

SEC. 8099. (a) Not later than March 1, 1997, the Deputy Secretary of Defense shall submit to the Defense Committees a report on Department of Defense procurements of propellant raw materials.

(b) The report shall include the following:

(1) The projected future requirements of the Department of Defense for propellant raw materials, such as nitrocellulose.

(2) The capacity, ability, and production cost rates of the national technology and industrial base, including Government-owned, contractor-operated facilities, contractor-owned and -operated facilities, and Government-owned, Government-operated facilities, for meeting such requirements.

(3) The national security benefits of preserving in the national technology and industrial base contractor-owned and -operated facilities for producing propellant raw materials, including nitrocellulose.

(4) The extent to which the cost rates for production of nitrocellulose in Government-owned, contractor-operated facilities is lower because of the relationship of those facilities with the Department of Defense than such rates would be without that relationship.

(5) The advantages and disadvantages of permitting commercial facilities to compete for award of Department of Defense contracts for procurement of propellant raw materials, such as nitrocellulose.

REID AMENDMENTS NOS. 4551-4560

(Ordered to lie on the table.)

Mr. REID submitted 10 amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4551

On page 25, line 5, strike out "\$2,944,519,000" and insert in lieu thereof "\$2,897,119,000".

AMENDMENT NO. 4552

On page 25, line 5, strike out "\$2,944,519,000" and insert in lieu thereof "\$2,909,619,000".

AMENDMENT NO. 4553

On page 25, line 5, strike out "\$2,944,519,000" and insert in lieu thereof "\$2,917,619,000".

AMENDMENT NO. 4554

On page 25, line 5, strike out "\$2,944,519,000" and insert in lieu thereof "\$2,934,519,000".

AMENDMENT NO. 4555

On page 26, line 10, strike out "\$6,630,370,000" and insert in lieu thereof "\$5,955,132,000".

AMENDMENT NO. 4556

On page 26, line 10, strike out "\$6,630,370,000" and insert in lieu thereof "\$6,027,132,000".

AMENDMENT NO. 4557

On page 26, line 10, strike out "\$6,630,370,000" and insert in lieu thereof "\$6,237,132,000".

AMENDMENT NO. 4558

On page 26, line 10, strike out "\$6,630,370,000" and insert in lieu thereof "\$6,441,632,000".

AMENDMENT NO. 4559

On page 26, line 10, strike out "\$6,630,370,000" and insert in lieu thereof "\$6,522,970,000".

AMENDMENT NO. 4560

On page 25, line 5, strike out "\$2,944,519,000" and insert in lieu thereof "\$2,888,119,000".

GREGG AMENDMENT NO. 4561

(Ordered to lie on the table.)

Mr. GREGG submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . CONGRESSIONAL, PRESIDENTIAL, AND JUDICIAL PENSION FORFEITURE.

(a) SHORT TITLE.—This section may be cited as the "Congressional, Presidential, and Judicial Pension Forfeiture Act".

(b) CONVICTION OF CERTAIN OFFENSES.—

(1) IN GENERAL.—Section 8312(a) of title 5, United States Code, is amended—

(A) by striking "or" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; or";

(C) by adding after paragraph (2) the following new paragraph:

"(3) is convicted of an offense named by subsection (d), to the extent provided by that subsection.";

(D) by striking "and" at the end of subparagraph (A);

(E) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(F) by adding after subparagraph (B) the following new subparagraph:

"(C) with respect to the offenses named by subsection (d) of this section, to the period after the date of the conviction.".

(2) IDENTIFICATION OF OFFENSES.—Section 8312 of title 5, United States Code, is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following new subsection:

"(d)(1) The offenses under paragraph (2) are the offenses to which subsection (a) of this section applies, but only if—

"(A) the individual is convicted of such offense committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

(B) the individual was a Member of Congress (including the Vice President), a congressional employee, or a Federal justice or judge at the time of committing the offense; and

"(C) the offense is punishable by imprisonment for more than 1 year.

"(2) The offenses under this paragraph are as follows:

"(A) An offense within the purview of—

"(i) section 201 of title 18 (bribery of public officials and witnesses);

"(ii) section 203 of title 18 (compensation to Members of Congress, officers, and others in matters affecting the Government);

"(iii) section 204 of title 18 (practice in United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit by Members of Congress);

"(iv) section 219 of title 18 (officers and employees acting as agents of foreign principals);

"(v) section 286 of title 18 (conspiracy to defraud the Government with respect to claims);

"(vi) section 287 of title 18 (false, fictitious, or fraudulent claims);

"(vii) section 371 of title 18 (conspiracy to commit offense or to defraud the United States);

"(viii) section 597 of title 18 (expenditures to influence voting);

"(ix) section 599 of title 18 (promise of appointment by candidate);

"(x) section 602 of title 18 (solicitation of political contributions);

"(xi) section 606 of title 18 (intimidation to secure political contributions);

"(xii) section 607 of title 18 (place of solicitation);

"(xiii) section 641 of title 18 (public money, property or records); or

"(xiv) section 1001 of title 18 (statements or entries generally).

"(B) Perjury committed under the statutes of the United States in falsely denying the commission of an act which constitutes an offense within the purview of a statute named by subparagraph (A).

"(C) Subornation of perjury committed in connection with the false denial of another individual as specified by subparagraph (B)."

(c) ABSENCE FROM THE UNITED STATES TO AVOID PROSECUTION.—

(1) IN GENERAL.—Section 8313 of title 5, United States Code, is amended—

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

(B) by inserting after subsection (a) the following new subsection:

"(b) An individual, or his survivor or beneficiary, may not be paid annuity or retired pay on the basis of the service of the individual which is creditable toward the annuity or retired pay, subject to the exceptions in section 8311 (2) and (3) of this title, if the individual—

"(1) is under indictment, after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act, for an offense named by section 8312(d)(2) of this title, but only if such offense satisfies section 8312(d)(1)(C) of this title;

"(2) willfully remains outside the United States, or its territories and possessions including the Commonwealth of Puerto Rico, for more than 1 year with knowledge of the indictment or charges, as the case may be; and

"(3) is an individual described in section 8312(d)(1)(B)."

(2) CONFORMING AMENDMENT.—Subsection (c) of section 8313 of title 5, United States Code (as redesignated under paragraph (1)(A)) is amended by inserting "or (b)" after "subsection (a)".

(d) REFUND OF CONTRIBUTIONS AND DEPOSITS.—Section 8316(b) of title 5, United States Code, is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; or"; and

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

"(3) if the individual was convicted of an offense named by section 8312(d) of this title, for the period after the conviction of the violation."

(e) FORFEITURE OF PRESIDENTIAL ALLOWANCE.—Subsection (a) of the first section of the Act entitled "An Act to provide retirement, clerical assistance, and free mailing privileges to former Presidents of the United States, and for other purposes", approved August 25, 1958 (Public Law 85-745; 72 Stat. 838; 3 U.S.C. 102 note) is amended—

(1) by striking "Each former President" and inserting "(1) Subject to paragraph (2), each former President"; and

(2) by inserting at the end the following new paragraph:

"(2) The allowance payable to an individual under paragraph (1) shall be forfeited if—

"(A) the individual is convicted of an offense described under section 8312(d)(2) of title 5, United States Code, committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

"(B) such individual committed such offense during the individual's term of office as President; and

“(C) the offense is punishable by imprisonment for more than 1 year.”.

GREGG AMENDMENT NO. 4562

(Ordered to lie on the table.)

Mr. GREGG submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

In the pending amendment, strike all after the first word and insert:

CONGRESSIONAL, PRESIDENTIAL, AND JUDICIAL PENSION FORFEITURE.

(a) **SHORT TITLE.**—This section may be cited as the “Congressional, Presidential, and Judicial Pension Forfeiture Act”.

(b) **CONVICTION OF CERTAIN OFFENSES.**—

(1) **IN GENERAL.**—Section 8312(a) of title 5, United States Code, is amended—

(A) by striking “or” at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting “; or”;

(C) by adding after paragraph (2) the following new paragraph:

“(3) is convicted of an offense named by subsection (d), to the extent provided by that subsection.”;

(D) by striking “and” at the end of subparagraph (A);

(E) by striking the period at the end of subparagraph (B) and inserting “; and”; and

(F) by adding after subparagraph (B) the following new subparagraph:

“(C) with respect to the offenses named by subsection (d) of this section, to the period after the date of the conviction.”.

(2) **IDENTIFICATION OF OFFENSES.**—Section 8312 of title 5, United States Code, is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following new subsection:

“(d)(1) The offenses under paragraph (2) are the offenses to which subsection (a) of this section applies, but only if—

“(A) the individual is convicted of such offense committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

“(B) the individual was a Member of Congress (including the Vice President), a congressional employee, or a Federal justice or judge at the time of committing the offense; and

“(C) the offense is punishable by imprisonment for more than 1 year.

“(2) The offenses under this paragraph are as follows:

“(A) An offense within the purview of—

“(i) section 201 of title 18 (bribery of public officials and witnesses);

“(ii) section 203 of title 18 (compensation of Members of Congress, officers, and others in matters affecting the Government);

“(iii) section 204 of title 18 (practice in United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit by Members of Congress);

“(iv) section 219 of title 18 (officers and employees acting as agents of foreign principals);

“(v) section 286 of title 18 (conspiracy to defraud the Government with respect to claims);

“(vi) section 287 of title 18 (false, fictitious, or fraudulent claims);

“(vii) section 371 of title 18 (conspiracy to commit offense or to defraud the United States);

“(viii) section 597 of title 18 (expenditures to influence voting);

“(ix) section 599 of title 18 (promise of appointment by candidate);

“(x) section 602 of title 18 (solicitation of political contributions);

“(xi) section 606 of title 18 (intimidation to secure political contributions);

“(xii) section 607 of title 18 (place of solicitation);

“(xiii) section 641 of title 18 (public money, property or records); or

“(xiv) section 1001 of title 18 (statements or entries generally).

“(B) Perjury committed under the statutes of the United States in falsely denying the commission of an act which constitutes an offense within the purview of a statute named by subparagraph (A).

“(C) Subornation of perjury committed in connection with the false denial of another individual as specified by subparagraph (B).”.

(c) **ABSENCE FROM THE UNITED STATES TO AVOID PROSECUTION.**—

(1) **IN GENERAL.**—Section 8313 of title 5, United States Code, is amended—

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

(B) by inserting after subsection (a) the following new subsection:

“(b) An individual, or his survivor or beneficiary, may not be paid annuity or retired pay on the basis of the service of the individual which is creditable toward the annuity or retired pay, subject to the exceptions in section 8311 (2) and (3) of this title, if the individual—

“(1) is under indictment, after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act, for an offense named by section 8312(d)(2) of this title, but only if such offense satisfies section 8312(d)(1)(C) of this title;

“(2) willfully remains outside the United States, or its territories and possessions including the Commonwealth of Puerto Rico, for more than 1 year with knowledge of the indictment or charges, as the case may be; and

“(3) is an individual described in section 8312(d)(1)(B).”.

(2) **CONFORMING AMENDMENT.**—Subsection (c) of section 8313 of title 5, United States Code (as redesignated under paragraph (1)(A)) is amended by inserting “or (b)” after “subsection (a)”.
 (3) **REFUND OF CONTRIBUTIONS AND DEPOSITS.**—

Section 8316(b) of title 5, United States Code is amended—

(1) by striking “or” at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting “; or”; and

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

“(3) if the individual was convicted of an offense named by section 8312(d) of this title for the period after the conviction of the violation.”.

(e) **FORFEITURE OF PRESIDENTIAL ALLOWANCE.**—Subsection (a) of the first section of the Act entitled “An Act to provide retirement, clerical assistance, and free mailing privileges to former Presidents of the United States, and for other purposes”, approved August 25, 1958 (Public Law 85-745; 72 Stat. 838; 3 U.S.C. 102 note) is amended—

(1) by striking “Each former President” and inserting “(1) Subject to paragraph (2) each former President”; and

(2) by inserting at the end the following new paragraph:

“(2) The allowance payable to an individual under paragraph (1) shall be forfeited if—

“(A) the individual is convicted of an offense described under section 8312(d)(2) of title 5, United States Code, committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

“(B) such individual committed such offense during the individual’s term of office as President; and

“(C) the offense is punishable by imprisonment for more than 1 year.”.

This section shall become effective 1 day after the date of enactment.

AMENDMENT NO. 4563

On page 30, line 2, before the period, insert: “: *Provided*, That not less than \$1,000,000 of the funds appropriated in this paragraph shall be made available only to assess the budgetary, cost, technical, operational, training, and safety issues associated with a decision to eliminate development of the F-22B two-seat training variant of the F-22 advanced tactical fighter: *Provided further*, That the assessment required by the preceding proviso shall be submitted, in classified and unclassified versions, by the Secretary of the Air Force to the Congressional defense committees not later than February 15, 1997”.

AMENDMENT NO. 4564

At the appropriate place in the bill, add the following general provision:

SEC. . (a) The Secretary of the Air Force and the Director of the Office of Personnel Management shall submit a joint report describing in detail the benefits, allowances, services, and any other forms of assistance which may or shall be provided to any civilian employee of the Federal government or to any private citizen, or to the family of such an individual, who is injured or killed while traveling on an aircraft owned, leased, chartered, or operated by the Government of the United States.

(b) The report required by subsection (a) above shall be submitted to the Congressional defense committees and to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives not later than December 15, 1996.

CHAFEE AMENDMENT NO. 4565

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. CHAFEE) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

Before the period on page 30, line 13, insert: “: *Provided further*, That of the funds appropriated under this heading, \$3,000,000 shall be available for a defense technology transfer pilot program”.

LOTT AMENDMENT NO. 4566

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. LOTT) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

Before the period on page 30, line 13, insert: “: *Provided further*, That of the funds appropriated under this heading, \$50,000,000 shall be available for the Maritime Technology program and \$3,580,000 shall be available for the Focused Research Initiatives program”.

PELL AMENDMENT NO. 4567

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. PELL) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following: “*Provided further*, That of the funds appropriated under this heading, \$4,000,000 of the available funds shall be available only for the establishment of the

National Coastal Data Centers required by section 7901(c) of title 10, United States Code, as added by the National Defense Authorization Act for Fiscal Year 1997."

MOSELEY-BRAUN AMENDMENT NO. 4568

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN submitted an amendment intended to be proposed by her to the bill, S. 1894, supra; as follows:

At the appropriate place, insert the following: Any college or university that receives federal funding under this bill must report annually to the Office of Management and Budget on the average cost of tuition at their school for that year and the previous two years.

BRADLEY AMENDMENT NO. 4569

(Ordered to lie on the table.)

Mr. BRADLEY submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (1) Not later than April 1, 1997, the Comptroller General shall, in consultation with the Inspector General of the Department of Defense, the Secretary of Defense, and the Secretary of Labor, submit to Congress a report which shall include the following:

(A) an analysis and breakdown of the restructuring costs paid by or submitted to the Department of Defense to companies involved in business combination since 1993;

(B) an analysis of the specific costs associated with workforce reductions;

(C) an analysis of the services provided to the workers affected by business combinations;

(D) an analysis of the effectiveness of the restructuring costs used to assist laid off workers in gaining employment;

(E) in accordance with Section 818 of 10 U.S.C. 2324, an analysis of the savings reached from the business combination relative to the restructuring costs paid by the Department of Defense.

(2) The report should set forth recommendations to make this program more effective for workers affected by business combinations and more efficient in terms of the use of federal dollars.

**HEFLIN (AND SHELBY)
AMENDMENTS NO. 4570-4572**

(Ordered to lie on the table.)

Mr. HEFLIN (for himself and Mr. SHELBY) submitted three amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4570

On page 23, between lines 21 and 22, insert the following:

Procurement of new main feed pump turbines for the Constellation (CV-64), \$4,200,000;

AMENDMENT NO. 4571

On page 31, line 5, strike "\$21,968,000" and insert "\$31,218,000".

AMENDMENT NO. 4572

On page 88, lines 7 and 8, insert the following:

SEC. 8099. (a) The Secretary of the Army shall ensure that solicitations for contracts for unrestricted procurement to be entered into using funds appropriated for the Army

by this Act include, where appropriate, specific goals for subcontracts with small businesses, small disadvantaged businesses, and women owned small businesses.

(b) The Secretary shall ensure that any subcontract entered into pursuant to a solicitation referred to in subsection (a) that meets a specific goal referred to in that subsection is credited toward the overall goal of the Army for subcontracts with the businesses referred to in that subsection.

SIMON AMENDMENT NO. 4573

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) No funds appropriated under this Act shall be obligated or expended for new contracts with any person or entity that, with a clear pattern and practice (as determined by the Secretary of Labor), has violated the provisions of the National Labor Relations Act.

(b) A debarment, as described in subsection (a), may apply to any person or entity, or to a subsidiary or division thereof, that has engaged in a clear pattern and practice of violating the provisions of the National Labor Relations Act.

(c) A debarment, as described in subsections (a) and (b), may be waived or removed by the Secretary of Defense upon the submission of an application to the Secretary of Defense that is supported by documentary evidence and that sets forth appropriate reasons for the granting of the debarment waiver or removal, including reasons such as compliance with the final orders that are found to have been willfully violated, a bona fide change of ownership or management, or fraud or misrepresentation by the charging party. The Secretary of Defense may also waive or remove an order of debarment for reasons of national security, or if alternative and timely sources of procurement are not available.

SIMON AMENDMENT NO. 4574

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) No funds appropriated under this Act shall be obligated or expended for new contracts with any person or entity that, with a clear pattern and practice (as determined by the Secretary of Labor), has violated the provisions of the National Labor Relations Act.

**SPECTER (AND JOHNSTON)
AMENDMENT NO. 4575**

(Ordered to lie on the table.)

Mr. SPECTER (for himself and Mr. JOHNSTON) submitted an amendment intended to be proposed by them to the bill, S. 1894, supra; as follows:

On page 19, line 7, insert the following: "Provided, That of the funds provided in this paragraph and not withstanding the provisions of title 31, United States Code, Section 1502(a), not to exceed \$25,000,000 is appropriated for the benefit of the Army National Guard to complete the remaining design and development of the upgrade and to increase gunner survivability, range, accuracy, and lethality for the fully modernized Super

Dragon Missile System, including pre-production engineering and systems qualification."

STEVENS AMENDMENT NO. 4576

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) Notwithstanding any other provision of this Act, the number for Military Personnel, Navy in shall be \$16,948,481,000, the number for Military Personnel, Air Force shall be \$17,026,210,000, the number for Operation and Maintenance, Army shall be \$17,696,659,000, the number for Operation and Maintenance, Air Force shall be \$17,326,909,000, the number for Operation and Maintenance, Defense-Wide shall be \$9,887,142,000, the number for Overseas Contingency Operations Transfer Fund shall be \$1,140,157,000, the number for Defense Health Program shall be \$10,251,208,000, and the number for Defense Health Program Operation and maintenance shall be \$9,931,738,000.

(b) Advanced billing for services provided or work performed by the Navy's defense business operating fund activities is prohibited: *Provided*, That of the funds appropriated for Operation and Maintenance, Navy, \$2,976,000,000 shall be available only for depot maintenance activities and programs, and \$989,700,000 shall be available only for real property maintenance activities.

(c) Of the funds appropriated in this Act, \$1,000,000 shall be made available, by grant or other transfer, to the Harnett County School Board, Lillington, North Carolina, for use by the school board for the education of dependents of members of the Armed Forces and employees of the Department of Defense located at Fort Bragg and Pope Air Force Base, North Carolina.

(d) Funds appropriated in title II of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this subsection, supervision and administration costs includes all in-house government costs.

(e) The Secretary of the Air Force and the Director of the Office of Personnel Management shall submit a joint report describing in detail the benefits, allowances, services, and any other forms of assistance which may or shall be provided to any civilian employee of the Federal government or to any private citizen, or to the family of such an individual, who is injured or killed while traveling on an aircraft owned, leased, chartered, or operated by the Government of the United States: *Provided*, That the report required by this subsection shall be submitted to the Congressional defense committees and to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives not later than December 15, 1996.

LEVIN AMENDMENT NO. 4577

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 26, line 10, strike out "\$6,630,370,000" and insert in lieu thereof \$6,582,370,000".

On page 34, between lines 19 and 20, insert the following: