats that have come to the United States than we have at any other time.

We have talked about the cost. I am from Oklahoma. The cost of the damage that was done to the building itself in Oklahoma City was $500 million, half a billion dollars. That is just a drop in the bucket as to the total cost. The bomb that caused so much damage in Oklahoma had the power of 1 ton of TNT. The smallest nuclear warhead known at the present time is 1 kiloton, 1,000 times bigger than that bomb.

So I would like to have anyone, any of these Senators who seem to be so passive in their interest in protecting ourselves from a missile attack, to stop and look and remember, recall what happened in Oklahoma City on April 19 of last year and multiply that by 1,000. It does not have to be just in New York City. It does not have to be in Los Angeles. It could happen in North Dakota, it could happen in Nebraska, or anywhere.

I will conclude by saying if all these experts say the threat is out there, if all of them say the Taepo Dong 2 missile will have the capability of reaching the United States by the year 2000, and there are missiles in existence today that can already reach us, and this missile technology is permeating all the way through the various countries like Iraq, Iran, Syria, Libya, Pakistan and other nations, if this is out there, just ask the question—we are talking about $300 million right now. We are talking about $300 million, far less than just the damage to the building in Oklahoma City. Ask yourself the question: What if we are wrong?

I challenge any of those on the other side of the aisle who want to take this money and put it into social programs, to ask themselves: What good are these social programs if we were wrong on this, on our estimate as to the extent of the capability of these countries to reach the United States?

I see this as a very difficult time for us. It is difficult because it is very difficult for us to convey to the American people the truth, and the truth is, we have threats from many, many nations now. It is something that we should have as our single highest priority in this body, and that is to protect the lives of Americans. That is what we are attempting to do.

I said this morning I am supporting this bill. I think we got the very most we could out of a defense authorization bill. It is still not adequate. We should be moving forward in a more rapid pace to put ourselves in a position to spend this other 10 percent of the investment we have already spent and give ourselves some type of defense for a missile that comes over, outside the atmosphere, to the United States. The technology is there. We saw it during the Persian Gulf war. We know you can knock down missiles with missiles. This is our opportunity to go forward with this program in a very minimum that we must do to fulfill our obligation to the American people.

Last, let us look at this in terms of a nonpartisan or bipartisan priority. Back during the years that John Kennedy was President of the United States, regarding our budget to run the entire Government of the United States, 60 percent of that was on defense, 17 percent on human services. Today, approximately 17 percent is on defense and 60 percent on human services. I think we have this completely turned around. This is our opportunity to try to get back on track to making America strong again, defending ourselves against a very serious threat.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4049

(Purpose: To authorize underground nuclear testing under limited conditions.)

Mr. KYL. Mr. President, I have an amendment I would like to send to the desk. I ask unanimous consent we lay aside the pending amendment, and I send an amendment to the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself and Mr. REID, proposes an amendment numbered 4049.

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

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

The amendment is as follows:

At the end of subtitle F of title X add the following:

SEC. . UNDERGROUND NUCLEAR TESTING CONSTRAINTS.

(a) AUTHORITY.—Subject to subsection (b), effective on October 1, 1996, the United States may conduct tests of nuclear weapons involving underground nuclear detonations in a fiscal year if—

(1) the Senate has not provided advice and consent to the ratification of a multilateral comprehensive nuclear test ban treaty;

(2) the President has submitted under subsection (b) an annual report covering that fiscal year (as the first of the fiscal years covered by that report);

(3) 90 days have elapsed after the submittal of that report; and

(4) Congress has not agreed to a joint resolution described in subsection (d) within that 90-day period.

(b) REPORT.—Not later than March 1 of each year, the President shall submit to the Committees on Armed Services and on Appropriations of the Senate and the Committees on National Security and on Appropriations of the House of Representatives, in classified and unclassified forms, a report containing the following matters:

(1) The status on achieving a multilateral comprehensive nuclear test ban treaty, unless the Senate has already provided its advice and consent to the ratification of such a treaty.

(2) An assessment of the then current and projected safety and reliability of each type of nuclear warhead that is to be maintained in the active and inactive nuclear stockpiles of the United States during the four successive fiscal years following the fiscal year in which the report is submitted.

(3) A description of the number and types of nuclear warheads that are to be removed from the active and inactive stockpiles during those four fiscal years, together with a discussion of the dismantlement of nuclear weapons that is planned or projected to be carried out during such fiscal years.

(4) A description of the number and type of tests involving underground nuclear detonations that are planned to be carried out during those four fiscal years, if any, and a discussion of the justifications for such tests.

(c) TESTING BY UNITED KINGDOM.—Subject to the same conditions as are set forth in paragraphs (1) through (4) of subsection (a) for testing by the United States, the President may authorize the United Kingdom to conduct in the United States one or more tests of a nuclear weapon within a period covered by an annual report if the President determines that is in the national interest of the United States to do so.

(d) JOINT RESOLUTION OF DISAPPROVAL.—For the purposes of subsection (a)(4), ''joint resolution'' means only a joint resolution introduced after the date on which the committees referred to in subsection (b) receive the report required by that subsection the matter after the resolving clause of which is as follows: ''Congress disapproves the report of the President on nuclear weapons testing, transmitted on _____ pursuant to section _____ of the National Defense Authorization Act for Fiscal Year 1997.'' (the first blank being filled in with the date of the report).

(e) IMPLEMENTATION OF TEST BAN TREATY.—If, with the advice and consent of the Senate to ratification of a comprehensive nuclear test ban treaty, the United States enters into such a treaty, the United States may not conduct tests of nuclear weapons involving underground nuclear detonations that exceed yield limits imposed by the treaty unless the President, in consultation with Congress, withdraws the United States from the treaty in the supreme national interest.

(f) REPORT OF SUPERSEDED LAW.—Section 507 of Public Law 102–377 (106 Stat. 1343; 42 U.S.C. 2121 note) is repealed.

Mr. KYL. Mr. President, I will describe this very briefly. It is actually a simple amendment. I will only discuss it here for about 3 or 4 minutes, then we can have further discussion tomorrow when there are more Members present, when they desire to do so.

This is an amendment dealing with nuclear testing, and the effect of it is to simply extend the time for the President to decide to test a nuclear weapon to the point that the United States ratifies a comprehensive test ban treaty and it goes into effect.

Today, the law is, as of September 30, the President could not order a nuclear test unless another country were to test a weapon.

What this amendment would do is to allow the President to order a test for safety and reliability purposes; in other words, not dependent upon whether another country happened to engage in testing, and that right would exist until such time as this country ratified and a CTBT went into effect. This chart describes very simply what we are doing.

The current law is that as of September 30 of this year, the President's ability to order a test would no longer exist, unless another country engaged in a test. And then once a CTBT is entered into force, there is no test except for extreme national emergency.

What our amendment would do is to continue the status quo until such time as there is a CTBT, and the rationale is very simple. The fact that another country tests does not necessarily mean that the United States should test. Our ally France has conducted nuclear tests. China has conducted nuclear tests and plans to conduct some more. And in neither of those events is it necessarily the case that as a result the United States should test.

We have no reason to test just because some other country does. But there is always the possibility that the President would want to order a test in order to assure stockpile safety and reliability. If we had some reason to believe, for example, that one of our weapons was no longer safe and we wanted to test that it was safe or to find out why it was not safe, in that event, today the President has such a right to order such a test, and he would continue to have that right until such time as the CTBT is adopted.

That is it. That is as simple as the amendment is.

I further state, the Congress would have the right under this amendment to ratify the President's decision or to reject it, based upon reports that the President would continue to send to us. Today, the President is required to send us a report, and we would continue to require that report be sent to us on the status of the stockpile and whether any testing is required.

Under this amendment, if the President said he wanted to conduct a test, the Congress would have the ability to tell him he could not do so. This is not something that we are suggesting that the President do or suggesting that he would do it. It is simply a safety valve, if you will, in the event of some untoward event with our stockpile that the President should conclude that a test is necessary that he would have the ability to do that.

It does not affect the CTBT negotiations in any way. As I said, our amendment simply goes up to the time that a CTBT is entered into. It is that simple, Mr. President.

If Members wish to further discuss it tomorrow, I will be happy to try to answer any questions about it or discuss it. I cannot imagine it would be particularly controversial.

Mr. President, if there is no one seeking to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the subject matter of this amendment will probably be quite contentious. I hope not. I hope that other Members will see that the amendment does not advocate opposition to concluding a comprehensive test ban and that it does not promote testing. With that in mind, I rise in support of the amendment offered by the distinguished Senator from Arizona.

As I understand the amendment, it would authorize the President to conduct underground nuclear weapons tests after October 1, 1996, if a comprehensive test ban treaty has not been ratified by the United States. In order to conduct an underground nuclear test, the President would have to submit a report to Congress detailing justification for the test. In order to stop the test from being conducted, the Congress would have to pass a joint resolution within 90 days.

During the debate on the Exon-Hatfield legislation which prohibits nuclear testing, I voiced my concerns for the safety and reliability of the nuclear stockpile without the ability to test. So long as our defense relies on nuclear weapons, we must ensure the safety and reliability of the stockpile. That requires the authority to conduct underground nuclear tests. I urge my colleagues to adopt the amendment.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

MORNING BUSINESS

Mr. KYL. Mr. President, on behalf of the leader, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

REPORT OF SENATE DELEGATION VISIT TO BOSNIA

Mr. DASCHLE. Mr. President, during the April recess, the Senator from Utah [Mr. HATCH], the Senator from Nevada [Mr. REID], and I traveled to Bosnia and other countries of the former Yugoslavia as well as Albania and Hungary to monitor developments related to implementation of the Dayton peace accord and to visit United States troops stationed in Bosnia and the surrounding area. We have prepared a report of our trip and submit it for our colleagues' and the public's consideration. It should be noted that the situation in Bosnia is constantly evolving and that the report reflects our findings based on developments through the period of our visit, which ended on April 12, 1996. I ask unanimous consent that the full report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

REPORT OF SENATE DELEGATION VISIT TO BOSNIA, APRIL 3–12, 1996

INTRODUCTION

A delegation from the United States Senate, consisting of Democratic Leader Tom Daschle (D-SD), Senator Orrin G. Hatch (R-UT), and Senator Harry Reid (D-NV), met with leading officials in Bosnia and the other countries of the former Yugoslavia—Croatia, the Former Yugoslav Republic of Macedonia (FYROM), Serbia, Slovenia—as well as Albania and Hungary from April 3 to April 12, 1996. The delegation was authorized by the joint leadership of the Senate to explore outstanding issues related to implementation of the Dayton Peace Accord formally signed on December 14, 1995, by President Alija Izetbegovic of Bosnia and Herzegovina, President Slobodan Milosevic of Serbia and Montenegro, and President Franjo Tudjman of Croatia in Dayton, OH.

The accord is based upon the tenet that Bosnia will remain a single state within its internationally recognized borders, but that the state will be comprised of two entities—the Bosnian Muslim-Croat Federation and the Republika Srpska—with substantial authority. In an effort to create the conditions for peace in Bosnia, the Dayton agreement provides for a peace implementation force (IFOR) under NATO command and calls for civilian implementation through elections and economic reconstruction.

In the period between the signing of the accord and the delegation's departure, the ceasefire had held, elections were being scheduled, and problems related to implementation of the civilian aspects of the peace agreement were reported.

On the day the delegation left for the region, Americans received the tragic news that the plane carrying Commerce Secretary Ron Brown, 32 other Americans, and two Croatians had crashed near Dubrovnik, Croatia. Secretary Brown had been traveling in and around Bosnia with U.S. business leaders and Commerce Department officials as part of the American effort to help build democratic and economic institutions in the region so that a lasting peace might take hold in the Balkans. After making schedule adjustments, the delegation chose to go forward with its planned visit to the region to honor Ron Brown's vision and to send a clear signal to those struggling for peace in Bosnia that the United States remains committed to that mission.

TOM DASCHLE.
ORRIN G. HATCH.
HARRY REID.

SUMMARY

Senators Daschle, Hatch, and Reid met with leading officials in Bosnia, Croatia, the former Yugoslav Republic of Macedonia, Serbia, Slovenia, Albania, and Hungary. In each country, the delegation gathered perspectives on: (1) military implementation of the Dayton Peace Accord; (2) civilian implementation of the Dayton Peace Accord; (3) that country's progress toward democratization; and (4) that country's progress toward privatization and development of a market economy. In Bosnia, the FYROM, and Hungary, the delegation visited U.S. military installations and met with troops stationed in the region.

While perspectives on progress toward peace in Bosnia and the Balkans varied from country to country, the delegation found there was general consensus around two basic points: first, that NATO's Implementation Force (IFOR), led by the United States, has been an unqualified success in terms of stopping the war in Bosnia; and, second, that, while moving forward, implementation of the civilian and economic aspects of the Dayton accord has met with significant delay and difficulty.

U.S. military and diplomatic leadership were credited by virtually everyone in the region for progress that has been made in Bosnia. Still, concerns persist about the prospects for full implementation of the Dayton accord within the timeframes laid out in the plan. Officials stressed that key to successful implementation will be the efforts of Serbian and Croatian leaders to garner the commitment of Serbs and Croats within Bosnia to the borders agreed to in the Dayton accord as well as human rights for all ethnic groups within those borders.

Morale among U.S. troops appeared to be high, despite the fact that they are living and working under extremely difficult conditions. The servicemen and women with whom the delegation spoke understood and believed in the importance of their mission. They also spoke highly of the cooperative spirit that has exemplified their relationship with forces from Russia, Britain, France, and the other countries represented in IFOR.

The delegation's goals were to promote, and assess progress with respect to, full implementation of the Dayton Peace Accord; to express support for U.S. troops participating in the NATO and UN peacekeeping efforts; to promote democracy, economic growth, and respect for human rights in the region; and to reflect the United States' commitment to those working for a lasting peace in Bosnia.

FINDINGS

The delegation returned to the United States confident that U.S. military and diplomatic leadership has been the driving force behind the current peace in Bosnia—that the peace could not have been accomplished, and probably cannot be sustained, without our efforts. The delegation returned convinced of the value of that mission, for, as fragile as the peace in Bosnia may be, the promise of peace, freedom and democracy for all the people of the former Yugoslavia—and the regional stability that would follow from that achievement—justify their pursuit.

Several major findings—some of them confirmations of past ones—resulted from this visit.

NATO military action, U.S. diplomacy, and military implementation supporting that diplomacy stopped the war in Bosnia and have been the primary deterrents to resumption of the war.

U.S. military and foreign service personnel serve as models for the rest of the world; their professionalism under extraordinary circumstances should make every American proud.

Landmines pose a serious threat to U.S. and other peacekeeing forces as well as the civilian population in Bosnia. The United States should actively seek an international ban on the use of anti-personnel landmines.

Regarding the military aspect of the Dayton Peace Accord, IFOR has successfully carried out its mandate thus far.

Conditions for free and fair elections in Bosnia have not yet been established. Numerous concerns were heard regarding the willingness of the dominant parties in the three regions to allow free elections.

People throughout the Balkan region are concerned about the timing of IFOR's departure in light of problems related to implementation of the civilian aspects of the Dayton accord and economic reconstruction.

While these concerns should be taken seriously, the ultimate success or failure of the Dayton accord—and the chance for sustained peace in the region—will depend on the political will of its signatories.

The United States must continue to pressure those signatories to commit themselves fully to that effort.

HUNGARY

The delegation began its investigations in Hungary, host to 7000 American troops at three U.S. military installations, including Taszar Airbase, the primary logistics center and staging area for U.S. troops deployed in Bosnia. In meetings with the Deputy Foreign Minister, American troops at Taszar, business leaders in Budapest, and U.S. Embassy officials, the delegation explored issues related to implementation of the Dayton Peace Accord, Hungary's role in supporting the military aspects of the accord, NATO expansion, and Hungary's progress toward fulfillment of the country's political and economic goals.

Deputy Foreign Minister Istvan Szent-Ivanyi told the delegation that, while implementation of the military aspects of the Dayton Peace Accord was proceeding in the right direction, he remained concerned about implementation of the political aspects of the accord. He expressed the view that the American and European military presence in Bosnia has been essential to the restoration of peace in the region and that continued U.S. support of the peace effort will be essential to maintenance of that peace and the

safe resettlement of war refugees, including ethnic Hungarians. He reported that Hungary is fully cooperating with the War Crimes Tribunal's efforts to identify, locate, and prosecute perpetrators of war crimes in Bosnia.

Szent-Ivanyi also stressed Hungary's desire to be included in the first round of candidates for NATO expansion and called for a ''normal integration process.'' He also discussed with the delegation the upcoming official opening of the International Law Enforcement Academy in Budapest to combat organized crime.

During a visit to the United States' Intermediate Staging Base in Taszar, Hungary, the delegation was briefed on the massive effort to deploy U.S. forces to Bosnia. Seventy-five to 80 percent of the 18,000 U.S. troops stationed in Bosnia have entered the country through the staging area in Taszar since the deployment began last December.

Major General Walter H. Yates, Jr., Deputy Commanding General, V Corps, United States Army, Europe, advised the delegation that the size and configuration of the U.S. deployment in Bosnia would be assessed again in early summer and that any minor adjustments that might be needed would be made at that time. He also reported that, from a military perspective, all sides have been in general compliance with the Dayton Peace Accord. He concluded that the greatest challenge facing the multinational force in Bosnia is the existence of 3 to 8 million landmines in that country. He added that U.S. forces are encouraging, training, and monitoring the work of various factions to deactivate the mines. Finally, the group was told that the Hungarian government has been especially helpful to U.S. military efforts and that U.S. personnel at Taszar is seeking to further its cooperation with Hungary and the local community at the military, political, and civic levels.

Senator Daschle addressed the troops in attendance at the briefing, thanking them for their role in the mission and expressing the support of the Senate. He and the entire delegation also had a chance to visit with individual servicemembers.

SERBIA AND MONTENEGRO

In Belgrade, the delegation met with President Slobodan Milosevic, opposition leaders, union leaders, members of the independent press, and U.S. Embassy officials. Discussions focused on Serbia's compliance with the Dayton agreement, cooperation with the War Crimes Tribunal, relations with other republics of the former Yugoslavia, movement toward democratization and privatization, the situation in Eastern Slavonia, resettlement of the Krajina Serbs, and progress toward a peaceful solution to the disputes between the government and ethnic Albanians in Kosovo.

In its meeting with President Slobodan Milosevic, the delegation reiterated and expressed strong support for U.S. policy concerning normalization of relations with Serbia—that the ''outer wall'' of UN sanctions will remain in place until the Dayton agreement is fully and successfully implemented, Serbia has fully cooperated with the War Crimes Tribunal's effort to arrest and prosecute war criminals, and there is significant progress in Kosovo. The delegation also pressed Milosevic on the need for progress toward the development of democratic institutions, including a free and independent media. The delegation stressed the importance of normalization of Serbian-FYROM relations.

Milosevic characterized developments since the signing of the Dayton accord as ''pretty positive,'' concluding that the military aspects of the agreement have been ''absolutely successful'' and that civilian implementation of the agreement has slowed somewhat. Although he said he questions the objectivity of the War Crimes Tribunal, Milosevic stated that Serbia has cooperated with the Tribunal and ''will not protect war criminals.'' While acknowledging that respect for human rights is a ''global issue,'' he called the situation in Kosovo ''an internal matter.'' Milosevic suggested that the independent press in Serbia is thriving and that Serbian-FYROM relations would be normalized in the near future.

BOSNIA

SARAJEVO

The flight over Bosnia and into Sarajevo gave the delegation its first sense of the magnitude of the devastation in that country, and the drives from the Sarajevo airport through the city and through the Sarajevo suburbs revealed the reality of ''ethnic cleansing'' in a way that news reports can only suggest. Burned and bombed buildings lined the main street running through Sarajevo. The delegation's visit to the ruins of the Sarajevo library, which was known as one of the most magnificent buildings in the country was graphic evidence of the war's devastating impact on Bosnia. Some have proposed to leave the library as it currently stands—if it can be stabilized structurally—and turn it into a war memorial.

Make-shift cemeteries in what were formerly soccer fields and other public spaces served as sad reminders of the 200,000 Bosnians, including 10,000 Sarajevans, who died in the 4½ year war. Still, the resumption of activity all over Sarajevo served as evidence that peace is both hoped for and possible if all sides commit themselves to it.

At the U.S. Embassy, the delegation was briefed by Admiral Leighton W. Smith, Jr., Commander in Chief, IFOR (Smith also serves as Commander-in-Chief, Allied Forces Southern Europe and Commander-in-Chief, U.S. Naval Forces), and by Embassy officials accompanied by various U.S. and international representatives charged with implementation of various aspects of the Dayton accord. The delegation also met with President Alija Izetbegovic.

Again, the delegation heard that the military aspects of the Dayton agreement had been very successful, but that civilian implementation of the agreement has proven more complex. Of particular concern were efforts to ensure the Muslim-Croat Federation in Bosnia remains viable, ensure that the Bosnian elections—at the municipality, canton, entity, and republic levels—are free, fair, and in full compliance with the Dayton guidelines, and ensure the safe resettlement of refugees from all ethnic groups as well as general freedom of movement.

The delegation was told by international representatives at the Embassy briefing that Serb, Croat, and Muslim factions within Bosnia all have been accused of varying degrees of authoritarianism and violations of human and civil rights and that concerns about Serbian President Milosevic's and Croatian President Tudjman's interests in pursuing a ''Greater Serbia'' and a ''Greater Croatia'' persist. Nevertheless, most analysts reported that Milosevic and Tudjman appeared to be complying with the Dayton accord, though limits on Serbian cooperation on the release of prisoners continues to pose a serious challenge, and greater cooperation in turning over war criminals remains wanting from both leaders. Furthermore, many are concerned that Bosnian Serb Army Commander Ratko Mladic and Bosnian Serb President Radovan Karadzic are still in control of the Bosnian Serbs, and that Tudjman has been reluctant to disassociate himself from troubling actions by the Bosnian Croats. It is clear that close monitoring of these factors and continued pressure on all sides to comply with the Accord, including the removal of all indicted war criminals from political power and their submission to the Hague, will be important to the long-term viability of the Muslim-Croat Federation and peace in general.

The delegation was briefed on efforts to build the civilian police and criminal justice systems in Bosnia. The importance of having these systems in working order by the time the NATO implementation force departs was stressed.

In its meeting with President Izetbegovic, the delegation discussed the President Izetbegovic's perspective on the military and civilian implementation of the Dayton Peace Accord; ways to strengthen the Muslim-Croat Federation; progress toward free and fair elections; the importance of freedom of the press; and efforts to ensure that borders in the Dayton Accord, as well as the human rights of all ethnic groups within those borders, are respected. The senators stressed the importance of ensuring that all Iranian and other foreign forces leave Bosnia. The delegation congratulated Izetbegovic for his efforts to release prisoners under Muslim control and reiterated the United States' commitment to a lasting peace and a multiethnic Bosnia.

Tuzla Airbase

After an aerial tour of the devastation of countless Bosnian villages, the delegation was briefed by U.S. military personnel, led by Major General William L. Nash, Commanding General, First Armored Division, Operation Joint Endeavor, and Colonel John R. S. Batiste, Commander, Second Brigade, First Armored Division, Operation Joint Endeavor. They described a combat team evenly distributed between the Republika Srpska and the Muslim-Croat Federation and stressed the importance of operating within both entities in an even-handed, impartial way and always reflecting the competence and discipline that have given NATO the legitimacy to make this operation a success. Batiste stated that IFOR operates on the premise that any violation of the peace accord demands an appropriate response.

Colonel Batiste reported that contact between the Muslim, Croat, and Serb factions in Bosnia has become less confrontational over time, but that civilian freedom of movement has been restricted by all factions and that this is a key area of concern. He stated that exemplary U.S.-Russian troop cooperation has led to combined patrols and that the U.S. military's relationships with both NATO and non-NATO countries involved in the mission has been excellent.

Reiterating what the delegation had heard in Hungary, Colonel Batiste reported that one of the greatest challenges facing IFOR is the threat posed by remaining landmines. He said there had been good cooperation in clearing the minefields for which there are records but that only 30 to 40 percent of the mines are included in that category. He reported that, on the previous day, 68 mines in the area had been cleared through the Mine Action Center in Tuzla. Only minutes after the delegation was given that information, Colonel Batiste's briefing was interrupted by a report that a Russian soldier had just lost his foot in a mine explosion.

Colonel Batiste stressed the importance of the effort to ensure that the political and civilian aspects of the Dayton accord are fully implemented and to keep the economic reconstruction effort on track. He discussed the difficulties related to the election process, since many, particularly Serbs, are uninformed about where they must vote (under the Dayton agreement, all Bosnians' voting

eligibility is based on where they lived in the spring of 1990 before the war began). The economic impact of Serb, Muslim, and Croat army downsizing was also discussed, as were the ongoing effort at arms control within Bosnia and the importance of the development of a professional, civilian police force.

The delegation was briefed on the medical facilities serving U.S. forces (every lodgement has a medic and a surgeon) and advised that environmental data collection that might be needed in any follow-up health investigations has been vigorous.

Senators Daschle, Hatch, and Reid addressed the servicemen and women at the briefing, acknowledging their personal sacrifices and praising and thanking them for the professionalism with which they are carrying out their mission. Members of the delegation also had an opportunity to share a lunch of soup and MREs (meals ready to eat) with personnel from their respective states.

ALBANIA

The delegation's visit to Albania was marked by visual impressions as much as verbal reports. As soon as the plane made its descent, the American mental image of one of the world's most closed societies was overshadowed by the reality of a green, mountainous countryside and a capital filled with activity. Reminders of Albania's past, including 600,000 to 750,000 seven-ton concrete-and-steel bunkers built to respond to the perceived threat of simultaneous attacks from NATO and the Warsaw Pact, remain, but the future is clearly Albania's focus.

In Tirana, in addition to sessions with the President and opposition leaders, the delegation met with U.S. Embassy officials joined by representatives of the U.S. Information Agency and the U.S. Peace Corps mission in Albania. They were briefed on the repression suffered by the Albanians for 40 years at the hands of dictator Enver Hoxha. It is estimated that 25 to 30 percent of Albanian families experienced that repression—imprisonment, exile, torture, or execution—firsthand. Albania had been a bankrupted economy that for decades had outlawed private ownership of cars, monitored the direction of people's television antennas, and declared itself atheist, turning its largest Catholic cathedral into a basketball court to prove it. In April 1992, Albania elected a new president and was on its way to filling its streets with cars and every other form of transportation, tuning in to ''CNN International,'' erecting coffeehouses on every city curb, privatizing its economy, and reducing inflation from 400 percent to single digits.

Certainly Albania faces serious challenges. According to the briefing team, reports of discrimination against the ethnic Greek minority continue; criminal justice and judicial reforms are needed; the state controls Albania's electronic media; the civilian police force is ill-trained; opposition parties complain the country's ''Lustration'' law, which bars certain former communist officials and others from seeking political office until 2002, is too broad; the military is severely underfunded; and the country's economy and infrastructure have a long way to go. Still, they report that Albania has made significant progress toward the establishment of democracy.

In a meeting with the delegation, Albanian President Sali Berisha reported that his administration has focused on efforts to promote fast growth, make possible integration into NATO and the European Union, and improve educational opportunities within the country. He thanked the delegation for U.S. support for progress in Albania and reported that U.S.-Albanian military cooperation has been especially good. He also expressed thanks for U.S.A.I.D.'s reforestation program in Albania, adding that the construction of the ubiquitous bunkers had caused serious damage to Albania's forests.

President Berisha added his voice to those who rate the military implementation of the Dayton accord as successful and the political progress slow. He also provided an Albanian perspective on the situation in Kosova, saying that Albania wants a peaceful solution with Serbia. He defended Albania's Lustration law, arguing that Albania faced a true ''cultural genocide'' at the hands of its former rulers and that those barred from political candidacy may appeal that ruling if they can show that documents linking them to abuses have been falsified. He addressed concerns about state-controlled media outlets by saying that private entities are forming and that state-controlled outlets will be privatized as independent outlets develop.

President Berisha expressed optimism about Greek-Albanian relations and discussed the process in place for Albania's upcoming elections. He concluded by saying that Albania's greatest challenges are to maintain the country's fast economic growth and continue to build its democratic institutions.

FORMER YUGOSLAV REPUBLIC OF MACEDONIA (FYROM)

The former Yugoslav Republic of Macedonia is the only former republic to make a completely peaceful transition to independence, and, in virtually every discussion the delegation had with political leaders in that country, a pragmatic and democratic attitude about how to approach problems and resolve disputes was reflected. The delegation met with Tito Petkovski, President of the Macedonian Parliament, Prime Minister Branko Crvenkovski, and President Kiro Gligorov, as well as U.S. Embassy officials. The discussions focused on implementation of the Dayton accord, the impact of potential instability in Bosnia and Kosovo on the FYROM, the FYROM's political process, efforts to fully privatize the country's economy, and the FYROM's relations with its neighbors. The delegation also visited two U.N. Preventative Deployment Force (UNPREDEP) observation posts along the Serbian border.

Parliament President Tito Petkovski advised the delegation that Serbia and the FYROM had agreed within the previous 24 hours to establish full diplomatic relations, though the details of the agreement were not fully available at the time of the meeting. He said he was hopeful that the issue of his country's name could be resolved with Greece in the near future and noted that his country has no other open problems with Greece. Petkovski stressed the importance of a lasting peace in Bosnia, saying that failure to fully implement the Dayton accord would threaten the FYROM's stability. He thanked the delegation for the United States' military cooperation and support of FYROM's efforts to develop democratic institutions and a stronger economy. Petkovski also briefed the delegation on the parliament's preparation of a new electoral law and the current situation with respect to political parties in the FYROM.

Prime Minister Branko Crvenkovski declared the UN military presence, led by a force of 550 Americans, to be an overwhelming success, arguing that such preventive efforts are much more cost-effective than war, and predicted that the deployment would serve as a prototype for other deployments. He discussed the impact on the FYROM's economy of past UN sanctions against Serbia and stressed the importance of turning around the negative economic trends that have been suffered by the Macedonian people. Crvenkovski acknowledged the difficulties the FYROM has faced in the area of the schooling for ethnic Albanians and outlined the FYROM's plan to increase the percentage of classes taught in the Albanian language. He also noted the importance of stabilizing the situation in Kosovo.

The delegation met with President Kiro Gligorov and was pleased to learn both that he had recovered well from his injuries resulting from an assassination attempt several months earlier, and that, during his absence from office, the FYROM government adhered strictly to its constitutional precepts. President Gligorov spoke of the resiliency of the Macedonian people and their willingness to accept great personal sacrifices to achieve independence and democracy. He expressed his commitment to a peaceful, fair resolution of the Kosovo issue and, like Petkovski and Crvenkovski, noted that Albanians are active participants in FYROM's government. Gligorov spoke of his country's two most basic challenges and obligations during the war in Bosnia were: to do nothing to cause the expansion of the war to the south and to care for the FYROM's internal stability. He noted that he had substantial support from the United States in these efforts. Gligorov expressed the hope that continued US-FYROM cooperation would lead to his country's integration into NATO and the European Union.

The delegation traveled by helicopter to two U.S.-operated UNPREDEP observation posts along the Serbian border, meeting with servicemembers at each post. Five hundred fifty U.S. troops are stationed in the FYROM as part of this effort, first proposed by President Bush and later implemented by President Clinton, to monitor the FYROM-Serbia border and prevent the Bosnian conflict from spreading to the south.

SLOVENIA

In addition to a briefing from U.S. Embassy officials, the delegation's visit to Slovenia, the most economically advanced country of the former Yugoslavia, was marked by meetings with President Milan Kucan, State Secretary Ignac Golob, and Prime Minister Janez Drnovsek.

In the meeting with President Kucan, the delegation discussed the historic roots of Slovenia, which he described as a traditional identification with Austria-Hungary that has manifested itself in the Slovenian people through individualism, realism, a strong work ethic, and tolerance of different peoples. He stated that Tito interrupted that tradition but that Slovenia has maintained its Central European, rather than Balkan, orientation.

With respect to the break-up of Yugoslavia, Kucan argued that, while Islam and socialism had served as integrating elements beginning in 1918, there had been no ''new idea'' to keep Yugoslavia unified beyond those periods. He called that explanation an oversimplification, but said he believed it was a major factor in the former Yugoslav republics' declarations of independence.

Kucan called the Dayton agreement ''a decisive point,'' stating that the United States had successfully interrupted the cycle of violence and ignorance. He reiterated what many others had said about the roots of the conflict—that the war was not a civil or religious one, but an attempt to use ultranationalism to create a ''Greater Serbia'' and, later, a ''Greater Croatia'' by exporting the war to Bosnia-Herzegovina. Kucan stated that the U.S. presence has been critical to the effort to prevent resumption of the war, he believes the ultimate success of the Dayton accord will depend on a commitment to that peace reflected in Belgrade and Zagreb, and he called for continued U.S. and European pressure on Serbia and Croatia toward that end.

Kucan also discussed Slovenia's current dispute with Italy over Slovene land that was owned by Italians before 1945. The Slovene parliament was to consider a law to ease restrictions on foreign ownership of property later that day. (The parliament did later approve a proposal by the Spanish presidency of the European Union to resolve the dispute. The Italians foreign ministry has responded positively, but the final outcome of the issue, which rests in the Italian parliament, remains uncertain.)

With State Secretary Golob of the Ministry of Foreign Affairs, the delegation discussed the Kosovo issue. Golob shared the view of many others—that war in Kosovo would destabilize the entire region and that the foreign presence in the area—particularly that of the United States—is ''extremely important.'' He described the situation in the former Yugoslavia as ''complicated, but not hopeless,'' and argued that the price the international community is paying for the IFOR deployment is small compared to the costs that would be associated with failure in Bosnia and a spread of the war.

Prime Minister Drnovsek also argued the legitimacy and importance of the U.S. role in Bosnia. He acknowledged the challenges the involvement poses for the United States in the short term, but expressed its long-term value in terms of the cost-effectiveness of prevention as well as the benefit of helping small democracies develop in Central Europe and the Balkans. He said, ''You who espouse democracy, and have enjoyed it for 200 years, have the opportunity to see people who have lived for generations under tyranny, dictatorship, and communism now breathe freely under democracy. We, the small struggling republics, could be like you.''

CROATIA

In addition to a briefing from the Ambassador and other U.S. Embassy officials in Zagreb, the delegation met with Croatian President Franjo Tudjman to discuss progress related to implementation of the Dayton Peace Accord, the prospects for long-term peace in the region, and the investigation of the crash of Secretary Brown's plane in Dubrovnik.

The delegation thanked President Tudjman for Croatia's assistance in the aftermath of the plane crash and expressed the delegation's and the United States' interest in continuing the mission that Secretary Brown started. The senators pressed Tudjman on the importance to U.S.-Croatian relations of continued progress toward democratization and privatization. The delegation also indicated that the United States would be monitoring the following issues over the next 6 to 18 months: continued support for the Muslim-Croat Federation, including respect for Bosnia's borders and protection of human rights within those borders, and for peaceful resolutions of regional disputes; fair treatment and resettlement of Serbs who lived in Croatia before the war; continued progress in Eastern Slavonia; and cooperation with the War Crimes Tribunal. The delegation stated that the United States is looking to Croatia for leadership toward a lasting peace in the region.

Tudjman reported that good progress is being made in Eastern Slavonia, and supported the idea of Serb family reunification, but said that it ''would not be realistic'' to expect the return of all Serbs from that region. He argued that Bosnian Croats have been more cooperative than Bosnian Muslims with respect to implementation of the Dayton agreement and pointed to recent problems in Mostar to support that claim. Still, Tudjman called himself ''an optimist,'' saying that optimism is based on peace being in Croatia's strategic interest and the Bosnians having no other option. He summarily dismissed rumors of his willingness to enter into an agreement with Serbian President Milosevic to divide Bosnia.

GOOD SAMARITAN CENTER'S 50 YEARS OF SERVICE

Mr. DASCHLE. Mr. President, I would like to take this time to congratulate the staff of the Good Samaritan Center as they celebrate 50 years of service to the Tyndall community. The center has provided quality care to senior citizens in the Tyndall area, and its management and staff are to be commended for their hard work and dedication.

During my travels throughout South Dakota, I am continually reminded of the importance of health care institutions in our rural communities. They provide important services to local residents and help preserve our tight-knit communities.

The Good Samaritan Center in Tyndall is one of those institutions, and it gives me great pride to be able to point to such an exemplary South Dakota facility. For half a century, the center has been an integral part of the Tyndall community, serving the elderly with respect and compassion. Most importantly, the Good Samaritan Center ensures that its residents can continue to live close to their friends and loved ones, and in the towns in which many of them have spent their entire lives. The center can be very proud of its role in the Tyndall community.

Once again, I applaud the management and staff of the Good Samaritan Center on this important milestone. I know their next 50 years will be just as successful and rewarding.

TRIBUTE TO MINISTER GABRIEL LEWIS

Mr. THURMOND. Mr. President, the United States and the Republic of Panama enjoy a long and strong relationship between our two nations, one that stretches back to the 1904 founding of Panama. Since that time, these two great American nations have worked together to build partnerships for peace and prosperity that have not only greatly benefited our respective countries, but all the states of the American continents. During these 92 years, Panamanian and American officials and citizens have built countless friendships, and I rise today to share with my colleagues the unfortunate news that a man most of us know and like very much, Foreign Minister of the Republic of Panama Gabriel Lewis, is resigning his position due to illness.

Minister Lewis' contributions to his nation are well known and well respected. He has served Panama faithfully and selflessly during his career, and through his service, he has worked to make his nation a better and stronger place for its citizens. Perhaps Minister Lewis' greatest legacy and contribution to his countrymen, though, is the leading role he took in opposing the dictatorial and criminal regime of the former Panamanian strongman, Manuel Noriega.

Bringing Noriega to justice and holding him accountable for his illegal and immoral behavior took thousands of individuals to commit acts of great courage. It took courage for Panamanian citizens to take to the streets and protest the regime of Noriega and to face his riot police and organized thugs dubiously titled ''Dignity Battalions''; and, it took courage for the young soldiers of the 82d Airborne and the 7th Infantry Divisions to engage in combat with the well trained and equipped Panamanian Defense Force. It took great courage for Minister Lewis to openly defy and condemn the government of his nation, and to take Noriega and his puppet advisers to task for attempting to quash democracy and ignore the basic civil rights of their citizens. Minister Lewis' leadership in the international community during that time of crisis was just as critical to the successful outcome of Operation Just Cause, and the arrest and conviction of Noriega as were the contributions made by the people of Panama or the military personnel of the United States.

Mr. President, though I am sure that those who know Minister Lewis are sorry to see him leave his post as Foreign Minister of the Republic of Panama, I am pleased to note that our friend is not leaving public service. Recognizing an individual of unusual characteristics and qualities, the President of Panama has appointed Gabriel Lewis to be his senior counsel, with cabinet rank. I am confident that Minister Lewis will continue to make many valuable contributions to the people and nation of Panama through this new position, and that he will also continue to work to maintain and further strengthen the friendship between our nations, as well as to further the march of democracy throughout Latin America. I wish him success in his work as senior counsel, and for a speedy and complete recovery to his full health.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, as of the close of business yesterday, Monday, June 17, the Federal debt stood at $5,137,826,225,531.03, which amounts to $19,306.97 per man, woman, and child on a per capita basis.

SETTING THE RECORD STRAIGHT

Mr. FORD. Mr. President, I am sure that we all have high standards for accuracy on this floor, and therefore I wish to comment on certain statements which have been made in recent days.

On June 7, the junior Senator from Oklahoma mistakenly represented that

the Senate had voted on a version of the balanced budget amendment in the 103d Congress that was ''identically the same'' as the version voted on in the 104th Congress. He then mistakenly inserted into the CONGRESSIONAL RECORD copies of two resolutions when he represented to be ''the two resolutions that we voted on * * *.''

In fact, he inserted into the RECORD copies of the resolutions as introduced, but not as amended and actually voted on by the Senate. The two resolutions which were ultimately voted on contained language differences concerning judicial review.

The distinguished Senator from North Dakota and I had a colloquy with the Senator from Oklahoma. As we pointed out then, the language differences were not the primary reasons for our votes in opposition to the balanced budget amendment in the 104th Congress. Our opposition stemmed mainly from the dramatic change in the interpretation of section 6 of the proposal concerning implementing language—regarding the intention to count the annual surplus in the Social Security trust fund. However, since the Senator from Oklahoma was attempting to portray the issue in a simple black-and-white fashion—as two votes on identical proposals—we sought to clarify for the RECORD that the representations he made were flat out wrong.

Last Friday, the junior Senator from Oklahoma again took the floor to discuss this matter. He stated that, after all, the two resolutions really were ''exactly the same thing'' since both added language dealing with the issue of judicial review. Therefore, even though the language was different, certain Senators ''turned right around and actively opposed the same exact language in a balanced budget amendment'' that they had earlier supported in 1994.

The junior Senator from Oklahoma then quoted the distinguished Senator from Georgia, Senator NUNN, who authored a 1995 amendment on judicial review. What the Senator from Georgia actually said on February 28, 1995 was that his amendment on judicial review was ''similar to the Danforth amendment we agreed to last year and the Johnston amendment, which was defeated last week'' by a vote of 47 to 52.

I ask unanimous consent that the Danforth amendment from 1994 and the Johnston and Nunn amendments from 1995, each of which amends section 6 of the balanced budget amendment, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DANFORTH AMENDMENT

The power of any court to order relief pursuant to any case or controversy arising under this Article shall not extend to ordering any remedies other than a declaratory judgment or such remedies as are specifically authorized in implementing legislation pursuant to this section.

JOHNSTON AMENDMENT

The judicial power of the United States shall not extend to any case or controversy arising under this article except for section 2 hereof, or as may be specifically authorized in implementing legislation pursuant to this section.

NUNN AMENDMENT

The judicial power of the United States shall not extend to any case or controversy arising under this article except as may be specifically authorized by legislation adopted pursuant to this section.

Mr. FORD. As the Senator from Georgia noted, all three amendments are similar. The Senator form Oklahoma says the Danforth and Nunn amendments are ''exactly the same thing.'' Yet last year he voted against the Johnston amendment, which also dealt with judicial review. Perhaps the next time we are discussing identical proposals on the balanced budget amendment, the junior Senator from Oklahoma can inform all of us concerning what was so different about the Johnston amendment on judicial review to justify his different positions. I would think he would consider it to be the same exact language. The junior Senator from Oklahoma continues to try to make a silk purse out of a sow's ear.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES REFERRED

The following resolution was read and referred as indicated:

S. Res. 263. Resolution relating to church burning; to the Committee on the Judiciary.

REPORTS OF COMMITTEE SUBMITTED DURING ADJOURNMENT

Pursuant to the order of the Senate of June 13, 1996, the following report was submitted on June 17, 1996, during the adjournment of the Senate:

By Mr. D'AMATO, from the Special Committee to Investigate Whitewater Development Corporation and Related Matters:

Special Report entitled ''The Final Report'' (Rept. No. 104–280).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance, with an amendment:

H.R. 3448. A bill to provide tax relief for small businesses, to protect jobs, to create opportunities, to increase the take home pay of workers, and for other purposes (Rept. No. 104–281).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

John W. Hechinger, Sr., of the District of Columbia, to be a member of the National Security Education Board for a term of 4 years.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BYRD:

S. 1881. A bill to amend title 23, United States Code, to make available for obligation such sums as are necessary to pay the Federal share of completion of construction of the Appalachian development highway system, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DEWINE:

S. 1882. A bill to amend chapter 89 of title 5, United States Code, to include medical foods as a specific item for which coverage may be provided under the Federal Employees Health Benefits Program; to the Committee on Governmental Affairs.

By Ms. SNOWE (for herself and Mr. COHEN):

S. 1883. A bill to amend title 23, United States Code, to conform to State law the vehicle weight limitations on certain portions of the Interstate System, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GRAMM:

S. 1884. A bill to provide a penalty of not less than 10 years imprisonment without release for damage by arson to houses of worship; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DASCHLE, Mrs. HUTCHISON, Ms. MOSELEY-BRAUN, Mr. FAIRCLOTH, Mr. LEVIN, Mr. HELMS, Mr. KEMPTHORNE, Mr. ABRAHAM, Mr. BIDEN, Mrs. BOXER, Mr. BRADLEY, Mr. CHAFEE, Mr. COCHRAN, Mr. COVERDELL, Mr. D'AMATO, Mr. DODD, Mrs. FEINSTEIN, Mr. GRAMM, Mr. HARKIN, Mr. INHOFE, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. PELL, Mr. SIMON, Mr. THOMPSON, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE):

S. Res. 265. A resolution relating to church burnings; considered and agreed to.

By Ms. MOSELEY-BRAUN (for herself and Mr. SIMON):

S. Res. 266. A resolution to congratulate the Chicago Bulls on winning the 1996 National Basketball Association Championship and proving themselves to be one of the best teams in NBA history; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BYRD:

S. 1881. A bill to amend title 23, United States Code, to make available for obligation such sums as are necessary to pay the Federal share of completion of construction of the Appalachian Development Highway System, and for other purposes; to the Committee on Environment and Public Works.

THE APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM COMPLETION ACT

Mr. BYRD. Mr. President, I rise today to introduce the Appalachian Development Highway System Completion Act of 1997. This bill will ensure that adequate funds will be disbursed to complete the Appalachian Development Highway System by the year 2003, some 38 years after the Federal Government first committed itself to the completion of this critical highway network.

We are quickly approaching the expiration of the funding authorizations contained in the Intermodal Surface Transportation Efficiency Act, or ISTEA as it is commonly referred to. Our colleagues in the other body have already begun hearings on the reauthorization of ISTEA, and the Senate Environment and Public Works Committee will begin efforts toward that end in the next several months. As we approach the drafting of a new comprehensive multiyear highway bill, I want to call the attention of my Senate colleagues to the proposal to ensure that the Federal Government finally fulfills its commitment to providing adequate highway access throughout the Appalachian region.

The necessity to expand highway access to spur the development of the Appalachian region was first cited by the President's Appalachian Regional Commission of 1964, 32 years ago. The commission's report stated:

> Developmental activities in Appalachia cannot proceed until the regional isolation has been overcome by a transportation network which provides access to and from the rest of the Nation and within the region itself. The remoteness and isolation of the region lying directly adjacent to the greatest concentration of people and wealth in the country are the very bases of Appalachian life. Penetration by an adequate transportation network is the first requisite of its full participation in industrial America.

One year later, the Appalachian Regional Development Act of 1965 authorized several programs for the development of the region, the first of which called for the construction of a new highway network. According to the act, these highways ''will open up an area or areas with a developmental potential where commerce and communication have been inhibited by lack of adequate access.''

Mr. President, subsequent amendments to the act defined the 3,025 miles that comprise the Appalachian Development Highway System. Unfortunately, today we find that while the Interstate Highway System is virtually 100 percent complete, the Appalachian Development Highway System is only 76 percent complete. Of the 3,025 miles that comprise the Appalachian system, roughly 725 miles remain unfinished more than 30 years after the system was promised.

These unfinished miles, spread throughout the 13 States that have counties within the statutorily designated boundaries of Appalachia, await completion. Those States include Alabama, Georgia, Kentucky, Maryland, Mississippi, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia. All of West Virginia is within Appalachia. West Virginia is the only State that is wholly within Appalachia.

While the completion of the Interstate Highway System did play a role in the development of certain parts of Appalachia, the interstate system largely bypassed the Appalachian region due to the extremely high costs associated with building roads through Appalachia's rugged topography. As a result, the construction of the interstates had the detrimental effect of drawing passengers and freight, and their accompanying economic benefits, away from the Appalachian region. This left the Appalachian region with a transportation infrastructure of dangerous, narrow, winding roads that followed the paths of river valleys and streambeds between mountains. These roads are, more often than not, two-lane roads that are required to be squeezed into very limited rights-of-way. They are characterized by low travel speeds and long travel distances due to the winding roadway pattern. They were often built to inadequate design standards and, therefore, present very hazardous driving conditions.

For those areas where the Appalachian Development Highway System has been completed, we have seen stunning economic successes. The Appalachian Regional Commission has completed surveys indicating that of the hundreds of thousands of jobs that have been created in the Appalachian region over recent decades, over 80 percent of these jobs have been located along either the Appalachian highway system or the Interstate Highway System.

We have seen this in West Virginia as we have seen it in each of the other 12 States that comprise the Appalachian region. Unfortunately, we have also seen that in those areas where the Appalachian Development Highway System has not been completed, it is almost impossible for communities to compete for large employers due to poor access to national markets.

Mr. President, the rationale behind the completion of the Appalachian highway system is no less sound today than it was 32 years ago—in 1964. Unfortunately, there are still children in Appalachia who lack decent transportation routes to schools. There are still pregnant women, elderly citizens, and others who lack timely road access to area hospitals. There are thousands of people who certainly find it very difficult to obtain sustainable, well-paying jobs because of poor road access to the major employment centers.

Mr. President, the people of Appalachia have waited long enough for the Federal Government to fulfill its commitment to the Appalachian region. The bill I am introducing today will ensure that sufficient funds are set aside in the next major highway bill to complete the remaining 24 percent of the Appalachian Development Highway System.

This bill takes a different approach from that of the prior authorization acts for the Appalachian highway system. The bill calls for direct contract authority to be made available from the highway trust fund to be distributed to the States of the Appalachian region solely for the purpose of completing the 725 unfinished miles of the Appalachian Development Highway System.

One of the primary reasons why completion of the Appalachian highway system has lagged behind that of the Interstate Highway System is because the interstate system has benefited from the direct availability of highway trust funds, while the Appalachian Development Highway System has been required to be financed largely through incremental annual appropriations of general funds.

Now, Mr. President, the Appalachian Development Highway System is no less deserving of highway trust funds than any other major arterial road system. The 725 miles of the Appalachian Development Highway System that await completion represent just 1.6 percent of the size of our completed Interstate Highway System. They represent less than one-half of 1 percent of the size of the National Highway System, just designated in law in 1995. It is certainly high time that the funding mechanism for the Appalachian Development Highway System be put on a par with those of other highway systems of national significance that are customarily funded through direct contract authority from the trust fund.

The bill I introduce today also makes clear that funds provided to the Appalachian States for the completion of the Appalachian Development Highway System will be provided in addition to the funds that those States will receive from the Federal aid highway program for their customary purposes. These States should not be required to choose between the maintenance of their interstate and other Federal highways and the completion of the Appalachian system. It would not be fair to the

States of the Appalachian region to give with the one hand and take away with the other.

Under this bill, States will still be required to provide the standard 20 percent matching share for Federal funds for the completion of these highways, as is the case for all major Federal aid highway programs. The bill authorizes the Secretary to distribute such sums as are necessary for the completion of the Appalachian Development Highway System.

The Appalachian Regional Commission, with the cooperation of the Federal Highway Administration, is currently updating its estimate for the cost to complete the system. I anticipate that when this bill is incorporated into next year's highway legislation, it will identify and authorize the appropriate dollar figure that results from this ongoing study.

I should point out, Mr. President, that the administration shares my goal for the completion of the Appalachian Development Highway System in the near term. I recently wrote to the President regarding my concern in this area.

OMB Director, Alice Rivlin, responding for the President, stated that it is the administration's goal to complete the construction of the system by the year 2005. In response to my questions during a recent Transportation Appropriations Subcommittee hearing, Secretary Pena also signaled his support and cooperation.

Therefore, I urge all of my colleagues to support this legislation. Our entire Nation has benefited from the improvements brought about by the Appalachian Development Highway System and so, too, will we all benefit from its completion in the near future.

By Mr. DEWINE:

S. 1882. A bill to amend chapter 89 of title 5, United States Code, to include medical foods as a specific item for which coverage may be provided under the Federal Employees Health Benefits Program; to the Committee on Governmental Affairs.

MEDICAL FOODS LEGISLATION

• Mr. DEWINE. Mr. President, I introduce legislation that will clarify the ability of fee-for-service plans in the Federal Employees Health Benefit Program [FEHBP] to provide coverage for medical foods.

Medical foods are a liquid formula given to a patient under the supervision of a doctor in cases where patients cannot take solid foods to meet their nutritional needs. Medical foods are often used for patients with AIDS or patients undergoing chemotherapy and have difficulty taking solid foods.

So this bill would amend title 5 of the United States Code to include medical foods specifically in the list of items and services that can be covered by fee-for-service plans serving FEHBP beneficiaries. This legislation would not mandate coverage of medical foods. It simply clarifies that fee-for-service plans can provide coverage for medical foods.•

ADDITIONAL COSPONSORS

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 794

At the request of Mr. LUGAR, the names of the Senator from Minnesota [Mr. GRAMS] and the Senator from Virginia [Mr. WARNER] were added as cosponsors of S. 794, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to facilitate the minor use of a pesticide, and for other purposes.

S. 949

At the request of Mr. GRAHAM, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 1035

At the request of Mr. DASCHLE, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1035, a bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes.

S. 1095

At the request of Mr. MOYNIHAN, the names of the Senator from Oregon [Mr. WYDEN] and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 1095, a bill to amend the Internal Revenue Code of 1986 to extend permanently the exclusion for educational assistance provided by employers to employees.

S. 1237

At the request of Mr. HATCH, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1237, a bill to amend certain provisions of law relating to child pornography, and for other purposes.

S. 1400

At the request of Mrs. KASSEBAUM, the name of the Senator from Arkansas [Mr. PRYOR] was added as a cosponsor of S. 1400, a bill to require the Secretary of Labor to issue guidance as to the application of the Employee Retirement Income Security Act of 1974 to insurance company general accounts.

S. 1477

At the request of Mrs. KASSEBAUM, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 1477, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the regulation of food, drugs, devices, and biological products, and for other purposes.

S. 1506

At the request of Mr. ABRAHAM, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of S. 1506, a bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes.

S. 1632

At the request of Mr. LAUTENBERG, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1632, a bill to prohibit persons convicted of a crime involving domestic violence from owning or possessing firearms, and for other purposes.

S. 1669

At the request of Mr. LOTT, the names of the Senator from Colorado [Mr. CAMPBELL] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 1669, a bill to name the Department of Veterans' Affairs medical center in Jackson, MS, as the ''G.V. (Sonny) Montgomery Department of Veterans' Affairs Medical Center''.

S. 1674

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska [Mr. EXON] was added as a cosponsor of S. 1674, a bill to amend the Internal Revenue Code of 1986 to expand the applicability of the first-time farmer exception.

S. 1729

At the request of Mrs. HUTCHISON, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 1729, a bill to amend title 18, United States Code, with respect to stalking.

S. 1740

At the request of Mr. NICKLES, the names of the Senator from New Hampshire [Mr. GREGG], the Senator from Missouri [Mr. ASHCROFT], the Senator from Washington [Mr. GORTON], the Senator from Arizona [Mr. KYL], the Senator from Utah [Mr. BENNETT], and the Senator from Tennessee [Mr. FRIST] were added as cosponsors of S. 1740, a bill to define and protect the institution of marriage.

S. 1808

At the request of Mr. MURKOWSKI, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 1808, a bill to amend the Act of October 15, 1966 (80 stat. 915), as amended, establishing a program for the preservation of additional historic property throughout the Nation, and for other purposes.

S. 1816

At the request of Mr. BOND, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 1816, a bill to expedite waiver approval for the Wisconsin Works plan, and for other purposes.

S. 1844

At the request of Mr. MURKOWSKI, the name of the Senator from Arkansas

[Mr. PRYOR] was added as a cosponsor of S. 1844, a bill to amend the Land and Water Conservation Fund Act to direct a study of the opportunities for enhanced water-based recreation and for other purposes.

S. 1856

At the request of Ms. SNOWE, her name was added as a cosponsor of S. 1856, a bill to establish a commission to study and provide recommendations on restoring solvency in the Medicare Program under title XVIII of the Social Security Act.

S. 1879

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 1879, a bill to amend the Internal Revenue Code of 1986 to provide for 501(c)(3) bonds a tax treatment similar to governmental bonds, and for other purposes.

SENATE RESOLUTION 263

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of Senate Resolution 263, a resolution relating to church burning.

SENATE RESOLUTION 265—RELATING TO CHURCH BURNINGS

Mr. LOTT (for himself, Mr. DASCHLE, Mrs. HUTCHISON, Ms. MOSELEY-BRAUN, Mr. FAIRCLOTH, Mr. LEVIN, Mr. HELMS, Mr. KEMPTHORNE, Mr. ABRAHAM, Mr. BIDEN, Mrs. BOXER, Mr. BRADLEY, Mr. CHAFEE, Mr. COCHRAN, Mr. COVERDELL, Mr. D'AMATO, Mr. DODD, Mrs. FEINSTEIN, Mr. GRAMM, Mr. HARKIN, Mr. INHOFE, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LIEBERMAN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. PELL, Mr. SIMON, Mr. THOMPSON, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE) submitted the following resolution; which was considered and agreed to:

S. RES. 265

Whereas, there have been at least 156 fires in houses of worship across the nation since October 1991;

Whereas, there have been at least 35 fires of suspicious origin at churches serving African-American communities in the last 18 months;

Whereas, these churches and houses of worship are a vital part of the life of these communities;

Whereas, intentionally burning churches or other houses of worship is a very heinous crime;

Whereas, intentionally burning churches, when done to intimidate any American from the free exercise of his or her rights as an American, is inconsistent with the First Amendment of the United States Constitution, which guarantees every American the right to the free exercise of his or her religion, and which ensures that Americans can freely and peaceably assemble together; and,

Whereas, intentionally burning churches, when done to intimidate any American from the free exercise of his or her rights, is a serious national problem that must be expeditiously and vigorously addressed.

Now, therefore, be it *Resolved*, That—

(1) the Senate condemns arson and other acts of desecration against churches and other houses of worship as being totally inconsistent with fundamental American values; and,

(2) the Senate believes investigation and prosecution of those who are responsible for fires at churches or other houses of worship, and especially any incidents of arson whose purpose is to divide communities or to intimidate any Americans, should be a high national priority.

SENATE RESOLUTION 266—TO CONGRATULATE THE CHICAGO BULLS

Ms. MOSELEY-BRAUN (for herself and Mr. SIMON) submitted the following resolution; which was considered and agreed to:

S. RES. 266

Whereas the Chicago Bulls at 72–10, posted the best regular season record in the history of the National Basketball Association;

Whereas the Bulls roared through the playoffs, sweeping the Miami Heat and defeating the New York Knicks in five games; before sweeping the Orlando Magic to return to the NBA Finals for the first time in two years;

Whereas the Bulls displayed a potent offense, and what some consider to be their best defense ever, throughout the playoffs before beating the Seattle Supersonics to win their fourth franchise NBA championship;

Whereas head coach Phil Jackson, who won his first Coach of the Year award, and the entire coaching staff skillfully led the Bulls through a record 72-win season and a 15-3 playoff run;

Whereas Michael Jordan, Scottie Pippen, and Dennis Rodman all were named to the NBA's ''All-Defensive Team'', the first time in 13 years that three players from the same team have been so named;

Whereas Michael Jordan, in his first full season after coming out of retirement, won his record eighth scoring title, his fourth Most Valuable Player award, and was again named playoff most valuable player (for the fourth time);

Whereas Scottie Pippen again exhibited his outstanding offensive and defensive versatility, proving himself to be one of the best all-around players in the NBA;

Whereas the quickness, tireless defensive effort, and athleticism of the colorful Dennis Rodman, who won his fifth straight rebounding title, keyed a Bulls front line that led the league in rebounding;

Whereas veteran guard Ron Harper, in shutting down many of the league's top point guards throughout the playoffs, demonstrated the defensive skills that have made him a cornerstone of the league's best defense;

Whereas center Luc Longley frustrated many of the all-star caliber centers that he faced in this year's playoffs while at times providing a much needed scoring lift;

Whereas Toni Kukoc, winner of the league's ''Sixth Man'' award, displayed his awesome variety of offensive skills in both assisting on, and hitting, several big shots when the Bulls needed them most;

Whereas the laser-like three-point shooting of career three-point field goal percentage leader Steve Kerr sparked many a Bulls rally;

Whereas the outstanding shooting of Jud Buechler and Bill Wennington, and the tenacious defense of Randy Brown, each of whom came off the bench to provide valuable contributions, were an important part of each Bulls victory;

Whereas John Salley and James Edwards provided valuable contributions throughout the season and the playoffs, both on and off the court, at times giving the Bulls the emotional lift they needed; and

Whereas the regular season contributions of second year forward Dickey Simpkins and rookie forward Jason Caffey, and the constant emotional lift provided by the injured Jack Haley, both on the court and in practice, again demonstrated the total devotion of Bulls personnel to the team concept that has made the Bulls into one of the most devastating basketball forces of modern times: Now, therefore, be it

Resolved, That the Senate congratulates the Chicago Bulls on winning the 1996 National Basketball Association championship.

AMENDMENTS SUBMITTED

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

GRASSLEY AMENDMENT NO. 4047

Mr. GRASSLEY proposed an amendment to the bill (S.1745) to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of subtitle A of title X add the following:

SEC. . FORCE MODERNIZATION FUNDED BY REDUCTIONS IN SPENDING FOR INFRASTRUCTURE PROGRAMS.

(a) FUNDING FREEZE AT PROGRAMMED LEVEL FOR FISCAL YEAR 1998.—The Secretary of Defense shall ensure that the total amount expended for infrastructure programs for each of fiscal years 1998 through 2001 does not exceed $145,000,000,000.

(b) USE OF SAVINGS FOR FORCE MODERNIZATION.—The Secretary of Defense shall take the actions necessary to program for procurement for force modernization for the fiscal years referred to in subsection (a) the amount of the savings in expenditures for infrastructure programs that is derived from actions taken to carry out that subsection.

(c) PROTECTION OF PROGRAM FOR SPARE PARTS AND TRAINING.—In formulating the future-years defense programs to be submitted to Congress in fiscal year 1997 (for fiscal year 1998 and following fiscal years), fiscal year 1998 (for fiscal year 1999 and following fiscal years), fiscal year 1999 (for fiscal year 2000 and following fiscal years), and fiscal year 2000 (for fiscal year 2001 and following fiscal years), the Secretary shall preserve the growth in programmed funding for spare parts and training for fiscal years 1998 through 2001 that is provided in the future-years defense program that was submitted to Congress in fiscal year 1996.

(d) REDUCTIONS TO BE SHOWN IN FISCAL YEAR 1998 FUTURE-YEARS DEFENSE PROGRAM.—The future-years defense program submitted to Congress in fiscal year 1997 shall reflect the programming for the reduction in expenditures for infrastructure programs that is necessary to carry out subsection (a) and the programming for force modernization that is required by subsection (b).

(e) GAO REVIEW OF FISCAL YEAR 1998 FUTURE-YEARS DEFENSE PROGRAM.—The Comptroller General shall review the future-years defense program referred to in subsection (c)

and, not later than May 1, 1997, submit to Congress a report regarding compliance with that subsection. The report shall include a discussion of the extent, if any, to which the compliance is deficient or cannot be ascertained.

(f) INFRASTRUCTURE PROGRAMS DEFINED.—For the purposes of this section, infrastructure programs are programs of the Department of Defense that are composed of activities that provide support services for mission programs of the Department of Defense and operate primarily from fixed locations. Infrastructure programs include program elements in the following categories:

(1) Acquisition infrastructure.

(2) Installation support.

(3) Central command, control, and communications.

(4) Force management.

(5) Central logistics.

(6) Central medical.

(7) Central personnel.

(8) Central training.

(9) Resource adjustments for foreign currency fluctuations and Defense Logistics Agency managed stock fund cash requirements.

(g) FUTURE-YEARS DEFENSE PROGRAM DEFINED.—As used in this section, the term ''future-years defense program'' means the future-years defense program submitted to Congress pursuant to section 221 of title 10, United States Code.

DORGAN (AND OTHERS) AMENDMENT NO. 4048

Mr. DORGAN (for himself, Mr. LEAHY, Mr. HARKIN, and Mr. BUMPERS) proposed an amendment to the bill, S. 1745, supra; as follows:

On page 31, strike out line 2 and insert in lieu thereof the following:

''$9,362,542,000, of which—

''(A) $508,437,000 is authorized for national missile defense;''.

KYL (AND REID) AMENDMENT NO. 4049

Mr. KYL (for himself and Mr. REID) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle F of title X add the following:

SEC. . UNDERGROUND NUCLEAR TESTING CONSTRAINTS.

(a) AUTHORITY.—Subject to subsection (b), effective on October 1, 1996, the United States may conduct tests of nuclear weapons involving underground nuclear detonations in a fiscal year if—

(1) the Senate has not provided advice and consent to the ratification of a multilateral comprehensive nuclear test ban treaty;

(2) the President has submitted under subsection (b) an annual report covering that fiscal year (as the first of the fiscal years covered by that report);

(3) 90 days have elapsed after the submittal of that report; and

(4) Congress has not agreed to a joint resolution described in subsection (d) within that 90-day period.

(b) REPORT.—Not later than March 1 of each year, the President shall submit to the Committees on Armed Services and on Appropriations of the Senate and the Committees on National Security and on Appropriations of the House of Representatives, in classified and unclassified forms, a report containing the following matters:

(1) The status on achieving a multilateral comprehensive nuclear test ban treaty, unless the Senate has already provided its advice and consent to the ratification of such a treaty.

(2) An assessment of the then current and projected safety and reliability of each type of nuclear warhead that is to be maintained in the active and inactive nuclear stockpiles of the United States during the four successive fiscal years following the fiscal year in which the report is submitted.

(3) A description of the number and types of nuclear warheads that are to be removed from the active and inactive stockpiles during those four fiscal years, together with a discussion of the dismantlement of nuclear weapons that is planned or projected to be carried out during such fiscal years.

(4) A description of the number and type of tests involving underground nuclear detonations that are planned to be carried out during those four fiscal years, if any, and a discussion of the justification for such tests.

(c) TESTING BY UNITED KINGDOM.—Subject to the same conditions as are set forth in paragraphs (1) through (4) of subsection (a) for testing by the United States, the President may authorize the United Kingdom to conduct in the United States one or more tests of a nuclear weapon within a period covered by an annual report if the President determines that is in the national interest of the United States to do so.

(d) JOINT RESOLUTION OF DISAPPROVAL.—For the purposes of subsection (a)(4), ''joint resolution'' means only a joint resolution introduced after the date on which the committees referred to in subsection (b) receive the report required by that subsection the matter after the resolving clause of which is as follows: ''Congress disapproves the report of the President on nuclear weapons testing, transmitted on pursuant to section of the National Defense Authorization Act for Fiscal Year 1997.'' (the first blank being filled in which the date of the report).

(e) IMPLEMENTATION OF TEST BAN TREATY.—If, with the advice and consent of the Senate to ratification of a comprehensive nuclear test ban treaty, the United States enters into such a treaty, the United States may not conduct tests of nuclear weapons involving underground nuclear detonations that exceed yield limits imposed by the treaty unless the President, in consultation with Congress, withdraws the United States from the treaty in the supreme national interest.

(f) REPORT OF THE SUPERSEDED LAW.—Section 507 of Public law 102–377 (106 Stat. 1343; 42 U.S.C. 2121 note) is repealed.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, June 19, 1996, at 9:30 a.m. to mark up title III of H.R. 3286, the Adoption Promotion and Stability Act of 1996. The markup will be held in room 485 of the Russell Senate Office Building.

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs and the Senate Committee on Banking, Housing, and Urban Affairs will conduct a joint hearing during the session of the Senate on Thursday, June 20, 1996, beginning at 10 a.m. on title VII, American Indian Housing Assistance, to H.R. 2406, the U.S. Housing Act of 1996. The hearing will be held in room 538 of the Dirksen Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Research, Nutrition, and General Legislation be allowed to meet during the session of the Senate on Tuesday, June 18, 1996, to discuss issues that affect the livestock industry.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Tuesday, June 18, 1996, session of the Senate for the purpose of conducting an oversight hearing on the Federal Communications Commission.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. THURMOND. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to meet to consider pending business Tuesday, June 18, at 9:30 a.m., hearing room (SD–406).

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

COMMITTEE ON THE JUDICIARY

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, June 18, 1996, at 10 a.m. to hold a hearing on oversight of the Department of Justice witness security program.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Tuesday, June 19, 1996, beginning at 9 a.m., and Wednesday, June 19, 1996, beginning at 9:30 a.m. until business is completed, to hold a hearing on public access to Government information in the 21st century, with a focus on the GPO depository library program title 44.

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

ADDITIONAL STATEMENTS

TRIBUTE TO DANIEL HEALY AS HE CELEBRATES HIS 50TH YEAR IN THE NEW HAMPSHIRE LEGISLATURE

• Mr. SMITH. Mr. President, I rise today to pay tribute to Daniel Healy as he celebrates the completion of 50 years as a New Hampshire State lawmaker. Dan Healy is the longest serving State legislator in the history of

New Hampshire and the United States. I commend him and thank him for his long career of service to the Granite State.

Representative Healy, a Democrat from Manchester, currently holds the honorary title of Dean of the House. Mr. Healy is the longest serving State legislator in the history of New Hampshire and the United States. First elected in 1944, he is the only person in the state's history to be elected 25 times to the New Hampshire House.

Dan is the son of an Irish immigrant, attended Georgetown School of Law and began his career as a lawyer. He has seen the terms of 11 Presidents as well as 12 New Hampshire Governors. In addition, he was a delegate to the 1938, 1964, and 1974 constitutional conventions. He has seen the beginning and the end of the cold war in office. Daniel was serving the city of Manchester as it celebrated its 100th anniversary, and he is still serving as the city celebrates its 150th anniversary this year. Secretary of State Bill Gardener says of the 88-year-old Healy that it is his ''conservative nature and Yankee sensibility'' that brought him success and longevity.

Daniel Healy's career bears the marks of dignity and distinction from its earliest days. He epitomizes the concept of public servant, faithfully representing his constituents for the past 50 years. Their confidence in him is apparent as he completes his 25th consecutive term in office. As he has been in ill health, the 50th anniversary celebration marks his first visit to the State House this year. His record of public service to the State of New Hampshire is outstanding, having devoted his life to serving the Granite State. The public trust has been and continues to be safe in the hands of Dan Healy.

I commend Dan Healy for his long career of excellence in public office. He is a New Hampshire institution and I would like to take this opportunity to wish him well. I hope that New Hampshire may continue to be blessed by his faithful leadership and dedication.●

JUNETEENTH DAY

● Mr. KOHL. Mr. President, I would like to join my fellow citizens of the State of Wisconsin in celebrating the 25th anniversary of Juneteenth Day in Milwaukee, WI. Juneteenth Day commemorates the day on which the last slaves in the United States learned of their freedom. While the Emancipation Proclamation, issued by President Lincoln on January 1, 1863, represents an important step in the African-American population's quest for freedom and equality, Juneteenth Day, or June 19, 1865, marks the final abolition of slavery in the United States and thus occupies a special place in our Nation's history.

The celebration of Juneteenth Day in Milwaukee, WI, dates back to 1971 when the staff at Northcott Neighborhood House initiated the celebration. Juneteenth Day simultaneously pays homage to the African-American struggle for freedom and equality, commemorates the end of slavery, and celebrates the rich and varied contributions of African-Americans to the fabric of American society.

This year, on the 25th anniversary of Juneteenth Day in Milwaukee, the contributions of several individuals were honored. I would like to take this opportunity to extend special recognition to Margaret Henningsen, whose extensive work in the community has touched the lives of many, and to the memories of Jan Kemp-Cole, Terrance Pitts, and O.C. White, all of whom made tremendous contributions to the Milwaukee community. The lives and work of these individuals embody the spirit of Juneteenth Day: A celebration of African-American achievement, culture, and history.

Juneteenth celebrations throughout the Nation serve to reaffirm the ideals, goals, and dreams of all African-Americans. While much has been achieved in the years since President Lincoln signed the Emancipation Proclamation, the fight for equality continues and we must pursue the dream of Dr. Martin Luther King, Jr., that all children ''not be judged by the color of their skin but by the content of their character.'' I invite my colleagues to join me in celebrating Juneteenth Day, a day of freedom, pride, and dignity in the African-American community.●

THE THEODORE ROOSEVELT DAM IN HISTORY

● Mr. KYL. Mr. President, on March 18, 1911, Teddy Roosevelt stood at the conjunction of the Salt River and Tonto Creek in the Salt River Valley, and pushed a button to release water from the dam that had been named after him. The harnessing of the Salt River 85 years ago created a lake that is 30 miles long, 4 miles wide, and a tribute to the dogged determination of turn-of-the-century engineers, political leaders, and residents of the local Indian and Anglo communities. At the rededication of the dam this spring — the ceremony marked the completion of a 9-year makeover by the Salt River project—I and some 2,000 other Arizonans gathered to celebrate this historic accomplishment.

From this distance in time, it is easy to forget that harnessing water to make the desert bloom put American political and technological ingenuity to a severe test. In the late 1800's, east-coast investors had first planned to build a masonry dam to tame the Salt River, but they proved unable to raise the $3 million necessary for this vast project. Only the Federal Government could do it. Just as in our own day, many different interests had to be reconciled before this mammoth effort could begin. As the historian Thomas Sheridan writes:

> Debate raged between farmers and speculators, between small farmers and large landowners like Dwight Heard and Alexander Chandler, between those who favored federal involvement and those who wanted Maricopa County or Arizona Territory to take control.

The man who made it all come together was Benjamin Fowler of Chicago, who had moved west for his health. Fowler was a private citizen who was able, Sheridan says, to ''talk his fellow farmers into hammering out a plan the Government would approve.'' In 1903, the Salt River Valley Water Users' Association—today's Salt River project—was incorporated, and a complex yet workable public-private partnership was born. Two years later, ground was broken on the site, and the water control project commenced.

Instead of calling for the huge masonry structure that was originally envisioned, the U.S. Geological Survey plan made use of a natural rock basin to create the dam. Conditions at the Tonto Basin were gruelling: In the parching heat, laborers lowered themselves off steep cliffs on lifelines in order to hack roads out of solid rock. The setbacks were many. Temporary dams and flues were swept away by the floods of 1905. The transmission of electrical current to run heavy equipment caused one fatal accident; three others were drowned during construction of concrete bridges over the Grand Canal. But gradually, block by heavy block, the stone and concrete structure rose 284 feet from the river bed. Hundreds of geologists, stonecutters, zanjeros—gate operators,—laborers, and engineers had reclaimed the Great American Desert, turning Arizona's unnavigable waterways into irrigation for fields of grain, vegetables, cotton, and livestock.

Today, the Salt River project continues the partnership of Arizona citizens and the Federal Government by operating the dam on behalf of the U.S. Bureau of Reclamation. The SRP's work has enabled the Roosevelt Dam, which, at 85, is 19 years older than Nevada's Hoover Dam, to keep up with the times. The average family of four uses 325,851 gallons of water in 1 year. The recently completed renovation has increased the dam's height and capacity, adding storage for flood control as well as enabling the facility to serve another 1.2 million in population. As the valley's population grows, and as more and more recreational users flock to the camp grounds of Roosevelt Lake, the Roosevelt Dam bears out the vision of those who planned, risked, and sweated to bring it into existence.●

TRIBUTE TO SHERIFF CHARLES A. FUSELIER, NATIONAL SHERIFF OF THE YEAR

● Mr. JOHNSTON. Mr. President, it is with great pleasure that I rise to honor Sheriff Charles Fuselier who has been named sheriff of the year by the National Sheriffs' Association. The renowned national Ferris E. Lucus Award presented annually by the National Sheriff's Association, recognizes

the accomplishments, outstanding public service and strong leadership qualities of its recipient. Of the forty-two sheriffs in the Nation to have been nominated, Sheriff Fuselier holds the distinction of being the first sheriff from Louisiana to receive this most prestigious award.

Sheriff Fuselier, who is currently serving his fifth term in office, is a very valuable resource both to St. Martin Parish and the State of Louisiana. He has demonstrated time and time again his dedication to the citizens of St. Martin Parish through his many accomplishments which have touched the lives of many people and had an overwhelmingly positive impact on the State as a whole.

When Sheriff Fuselier took office in 1980, the staff consisted of 28 deputies. Currently, the sheriff's office boasts a 160 deputy staff. This is just one of the many instances where Sheriff Fuselier recognized a critical need and took the necessary steps to better serve the people of St. Martin Parish. Other examples of his leadership and dedication include the establishment of law enforcement centers, parish prisons and a special emergency reaction team. Sheriff Fuselier has not only recognized the law enforcement needs of the parish but also the individuals under his care with the implementation of an inmate rehabilitation program.

Due to his tireless efforts to enhance the delivery of law enforcement services and combat the victimization of older persons, Sheriff Fuselier was instrumental in creating the first TRIAD program in the Nation in Louisiana. He heard about the TRIAD concept at a national FBI forum, knew it would help the people of St. Martin Parish and began a TRIAD program within weeks of having heard about it. Thus having earned the title ''Father TRIAD,'' he has also instructed and moderated numerous TRIAD workshops and seminars providing assistance to develop TRIAD programs throughout Louisiana and the Nation.

Through his work on a myriad of law enforcement task forces, study groups, and commissions, Sheriff Fuselier has made many very important contributions to the Louisiana Sheriffs' Association and the National Sheriffs' Association. In fact, Sheriff Fuselier served in every position of the Louisiana Sheriffs' Association and also in many capacities on the National Sheriffs' Association such as the crime prevention committee and the national TRIAD advisory board.

I congratulate Sheriff Fuselier on receiving this very prestigious award and also on his contributions to the State and national criminal justice system. His achievements are truly an inspiration and the national sheriff of the year award is well deserved.●

TRIBUTE TO DEAN KAMEN, NEW HAMPSHIRE'S BUSINESS LEADER OF THE YEAR

● Mr. SMITH. Mr. President, I rise today to commend Dean Kamen, New Hampshire's Business Leader of the Year for 1996, president of DEKA Research and Development, and founder of U.S. First. I congratulate him for his record of excellence in business and community development.

Business NH Magazine and the Association of Chamber of Commerce Executives sponsor an annual event to recognize New Hampshire individuals and businesses making outstanding contributions to industry and community. Each year the sponsoring group receives hundreds of nominations. The exceptional quality of the entries gives testimony to the strength of Granite State businesses and the New Hampshire volunteer spirit.

Dean Kamen's record of achievement is certainly worthy of this outstanding honor. His inventions hold over 30 U.S. patents, he invented a life-saving 22-pound portable kidney dialysis machine, and he created a climate control system used by NASA. Dean has been recognized by President Clinton for his accomplishments and received the Hoover Medal, an international engineering honor.

Dean Kamen is a visionary who wants to change the way children view science and technology. He would like to see our Nation's children emulate scientists as much as they do sports heroes. His award-winning and community-minded contribution for this year is the U.S. First program designed to inspire American children. Children from across the Nation work with engineers and compete in a technological version of ''American Gladiators.''

Dean is working on a new project and keeping it tightly under wraps, but I look forward to hearing about it in the future. This is an outstanding record of accomplishment for this 45-year-old businessman. I wish to congratulate him for his recognition as New Hampshire's Business Leader of the Year, and I am proud to call Dean Kamen my friend.●

HONORING THE TRIMBLES FOR CELEBRATING THEIR 50TH WEDDING ANNIVERSARY

● Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data is undeniable: individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of ''till death us do part'' seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Mr. David and Mrs. Hazel Trimble of St. Charles, MO, who on June 16, 1996, celebrated their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. David and Hazel's commitment to the principles and values of their marriage deserves to be saluted and recognized. I wish them and their family all the best as they celebrate this substantial marker on their journey together.●

TRIBUTE TO GIRL OF THE YEAR, KIM YARMO

● Mr. SMITH. Mr. President, I rise today to recognize Kim Yarmo, a sixth-grader at Amherst Street School in Nashua, NH, for receiving the honor of Girl of the Year Award from Girls, Inc.

Girls, Inc. is an organization open to girls between the ages of 5 and 18 and dedicated to the empowerment of young women. The programs are designed to help girls compensate for neglect they sometimes suffer in the development of skills in certain areas, such as sports or subjects such as math and science. Kim's parents thought that the program would help her overcome the difficulties of growing up with three brothers and no sister.

Selection for both Girl of the Month and Girl of the Year is based upon several qualities: cooperative attitude, enthusiasm, steady attendance, positive attitude, leadership skills, and outstanding ability to interact with staff and peers. Kim was chosen by the local Girls, Inc. staff and all of the 4 to 500 girls in the program as Girl of the Year. She was chosen from a group of 12 girls who had been named Girl of the Month during 1 of the past 12 months. Kim will represent Girls, Inc. at special events throughout the next year.

Kim is known by her peers for her helping ways, including assisting her peers with homework and reading. She is a responsible and caring young lady who understands the definition of teamwork. Kim is a leader and I am proud to call her one of New Hampshire's own.

Young women like Kim are important to the future of New Hampshire and the future of this Nation. I congratulate her as the recipient of Girls, Inc.'s Girl of the Year award.●

SWISS BANKS AND GOLD LOOTED BY THE NAZIS

● Mr. D'AMATO. Mr. President, I rise today to discuss the role of Swiss banks and their handling of gold looted by the Nazis.

On May 25, 1946, the Allies and Switzerland agreed to a treaty liquidating German property in Switzerland. In section II, paragraph 2 of the treaty, Switzerland agreed to pay the Allies $250 million in Swiss francs payable on demand, in gold in New York. This treaty was the culmination of a very difficult negotiation with the Swiss,

who long refused to deal with the problem of their banks, essentially, laundering gold looted from all over Europe by the Nazis.

Yet, while the Swiss agreed to pay this sum, there was clearly more gold deposited in Switzerland by the Nazis during the war. As a February 5, 1946 State Department document clearly states, the amount agreed to in this treaty was far lower than the true amount. At this time, I ask that this document be printed in the RECORD.

The document follows:

ALLIED CLAIM AGAINST SWISS FOR RETURN OF LOOTED GOLD

1. It has been determined from available ledgers of the German Reichsbank that a total of at least 398 million dollars worth of gold was shipped to Switzerland by the German Reichsbank during the war. This figure does not include the following which, when verified and amounts definitely determined, should also be taken up with the Swiss:

(a) One additional shipment known to have taken place after these books were closed and evacuated from Berlin.

(b) Other shipments believed to have taken place early in the war and to have been recorded in earlier ledgers of the German Reichsbank which are not now available;

(c) An amount approximately 12 million dollars worth of gold which the Germans seized when they looted the Italian gold but delivered directly to the Swiss.

2. It is perfectly possible that the entire amount of 398 million dollars (or more) worth of gold received by the Swiss from the German Reichsbank was looted gold because of the following facts:

(a) The large amounts of gold known to have been looted by the Germans from the countries which they occupied in Europe before and during the course of the war. It is known that at least 579 million dollars worth of gold was looted by the Germans and made available to the German Reichsbank. This figure represents a conservative tabulation based upon the estimates of the countries from which gold was looted and upon a careful examination of the records of the Germans.

(b) The relatively small amounts of legitimate gold available to them.

(c) The very small proportion of the looted gold which appears to have remained in Germany at the end of the war or to have been disposed of in countries other than Switzerland. The amount of such looted gold now identified as being in Germany at the end of the war or disposed of to foreign countries other than Switzerland is only 169 million dollars. These figures have been derived for a complete inventory of the gold found in Germany at the end of the war and a thorough examination of the records of the Reichsbank, including a detailed tracing of the processing and disposition of more than half of the gold originally looted.

Subtraction of the loot thus traced to German war-end stocks and to third countries (169) from the total loot (579) leaves 410 million dollars worth of loot or more than the entire amount of the known shipments to Switzerland still to be accounted for.

3. Even if one makes the assumption, which is quite unrealistic but presents the most favorable possible case for the Swiss, that the shipments which they received included all of the non-looted gold available to the Germans during the war, there still remains an absolute minimum of 185 million dollars of the gold taken by the Swiss from the German Reichsbank which must have been looted.

(a) A thorough examination of the records of the German Reichsbank and intensive interrogations in Germany of high Reichsbank officials in a position to know the true facts have determined the amount of hidden reserves of gold held by the Reichsbank before and during the war in addition to the published reserves which were known to the world.

(b) For the purpose at hand June 30, 1940 has been chosen as the base date in order to make the case as favorable as possible to the Swiss and eliminate any uncertainty as to legitimate acquisitions of gold by the Germans prior to their attack on the low countries. The Reichsbank's total gold holdings on that date were 232 million dollars.

(c) From the holdings shown above (232 million dollars), there must be subtracted an amount of 49 million dollars worth of loot accumulated by the Reichsbank in the preceding year, which gives a total of 183 million dollars worth of non-looted gold stocks held on June 30, 1940.

(d) The only significant source of legitimate gold still open to the Germans after June 1940 was Russia. German records show that the total amount of gold received from Russia between the outbreak of war with Poland and the attack on Russia was 23 million dollars. Although it is clear that much of the gold was received prior to June 30, 1940 and, therefore, is undoubtedly included in the German gold reserve figure for that date (183 million dollars), we are making the assumption most favorable to the Swiss and assuming that all 23 million was acquired after June 30, 1940 and is, therefore, to be added to the gold reserve shown on that date as additional legitimate gold. The resultant total of 206 million dollars is the maximum possible amount of non-looted gold available to the German Reichsbank at any time after June 1940.

(e) Subtracting from the total known shipments to Switzerland (398) the portion of those shipments which took place prior to the end of June 1940 (7 million) leaves an amount of at least 391 million dollars worth of gold received by the Swiss thereafter, and the difference between this amount and the maximum possible amount of non-loot available to the Germans in the same period (206) is 185 million dollars.

4. On the fairest assumptions the amount of loot taken by the Swiss from Germany can be estimated at 289 million dollars.

(a) It is unreal to assume, as was done above, in calculating the absolute minimum figure of looted gold received by the Swiss from Germany that every ounce of non-looted gold available to the Germans was sent to Switzerland.

(b) It is more realistic to assume that the ratio of loot to total gold available to the Germans was reflected in all German gold shipments including those to Switzerland. The total amount of gold available to the Germans after June 30, 1940, as shown above, was 785 million dollars of which 579 million dollars or 74 percent was loot. Applying this percentage to the total amounts received by the Swiss it would appear likely that at least 289 million thereof was loot.

ALLIED POLICIES FOR NEGOTIATIONS OF LOOTED GOLD QUESTION

It is definitely known that the Swiss received at least 398 million dollars worth of gold from Germany during the course of the war. Of this amount the absolute minimum which is to be classified as loot is 185 million dollars. In arriving at this calculation every doubt has been resolved in favor of the Swiss. A more realistic approach indicates that the amount of looted gold taken by the Swiss is closer to 289 million dollars, and there is a possibility that all gold received by the Swiss from Germany was looted.

With these facts in mind, the Allied Governments should insist that the Swiss hand over immediately 185 million dollars worth of gold. Any bargaining between the Allies and Switzerland should only be with respect to the difference between 185 million and 398 million. As to this, the Allies should take the position that such difference should be turned over unless the Swiss are able to prove that such gold was either included in Germany's non-looted pre-war stocks or legitimatedly acquired after the beginning of the war.

It is possible that Switzerland will ask to see the data upon which the figure representing the minimum loot was based. If so, the Allied negotiators should agree to this concession upon the condition that the Swiss make available to Allied experts books, records and other documents in their possession relating to their gold stocks acquired from Germany and the disposition of such gold. However to avoid delays, such concessions should only be made after the Swiss have agreed to turn over the initial 185 million dollars worth of gold.

In taking the above position the Allied negotiators should make it clear to the Swiss officials that the fact that specific looted gold is no longer in Swiss possession does not operate to defeat the Allied claim or hinder or impede the handing over of an equivalent amount of gold. The Swiss should be advised that in cases where the original looted gold has passed from Switzerland to another country and the Swiss Government has made the equivalent amount of such gold available to the three named Allied powers, those powers will, insofar as is feasible, lend their assistance to the Swiss in obtaining the return of the specific gold or an equivalent. However, such offer of assistance is not to be understood or construed as a guarantee on the part of the three governments named.

In the event that the Swiss Government should indicate its preference to settle the gold question by paying over a flat sum rather than assume the burden of proof as is indicated herein above, any compromise figure between 185 and 398 million which is agreed to by all of the Allied negotiators could be accepted. It would seem that 289 million would represent a reasonable settlement.

German gold movements (estimate)

[From April 1938 to May 1945]

Income	*Million*
Germany started the war with estimated gold reserves of (Published gold reserves were only 29.)	$100
Taken over from:	
Austria	46.0
Czechoslovakia	16.0
Danzig	4.0
Poland	12.0
Holland	168.0
Belgium	223.0
Yugoslavia	25.0
Luxembourg	5.0
France	53.0
Italy	64.0
Hungary	32.0
Total	748.0

Outgo	*Million*
Sold to Swiss National Bank	$275 to 282.0
Possibly sold to Swiss Commercial Banks before 1942	20.0
Washed through Swiss National Bank depot account and eventually reported to Portugal and Spain (larger part by far to Portugal)	100.0

Outgo	Million
Rumania	32.5
Sweden	18.5
Found in Germany (including 64 earmarked for Italy and 32 earmarked for Hungary)	293.0
Sold to or used in Balkan countries and Middle East—mainly Turkey	10.0
	752.0

Swiss Gold Movements (Swiss official statement)

[From January 1, 1939 to June 30, 1945]

Purchased from:	
Germany	$282.9
Portugal	12.7
Sweden	17.0
Sold to:	
Germany	4.9
Portugal	116.6
Spain	42.6
Turkey	3.5

Conclusions: (1) All gold that Germany sold after a certain date, probably from early 1943 on, was looted gold, since her own reserves, including hidden reserves with which she started the war, were exhausted by that time; (2) out of $278,000,000-worth of gold that Switzerland purchased from Germany, the larger part was looted gold; in addition, Switzerland has taken $100,000,000 looted gold in deposit, which later on was re-exported to Spain and Portugal for German account; (3) among the gold that the Swiss sold during the war to Portugal, Spain, and Turkey, there could have been looted German gold; (4) the gold that Switzerland bought from Sweden during the war could theoretically be German looted gold; monetary experts all over the world (Switzerland has monetary experts at her disposal) knew, or ought to have known, roughly the figures and movements as contained in the above estimate—certainly they knew the gold holdings and gold reserves of the German Reichsbank. Switzerland therefore was lacking good faith. In addition, she was warned that all Germany's own pre-war gold stocks had been used up by mid-1943 at the latest and therefore all the gold then in the possession of Germany must be presumed to be looted gold.

Mr. D'AMATO. As one can see, the amount of gold, estimated by this report is said to be $398 million, $148 million more than the treaty amount. A possible reason for the difference can be laid upon the Swiss because they would not agree to give up more than $250 million.

I would like to know what happened to the other $148 million, or more, that apparently was kept by the Swiss. I am quite sure that the other nations of Europe who had their gold looted from them by the Nazis and sent to Switzerland, not to mention the individual citizens who had gold taken from them, would like to know where that gold is today. Only the Swiss know and they aren't talking.●

TRIBUTE TO BILL MARSTON ON HIS RETIREMENT AS PRINCIPAL OF GOFFSTOWN HIGH SCHOOL

● Mr. SMITH. Mr. President, I rise today to pay tribute to an outstanding individual as he nears the end of a 40-year career as an educator. Bill Marston retires this month from his position as principal of Goffstown High School in Goffstown, NH.

Mr. Marston's 15-year tenure as principal has been marked by his unfailing dedication to his students. His example of excellence and integrity, set for his students, his teachers, and his community, will endure long after his retirement. He will be remembered as a true educator in every sense of the word. An educator's job is about much more than passing along information or keeping order in the classroom. An educator provides his students with the tools they need to shape their future. Bill treated each student as an individual and was always willing to go the extra step to see a student succeed.

Educators like Bill are one of our Nation's greatest treasures. They shape the future of this Nation as they shape the mind and character of our young people. Education and educators like Bill Marston give us hope for tomorrow. The young people whose lives our Nation's educators touch each day will be the leaders of tomorrow. It is the educator who sparks interest in physics or makes civics come alive for the student. They equip the future scientists and inspire the future writers of this Nation. As a former teacher myself, I have seen the impact educators can have on the lives of students. Teachers are, in many ways, the keepers of our Nation's future, holding the promise of tomorrow in their hands.

By all accounts, Bill Marston has been an exemplary educator, both as teacher and as administrator. The job of an administrator is not always an easy one. By keeping the best interests of the students at heart, Bill set an example he can be proud of. Bill, however, was more than an administrator. He was a leader. He always acted with integrity and earned the respect of his community. The influence of his leadership will surely be felt long after his retirement.

I commend Bill Marston for his career of distinction in the field of education. New Hampshire is fortunate to have such a talented and dedicated educator shaping its future generation.●

CONGRATULATING THE CHICAGO BULLS ON WINNING THE 1996 NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mr. KYL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 266, submitted earlier today by Senators MOSELEY-BRAUN and SIMON.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 266) to congratulate the Chicago Bulls on winning the 1996 National Basketball Association Championship and proving themselves to be one of the best teams in NBA history.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Ms. MOSELEY-BRAUN. Mr. President, on behalf of my colleague, Senator SIMON, the city of Chicago, and the State of Illinois, I rise to offer a Senate resolution commemorating the Chicago Bulls for winning the 1995–1996 National Basketball Association Championship.

I say to my friend, Senator PATTY MURRAY, that her great State of Washington was well-represented in this championship series that ended last Sunday. We should all applaud the Seattle Supersonics for an excellent season in which they won 64 games. I am sure it will not be the last we will hear of them. I am just delighted that this happens to be the year of the Chicago Bulls.

The Bulls have put together a truly remarkable season. There should no longer be any doubt that this Bulls team is the best basketball team in the 49-year history of the NBA. Yes, the best ever. One need look no farther than the numbers. The Bulls finished the regular season with an unprecedented record of 72–10. They roared through the playoffs, losing only three games in four playoff rounds. Their final record is a truly unbelievable 87–13. There has never been a team that has so dominated professional basketball at both ends of the court like this year's Bulls.

Coach Phil Jackson once stated that, "Basketball is a sum of parts that sometimes are greater than the whole * * * we try to get the concept to the team that you are only as strong as your weakest link." Coach Jackson's philosophy of teamwork has resonated with the players on this team. From Michael Jordan down to the last player on the bench, each member know his role, accepted it, and worked for the good of the team. They worked hard in practice, meshed their various talents and selflessly played together for team, not individual, achievements.

As is the case with all great teams however, when the team is successful, individuals stand out as well. Michael Jordan, the greatest basketball player on this planet, was named the league's most valuable player for the regular season, for the playoffs, and for the all-star game, something that has never been done before. Dennis Rodman won the rebounding title. The sixth man of the year award went to Toni Kukoc. Coach Jackson was honored as Coach of the Year. And three members—Jordan, Rodman, and Scottie Pippen—were named to the All-Defensive Team.

Basketball teams around the country have hung banners in their arenas commemorating championship seasons. Undoubtedly, some of those team possessed more Hall of Famers or had more individual talent. But this year's Chicago Bulls team has amassed a record of success that ranks as the best of all-time. We are so proud that the city of Chicago is associated with the mark of excellence and perfection that this Bulls team has shown.

The values of team, hard work, and both physical and mental toughness

that the Bulls embody has brought them fans all across the country—in every State in the union. It is therefore particularly fitting that the Senate recognize the special nature of the Bulls achievement. I, therefore, strongly urge my colleagues to join with my distinguished senior colleague, Senator SIMON, and me, and to vote to approve this resolution commending the Chicago Bulls for their fourth NBA championship.

Mr. KYL. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, and the motion to reconsider be laid upon the table, and that any statements relating thereto be placed in the RECORD at the appropriate place as if read.

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

The resolution (S. Res. 266) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 266

Whereas the Chicago Bulls at 72–10, posted the best regular season record in the history of National Basketball Association;

Whereas the Bulls roared through the playoffs, sweeping the Miami Heat and defeating the New York Knicks in five games, before sweeping the Orlando Magic to return to the NBA Finals for the first time in two years;

Whereas the Bulls displayed a potent offense, and what some consider to be their best defense ever, throughout the playoffs before beating the Seattle Supersonics to win their fourth franchise NBA championship;

Whereas head coach Phil Jackson, who won his first Coach of the Year award, and the entire coaching staff skillfully led the Bulls through a record 72-win season and a 15–3 playoff run;

Whereas Michael Jordan, Scottie Pippen, and Dennis Rodman all were named to the NBA's ''All-Defensive Team'', the first time in 13 years that three players from the same team have been so named;

Whereas Michael Jordan, in his first full season after coming out of retirement, won his record eighth scoring title, his fourth Most Valuable Player award, and was again named playoff most valuable player for the fourth time);

Whereas Scottie Pippen again exhibited his outstanding offensive and defensive versatility, proving himself to be one of the best all-around players in the NBA;

Whereas the quickness, tireless defensive effort, and athleticism of the colorful Dennis Rodman, who won his fifth straight rebounding title, keyed a Bulls front line that lead the league in rebounding;

Whereas veteran guard Ron Harper, in shutting down many of the league's top point guards throughout the playoffs, demonstrated the defensive skills that have made him a cornerstone of the league's best defense;

Whereas center Luc Longley frustrated many of the all-star caliber centers that he faced in this year's playoffs while at times providing a much needed scoring lift;

Whereas Toni Kukoc, winner of the league's ''Sixth Man'' award, displayed his awesome variety of offensive skills in both assisting on, and hitting, several big shots when the Bulls needed them most;

Whereas the laser-like three-point shooting of career three-point field goal percentage leader Steve Kerr sparked many a Bulls rally;

Whereas the outstanding shooing of Jud Buechler and Bill Wennington, and the tenacious defense of Randy Brown, each of whom came off the bench to provide valuable contributions, were an important part of each Bulls victory;

Whereas John Salley and James Edwards provided valuable contributions throughout the season and the playoffs, both on and off the court, at times giving the Bulls the emotional lift they needed; and

Whereas the regular season contributions of second year forward Dickey Simpkins and rookie forward Jason Caffey, and the constant emotional lift provided by the injured Jack Haley, both on the court and in practice, again demonstrated the total devotion of Bulls personnel to the team concept that has made the Bulls into one of the most devastating basketball forces of modern times: Now, therefore be it

Resolved, That the Senate congratulates the Chicago Bulls on winning the 1996 National Basketball Association championship.

E. BARRETT PRETTYMAN UNITED STATES COURTHOUSE

Mr. KYL. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be discharged from further consideration of H.R. 3029, and, further, that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

A bill (H.R. 3029) to designate the United States courthouse in Washington, District of Columbia, as the ''E. Barrett Prettyman United States courthouse.''

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. Mr. President, I would urge the Senate to formally consider and pass H.R. 3029, designating the U.S. courthouse at 3d and Constitution Avenue in Washington, DC, the E. Barrett Prettyman United States Courthouse.

Following my graduation from the University of Virginia Law School in 1953, I was privileged to serve as a law clerk under E. Barrett Prettyman, circuit judge, U.S. Court of Appeals for the District of Columbia. He later became Chief Judge of the Circuit Court of Appeals for the District of Columbia.

Known as the ''Swing Man'' of the nine-member court, Prettyman was renowned for an emphasis on thoughtfulness and fairness in the rendering of his decisions. In perhaps his best known opinion, Prettyman opted to help protect international stability and preserved the State Department's right to bar travel by United States citizens to certain areas, such as Red China. The Supreme Court later upheld this decision.

I can think of no better qualified or more lasting tribute to such a fine, honorable public servant than to name the U.S. Courthouse in the Nation's Capital the ''E. Barrett Prettyman Federal Courthouse.''

Mr. KYL. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 3029) was deemed read the third time and passed.

APPOINTMENT BY THE PRESIDENT OF THE SENATE

The PRESIDING OFFICER. The chair, on behalf of the President of the Senate, pursuant to Public Law 85–874, as amended, appoints the Senator from Wyoming [Mr. SIMPSON] to the Board of Trustees of the John F. Kennedy Center for the Performing Arts.

ORDERS FOR WEDNESDAY, JUNE 19, 1996

Mr. KYL. Finally, Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9 a.m., Wednesday, June 19; further, that immediately 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, and the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 1745, the Department of Defense authorization bill, and the pending Dorgan amendment as under the previous consent agreement.

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

PROGRAM

Mr. KYL. Mr. President, for the information of all Senators, on behalf of the leader, again, there will be 15 additional minutes of debate on the Dorgan amendment tomorrow morning, with a vote to occur on or in relation to the amendment at approximately 9:15—a vote on the Dorgan amendment at approximately 9:15. As a reminder to all Senators, rollcall votes will be strictly limited to 20 minutes in length. All Senators should be reminded of this early morning vote, and to be prompt. Additional amendments are expected to the Department of Defense bill on Wednesday. Therefore, Senators can expect rollcall votes throughout the day.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. KYL. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:35 p.m., adjourned until Wednesday, June 19, 1996, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 18, 1996:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

AYSE MANYAS KENMORE, OF FLORIDA, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2000. (REAPPOINTMENT)

EXECUTIVE OFFICE OF THE PRESIDENT

PATRICIA M. MCMAHON, OF NEW HAMPSHIRE, TO BE DEPUTY DIRECTOR FOR DEMAND REDUCTION, OFFICE OF NATIONAL DRUG CONTROL POLICY, VICE FRED W. GARCIA.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

DONALD C. MASTERS, OF THE DISTRICT OF COLUMBIA

U.S. INFORMATION AGENCY

GAIL MILISSA GRANT, OF MISSOURI
PATRICIA MC MAHON HAWKINS, OF NEW HAMPSHIRE

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

RICHARD W. LOUDIS, OF FLORIDA
MARK STEWART MILLER, OF FLORIDA
ALLEN F. VARGAS, OF NEW YORK

DEPARTMENT OF COMMERCE

REGINALD A. MILLER, OF CALIFORNIA
JUDY R. REINKE, OF VIRGINIA

DEPARTMENT OF STATE

JUAN M. BRACETE, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF AGRICULTURE

KARL HAMPTON, OF THE DISTRICT OF COLUMBIA

U.S. INFORMATION AGENCY

SUSAN TEBEAU BELL, OF SOUTH CAROLINA
REBECCA TRACY BROWN, OF CALIFORNIA
KATE MARIE BYRNES, OF FLORIDA
MARGOT CARRINGTON, OF FLORIDA
ANNE SARA CASPER, OF NEVADA
CHARLES GARY COLE, OF CALIFORNIA
LINCOLN D. DAHL, OF NEVADA
DAVID ADAMS DUCKENFIELD, OF THE DISTRICT OF COLUMBIA
DAVID JOSEPH FIRESTEIN, OF TEXAS
STEFEN GRANITO, OF FLORIDA
MARJORIE R. HARRISON, OF PENNSYLVANIA
ERIK ANDERS HOLM-OLSEN, OF NEW JERSEY
ROBERT C. HOWES, OF MICHIGAN
TIFFANY ANN JACKSON-ZUNKER, OF CALIFORNIA
GERALDINE F. KEENER, OF CALIFORNIA
CHRISTINE A. LEGGETT, OF CALIFORNIA
DEENA FATHI MANSOUR, OF WYOMING
KAREN MORRISSEY, OF FLORIDA
GEORGE P. NEWMAN, OF NEW YORK
THOMAS JOSEPH NICHOLAS PIERCE, OF CONNECTICUT
ADELE E. RUPPE, OF MARYLAND
R. STEPHEN SCHERMERHORN, OF FLORIDA
DANA COHN SHELL, OF CALIFORNIA
VICTORIA L. SLOAN, OF FLORIDA
SUSAN NAN STEVENSON, OF FLORIDA
SCOTT D. WEINHOLD, OF WISCONSIN
IVAN WEINSTEIN, OF NEW JERSEY
RICHARD MORGAN WILBUR, OF NEW YORK

DEPARTMENT OF STATE

ROBERT M. ANTHONY, OF OKLAHOMA
JONATHAN JAY BEIGHLE, OF WASHINGTON
RANDY WILLIAM BERRY, OF COLORADO
PAUL W. BLANKENSHIP, OF TEXAS
SHARON T. BOWMAN, OF NEW YORK
FRANCES CHISHOLM, OF NEW HAMPSHIRE
NANCY ANN COHEN, OF CALIFORNIA
MARIE CHRISTINE DAMOUR, OF VIRGINIA
NATHANIEL PABODY DEAN, OF THE DISTRICT OF COLUMBIA
SHAWN DORMAN, OF NEW YORK
CHRISTOPHER G. DUNNETT, OF FLORIDA
LEVON A. ELDEMIR, OF CALIFORNIA
ROBERT FRANK ENSSLIN, OF FLORIDA
GEORGE H. FROWICK, OF CALIFORNIA
JOANNE GILLES, OF NEW YORK
WILLIAM LEWIS GRIFFITH, OF NEW YORK
ALEXANDER GROSSMAN, OF TEXAS
DAVID C. HERMANN, OF MASSACHUSETTS
ANDREW S. HILLMAN, OF NEW YORK
IRMA J. HOPKINS, OF INDIANA
MARK SCOTT JOHNSEN, OF CALIFORNIA
MARC C. JOHNSON, OF THE DISTRICT OF COLUMBIA
CHRISTOPHER A. LANDBERG, OF WASHINGTON
SCOTT D. MC DONALD, OF FLORIDA
EDWARD VINCENT O'BRIEN, OF FLORIDA
EDWARD W. O'CONNOR, OF PENNSYLVANIA
DERRICK MEYER OLSEN, OF OREGON
MICHAEL JOSEPH PETRUCELLI, OF MARYLAND
PATRICK ROBERT QUIGLEY, OF FLORIDA
JENNIFER ANN RICHTER, OF PENNSYLVANIA
CYNTHIA CORBIN SHARPE, OF TEXAS
KATHLEEN S. SHEEHAN, OF MASSACHUSETTS
CATHERINE ANN SHUMANN, OF NEW JERSEY
RAYMOND DANIEL TOMA, JR., OF MICHIGAN
PAMELA M. TREMONT, OF TEXAS
JAMES J. TURNER, OF MARYLAND

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE U.S. INFORMATION AGENCY AND THE DEPARTMENT OF STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AMANDA L. BLANCK, OF MISSOURI
PATRICK W. BOYDEN, OF INDIANA
BRUCE W. BRETT, OF VIRGINIA
DAVID H. CANNON, OF CALIFORNIA
ROBERT W. CHAPMAN, OF VIRGINIA
RICHARD K. CHOATE, OF VIRGINIA
COLLETTE M. CHRISTIAN, OF OREGON
JENNIFER N. M. COILE, OF WYOMING
DANIEL KEITH HALL, OF VIRGINIA
JAMES L. HARRIS, OF VIRGINIA
MARY HEINTZELMAN, OF THE DISTRICT OF COLUMBIA
MAUREEN MATTER HOWARD, OF WASHINGTON
MICHAEL J. HUGHES, OF VIRGINIA
MICHAEL C. JOHN, OF VIRGINIA
PATRICIA KOZLIK KABRA, OF CALIFORNIA
ANDREW M. LANGENBACH, OF VIRGINIA
DAVID KENT MASON, OF VIRGINIA
MARYANN MC KAY, OF CALIFORNIA
ANDREA LINDA MEYER, OF PENNSYLVANIA
CYNTHIA L. MORROW, OF VIRGINIA
DUC TAN NGO, OF VIRGINIA
JEAN T. OLSON, OF FLORIDA
ROBERT E. ORKOSKY, OF VIRGINIA
ELIZABETH C. POKORNY, OF VIRGINIA
LAURA B. PRAMUK, OF COLORADO
ANN M. ROUBACHEWSKY, OF MARYLAND
NORVILLE B. SPEARMAN, JR., OF CALIFORNIA
KAREN SULLIVAN, OF NEW YORK
KURT N. THEODORAKOS, OF VIRGINIA

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. DENNIS L. BENCHOFF, 000–00–0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. WILLIAM M. STEELE, 000–00–0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JOSEPH W. KINZER, 000–00–0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. ERIC K. SHINSEKI, 000–00–0000

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JOSEPH E. DEFRANCISCO, 000–00–0000

THE FOLLOWING-NAMED OFFICER, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE:

JUDGE ADVOCATE GENERAL

To be lieutenant colonel

WAYNE E. ANDERSON, 000–00–0000

IN THE AIR FORCE

THE FOLLOWING OFFICERS, WHO WERE DISTINGUISHED GRADUATES FROM THE U.S. AIR FORCE OFFICER TRAINING SCHOOL, FOR APPOINTMENT AS SECOND LIEUTENANTS IN THE REGULAR AIR FORCE, UNDER THE PROVISIONS OF SECTION 531 OF TITLE 10, UNITED STATES CODE, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE

BRIAN K. BAKSHAS, 000–00–0000
TARA B. BEEDLE, 000–00–0000
JOHN J. BELL, 000–00–0000
MICHAEL L. BENNETT, 000–00–0000
MICHAEL S. BRAIBISH, 000–00–0000
LARRY R. BROADWELL, JR., 000–00–0000
GRETA M. CISSEL, 000–00–0000
JAMES H. CUNNINGHAM III, 000–00–0000
PATRICK C. DALEY, 000–00–0000
SCOTT C. FROMM, 000–00–0000
WILLIAM F. FRY, 000–00–0000
DONALD J. GREGSON, 000–00–0000
SHANNON M. HADDAD, 000–00–0000
EDWARD G. HASKELL, JR., 000–00–0000
AMY S. HENDERSON, 000–00–0000
MARK G. HUHTA, 000–00–0000
DANIEL G. JACOBSON, JR., 000–00–0000
ERIC A. KNUDSON, 000–00–0000
THOMAS J. LANG, JR., 000–00–0000
PATRICK J. LAVERTY, 000–00–0000
SCOTT H. MAYTAN, 000–00–0000
MARK W. MURRAY, 000–00–0000
JEFFREY R. OWEN, 000–00–0000
AMY L. PEPPER, 000–00–0000
STEVEN M. PERRY, 000–00–0000
MICHAEL P. PETERSON, 000–00–0000
CRAIG A. PUNCHES, 000–00–0000
ROBERT L. RUSS, 000–00–0000
HUGH B. ST. MARTIN, JR., 000–00–0000
MICHAEL R. WEIRICK, 000–00–0000
STEPHEN D. WHITE, 000–00–0000

THE FOLLOWING OFFICERS FOR PROMOTION AS RESERVES OF THE AIR FORCE, UNDER THE PROVISIONS OF SECTIONS 12203, 8366, AND 8372, OF TITLE 10, UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8372 AND CONFIRMED BY THE SENATE UNDER SECTION 12203 SHALL BEAR AN EFFECTIVE DATE OF 8 MARCH 1996, AND PROMOTIONS MADE UNDER SECTION 8366 SHALL BE EFFECTIVE UPON COMPLETION OF SEVEN YEARS OF PROMOTION SERVICE AND TWENTY-ONE YEARS OF TOTAL SERVICE, UNLESS A LATER PROMOTION EFFECTIVE DATE IS REQUIRED BY SECTION 8372(C), OR THE PROMOTION EFFECTIVE DATE IS DELAYED IN ACCORDANCE WITH SECTION 8380(B) OF TITLE 10.

CHAPLAIN CORPS

To be lieutenant colonel

DANIEL A. BABINE, 000–00–0000
ROBERT B. COMPTION, 000–00–0000
ROGER N. JACQUES, 000–00–0000
JOHN F. KURZAK, 478–62–241
CHARLES R. LANGFORD, 000–00–0000
JOSEPH E. LEGACY, 000–00–0000
THOMAS A. SCHENK, 000–00–0000
STEPHEN M. SMALLEY, 000–00–0000
STEVEN R. THOMAS, JR., 000–00–0000
RUTH M.W. WARREN, 000–00–0000

JUDGE ADVOCATE CORPS

To be lieutenant colonel

BRADLEY S. ADAMS, 000–00–0000
FRANCES G. ADAMS II, 000–00–0000
MARK W. ARMSTRONG, 000–00–0000
JEFFREY D. BILLETT, 000–00–0000
GLENN H. BROWN, 000–00–0000
THEODORE A. CHUN, 000–00–0000
MICHAEL J. CIANCI, 000–00–0000
TIMOTHY COON, 000–00–0000
DAVID N. COOPER, 000–00–0000
AUGUSTUS B. ELKINS II, 000–00–0000
THOMAS J. FAUGNO, 000–00–0000
MARK A. FERRIN, 000–00–0000
TIMOTHY S. FISHER, 000–00–0000
DERENCE V. FIVEHOUSE, 000–00–0000
RICHARD L. FOLTZ, 000–00–0000
JAMES T. FORREST, 000–00–0000
HARRY J. FOX, JR., 000–00–0000
DAVID F. GARBER, 000–00–0000
ROBERT S. GARDNER, 000–00–0000
KIRK R. GRANIER, 000–00–0000
CLAUDE R. HEINY II, 000–00–0000
STUART S. HELLER, 000–00–0000
ANDREW L. KJELDGAARD, 000–00–0000
DEXTER A. LEE, 000–00–0000
NORMAN E. LINDSEY, 000–00–0000
HAROLD C. MANSON, 000–00–0000
CLYDE W. MATHEWS, 000–00–0000
KAREN MC COY, 000–00–0000
HILLARY J. MORGAN, 000–00–0000
ELTON J. OGG, 000–00–0000
DENNIS R. PIERSON, 000–00–0000
CURTIS A. RANKIN, 000–00–0000
PATRICK J. SANJENIS, 000–00–0000
DALE W. SANTEE, 000–00–0000
J. C. SETH, 000–00–0000
CRAIG J. SIMPER, 000–00–0000
STEPHEN H. SMITH, 000–00–0000
ROBERT F. STAMPS, 000–00–0000
BRADFORD L. TAMMARO, 000–00–0000
WILLIAM J. WEIGEL, JR., 000–00–0000

THE FOLLOWING U.S. AIR FORCE RESERVE OFFICER TRAINING CORPS DISTINGUISHED GRADUATES FOR APPOINTMENT IN THE REGULAR AIR FORCE IN THE GRADE OF SECOND LIEUTENANT UNDER THE PROVISIONS OF SECTION 531 OF TITLE 10, UNITED STATES CODE, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE

JUSTIN L. ABOLD, 000–00–0000
BRIAN P. AFFLERBAUGH, 000–00–0000

BRADLEY J. ALDEN, 000–00–0000
CLARK L. ALLRED, 000–00–0000
MARK B. ALTER, 000–00–0000
DAVID R. AMAYA, 000–00–0000
CHRIS R. AMRHEIN, 000–00–0000
NEIL E. ANDERSON, 000–00–0000
STEVEN C. ANDERSON, 000–00–0000
EARL ARDALES, 000–00–0000
JUDY C. ASCANO, 000–00–0000
JENNIFER L. AUCHTER, 000–00–0000
BRYAN L. BARKER, 000–00–0000
KEVIN A. BAYLIS, 000–00–0000
JEFFREY A. BEERS, 000–00–0000
TIMOTHY E. BEERS, 000–00–0000
LYDIA K. BLACK, 000–00–0000
PATRICK B. BOLAND, 000–00–0000
MONICA K. BORDEN, 000–00–0000
HOLLY M. BRANDON, 000–00–0000
SAMUEL D. BROWN, 000–00–0000
JOHN G. BURNETT, 000–00–0000
TODD C. BURWELL, 000–00–0000
JASON M. BUSS, 000–00–0000
MATTHEW D. CALHOUN, 000–00–0000
MICHAEL A. CALVARESI, 000–00–0000
DEAN J. CARTER, 000–00–0000
JONATHAN D. CARY, 000–00–0000
LEAH C. CASE, 000–00–0000
JUSTIN P. COAKLEY, 000–00–0000
CHARLES W. COLLIER, 000–00–0000
DAVID H. CONLEY, JR., 000–00–0000
GAVIN D. CONSTANTINE, 000–00–0000
BARRY W. COUCH, 000–00–0000
BLAKE E. CROW, 000–00–0000
VAN R. CULVER, 000–00–0000
ROBERT D. DAVIS, 000–00–0000
THOMAS A. DENT, 000–00–0000
KENNETH R. DIEFFENBACH, 000–00–0000
REBECCA S. DOTY, 000–00–0000
JOSEPH J. DUBOSE, 000–00–0000
JENNIFER L. DVORAK, 000–00–0000
TRAVIS L. EDWARDS, 000–00–0000
GARY J. EILERS, 000–00–0000
MATTHEW J. ESKER, 000–00–0000
DAVID A. FERGUSON, 000–00–0000
CHRISTOPHER R. FERRY, 000–00–0000
DANIEL M. FESLER, 000–00–0000
ROBERT A. FORINO, 000–00–0000
JAMES P. GATCH, 000–00–0000
THEODORE W. GEASLEY, 000–00–0000
PAMELA R. GEIGER, 000–00–0000
CHRISTOPHER J. GERMANN, 000–00–0000
TED D. GLASCO, 000–00–0000
JOHN F. GONZALES, 000–00–0000
BRADLEY D. GRAVES, 000–00–0000
NOLAND T. GREENE, 000–00–0000
TRENT A. GREENWELL, 000–00–0000
SEAN A. GUILLORY, 000–00–0000
DENNIS F. HALE, 000–00–0000
RONALD K. HALL, 000–00–0000
AMANDA M. HARDING, 000–00–0000
PAUL K. HARMER, 000–00–0000
BRIAN S. HARTLESS, 000–00–0000
CHARITY A. HARTLEY, 000–00–0000
JAMES W. HERRINGTON, 000–00–0000
FREDERICK S. HILKOWITZ, 000–00–0000
ANDREW R. HODGES, 000–00–0000
CONSTANCE L. HOOKS, 000–00–0000
TIMOTHY L. HYER, 000–00–0000
STEPHEN R. JONES, 000–00–0000
TERRENCE M. JOYCE, 000–00–0000
ERIC L. JURGENSEN, 000–00–0000
CHAD C. KASCHAK, 000–00–0000
BRYAN Y. KIM, 000–00–0000
DANIEL R. KING, 000–00–0000
ALEXANDER KIRKPATRICK, 000–00–0000
JASON C. KLAAS, 000–00–0000
PAUL E. KLADITIS, 000–00–0000
JAIMIE C. KOHLS, 000–00–0000
AMY Y. KOMATSUZAKI, 000–00–0000
WILLIAM M. LEE, JR. 000–00–0000
TRAVIS K. LEIGHTON, 000–00–0000
MATTHEW J. LENGEL, 000–00–0000
CICELY R. LEVINGSTON, 000–00–0000
AMAR Q. LIANG, 000–00–0000
PETER J. LINDSAY, 000–00–0000
MICHAEL S. LOCK, 000–00–0000
PHYLLIS D. LOPEZ, 000–00–0000
WILLIAM J. LYNCH, 000–00–0000
ARMAND D. LYONS, 000–00–0000
ALANNA L. MABUS, 000–00–0000
WILLIAM P. MALLOY, 000–00–0000
PAUL A. MANCINELLI, 000–00–0000
MARTIN A. MARTINEZ, III, 000–00–0000
JOSHUA O.MASKOVICH, 000–00–0000
SHANNON A. MC GUIRE, 000–00–0000
DAVID M. MC ILLECE, 000–00–0000
DERRY S. MC KINNEY, 000–00–0000
BRIDGET M. MC NAMARA, 000–00–0000
DAVID S. MERTENS, 000–00–0000
ADAM M. METCALF, 000–00–0000
BRIAN R. MOORE, 000–00–0000
TODD R. MOORE, 000–00–0000
SHAWN D. MORGENSTERN, 000–00–0000
KATHLEEN M. MURPHY, 000–00–0000
JOSEPH A.MUSACCHIA, 000–00–0000
MICHAEL M. NACHSHEN, 000–00–0000
VINOD D. NAGA, 000–00–0000
KATRINA M. NELSON, 000–00–0000
WESLEY J. NIMS, 000–00–0000
JONATHAN P. NOLAN, 000–00–0000
TARALYNN M. OLAYVAR, 000–00–0000
DEREK J. OMALLEY, 000–00–0000
VILMA E. ORTIZ, 000–00–0000
THOMAS R. OWEN, 000–00–0000
SUKIT T. PANANON, 000–00–0000
KEVIN L. PARKER, 000–00–0000
CRAIG J. PHILLIPS, 000–00–0000
ALLEN A. PICHON, 000–00–0000
JEANNINE A. PICKERAL, 000–00–0000
CURTIS L. PITTS, 000–00–0000
MARY K. PLUMB, 000–00–0000
WILLIAM S. POTEET, 000–00–0000
MICHAEL T. REESE, 000–00–0000
MICHAEL P. RILEY, 000–00–0000
SHERYL A. RISACHER, 000–00–0000
DAWN Q. ROBERTS, 000–00–0000
BRONWYN H. ROBINSON, 000–00–0000
SCOTT A. ROTHERMEL, 000–00–0000
RYAN L. ROWE, 000–00–0000
CASSANDRA E. RYTTING, 000–00–0000
JASON M. SAWYER, 000–00–0000
DONALD W. SCHMIDT, 000–00–0000
ROBERT J. SCHMOLDT, 000–00–0000
ANNA M. SCHNEIDER, 000–00–0000
ANDREW L. SCHOEN, 000–00–0000
KARL R. SCHRADER, 000–00–0000
TIMOTHY M. SCHWAMB, 000–00–0000
DOUGLAS B. SHAFFER, 000–00–0000
BRYAN J. SHELTON, 000–00–0000
VICTOR O. SHIRLEY, JR., 000–00–0000
ROXANNE R. SKINNER, 000–00–0000
ERIC R. SMITH, 000–00–0000
CHRIS N. SNYDER, 000–00–0000
MYRON O. STAMPS, 000–00–0000
TIFFANY J. STAUDINGER, 000–00–0000
ADAM B. STEVENS, 000–00–0000
DEMETRIUS R. STEWART, 000–00–0000
ERIC M. STOREY, 000–00–0000
BRIAN R. STUART, 000–00–0000
STEPHEN G. STURM, 000–00–0000
BRIAN M. SWYT, 000–00–0000
CHARLES S. TAPP, 000–00–0000
AARON T. TAYLOR, 000–00–0000
MONA A. TENORIO, 000–00–0000
DEBRA L. THOMAS, 000–00–0000
JOEL R. TURINETTI, 000–00–0000
DAVID J. VETTER, 000–00–0000
SCOTT A. VICKERY, 000–00–0000
THOMAS K. WALDRON, 000–00–0000
JOHN K. WEIGLE, 000–00–0000
JOSHUA M. WIELAND, 000–00–0000
BRIAN J. WIGTON, 000–00–0000
FRANK S. WILDE, 000–00–0000
TODD A. WYDRA, 000–00–0000
KEVIN A. YATES, 000–00–0000
SHAYNE R. YORTON, 000–00–0000
STEPHANIE A. ZAJICEK, 000–00–0000
KATHLEEN M. ZENDEJAS, 000–00–0000