Mr. DORNAN, Mr. Marano, and Mr. Williams. The facts simply state otherwise.

Second, I rise in defense of those in need of these services. We often talk in this chamber about the declining morals of American society. I would remind my colleagues of those words from the New Testament, ''Thou shalt love thy Lord, they God, with all thy heart, thy soul, and mind. This is the greatest of all commandments. And thou shalt love thy neighbor as thyself. This is the second greatest commandment of all.''

The Greater Washington area, today, unfortunately has the largest concentration of HIV positive people in the country. This is at the same time, a city suffering from financial bankruptcy. Few, if any, have suffered from this financial mismanagement as have the AIDS service organizations. No place in America needs the charity and help of the individual citizens more than in this area, for this cause.

Cherry Jubilee represented the best of the American tradition; it was the classic public private-partnership to help those who cannot help themselves.

Cherry Jubilee represented the best of the American family. If family means ''unconditional love'' then no group has rallied to care for its own, more than the American gay community. When others cast the AIDS victims out of their houses, out of their communities, and out of their churches; the gay community raised unparalleled funds to meet the needs of its victims.

Cherry Jubilee represented the best of America's Judao-Christian ethic. They saw the least of these among us, who needed food, and clothing, and shelter. And through such events as this, they tried to provide it. They became the love of God personified, as they became their brothers' keepers.

And yes, Mr. DORNAN, they pursued a Republican solution to a domestic problem. They didn't demonstrate on the steps of the Capitol for more Federal funds. They didn't ask for more Federal mandates upon the local community. Rather, they took it upon themselves to become a part of the solution. They did it on their own. They were one of George Bush's thousand points of light. They were one of NEWT GINGRICH's shining lights upon a hill. They heard BOB DOLE tell them to ''do all they could, and then some.'' And that is what they did.

This country desperately needs its people to stop the yelling, and simply ask, ''How can I help?'' May I suggest that to begin, we stop questioning other people's motives. Second, may I suggest that we seek the facts, all the facts, before we make unfounded accusations. The sponsors of these events are willing to do it again, if there is support. But if all this should reap is misrepresentation, controversy, and lies, they will simply stop. In that case, either we at the Federal level must increase our financial payments, or the victims must suffer even more.

Let us as leaders set the right example by our words, and our conduct. And I hope that in a small way, this time has served to correct the inaccuracies and distortions about this event, its activities, and my role therein.

□ 1545

REPORT ON NATIONAL EMERGENCY IN RESPONSE TO THREAT POSED BY PROLIFERATION OF WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 104–210)

The SPEAKER pro tempore. (Mr. COMBEST) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a report on the national emergency declared by Executive Order No 12938 of November 14, 1994, in response to the threat posed by the proliferation of nuclear, biological, and chemical weapons (''weapons of mass destruction'') and of the means of delivering such weapons.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 14, 1996.*

REVISED DEFERRAL OF BUDGETARY RESOURCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 104–211)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Congressional Budget and Impoundment Control Act of 1974, I herewith report one revised deferral of budgetary resources, totaling $1.4 billion. The deferral affects the International Security Assistance program.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 14, 1996.*

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The SPEAKER pro tempore. Pursuant to House Resolution 430 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3230.

□ 1555

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3230) to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1997, and for other purposes, with Mr. BARRETT of Nebraska in the chair.

The Clerk read the title of the bill.

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

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

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

ALTERING ORDER OF CONSIDERATION OF AMENDMENTS

Mr. SPENCE. Mr. Chairman, pursuant to section 4(c) of House Resolution 430, I request that during the consideration of H.R. 3230, amendments Nos. 1 and 2 printed in part A of House Report 104–570 be considered after all other amendments printed in that part of the report.

The CHAIRMAN. The gentleman's request is noted.

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

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

Mr. SPENCE. Mr. Chairman, H.R. 3230 continues an effort we began last year to revitalize this country's national defenses after a decade of spending decline and force structure reductions. For the second consecutive year, and in a bipartisan fashion, the National Security Committee has reported a bill that I believe considers the future more realistically, and address shortfalls and shortcomings in the present more aggressively, than does the administration. Moreover, the committee's efforts have been undertaken within the broader context and constraints of a commitment to balance the budget by the year 2002.

The primary mission of our military forces has not changed very much since the fall of the Berlin Wall—it remains the protection and promotion of vital U.S. interests around the world. Despite the end of the cold war, the events of just the past year clearly demonstrate that new challenges to U.S. global interests are emerging on many fronts.

China, as an emerging power, has demonstrated a disturbing willingness to use military force as a tool of coercion as it threatens stability, prosperity and the growth of democracy in East Asia. The administration's decision last week to waive sanctions against the Chinese for their export of nuclear sensitive technology to Pakistan undermines this country's commitment to nonproliferation in the

eyes of much of the world, and seemingly rewards Beijing's leaders for their increasingly assertive and aggressive diplomacy throughout the region.

Russia, as a disintegrating military superpower, careens back and forth from extreme nationalism to unreconstructed communism as it struggles to hold itself together in the post-cold-war world. As it does, it wages a bloody war in Chechnya, threatens the use of nuclear weapons in response to NATO expansion and sells advanced weaponry of all kinds—including nuclear technologies—to anyone willing to pay cash. We spend United States taxpayer's dollars to assist Russia and other countries of the former Soviet Union to dismantle their nuclear weapons, yet Moscow maintains its nuclear forces at cold war levels of readiness and continues to invest scarce resources in further strategic modernization.

And throughout the world, America confronts a lengthening list of failed and failing states, terrorism, proliferation of weapons of mass destruction and ethnic, tribal, and religious conflict. The events of the past year and the range of U.S. peacekeeping and humanitarian missions testifies to the rise of ethnic violence, terrorism and other challenges to the evolving post-cold-war world.

The administration's underfunding of U.S. military forces stands in stark contrast to this troubling strategic landscape, as does its extensive use of the military on missions of peripheral U.S. national interest. The gap between our national military strategy and the resources this administration has decided to commit to executing that strategy, estimated by some to be greater than $100 billion, continues to widen. So the result is a Department of Defense that has been designed to carry out one set of missions, is being called upon to execute an entirely different set of missions, and is inadequately funded for either. The result is a deepening sense of confusion, frustration, and disarray in our military.

Consequently, H.R. 3230 once again attempts to address the shortfalls and shortcomings created by the internal contradictions of the administration's defense program. Beginning last year, the committee focused its efforts on the four key pillars of a sound national defense; improving the quality of military life; sustaining core readiness; revitalizing an underfunded modernization plan; reforming and innovating the Pentagon. H.R. 3230 builds on last year's efforts in these four key areas.

The bill provides $266.7 billion in budget authority for Department of Defense and Department of Energy programs and is $600 million below the spending levels set by the Budget Committee for the national security budget function in fiscal year 1997. The bill provides for $2.4 billion more than current fiscal year 1996 authorized spending which, when adjusted for inflation, represents a real decline of approximately 1.5 percent in spending and not an increase. The fact that this bill authorizes defense spending at a level that is $12.4 billion greater than the President's request, yet still reflects spending decline, speaks volumes about the extent to which the President is underfunding the military.

I will leave discussion of the many important initiatives in the bill to my colleagues on the National Security Committee who have worked very hard since late February to get this bill to the floor this early in the year. In particular, I would like to recognize the diligence and dedication of the subcommittee and panel chairman and ranking members. Unlike most committees in the House, the National Security Committee's seven subcommittees and panels are each responsible for producing discreet pieces of the broader bill. From the outset of the process, ensuring that the bill comes together in a coherent product requires a lot of planning, coordination and teamwork, all of which I have consistently been able to count on.

Because our fiscal year 1996 defense authorization bill was not enacted until this past February, the National Security Committee had no chance to pause before launching into the fiscal year 1997 hearing and mark-up process in order to get the bill to the floor this early in the legislative cycle. I applaud the efforts of my colleagues on the committee, all or who are responsible for us being here today.

In particular, I would like to recognize the contributions of the gentleman from California, the committee's ranking member, Mr. DELLUMS. He is one of this institution's most articulate Members as well as strongest proponents of the deliberative process. The committee's work, and this bill, are that much better because of it.

And finally, Mr. Chairman, I would like to thank the staff. This bill authorizes funding for approximately 50 percent of the Federal Government's discretionary budget. To say it is a lot of work is an understatement. We have a small staff relative to the size of the committee and the magnitude of our oversight responsibilities, so the work gets done only through great dedication and effort.

In sum, Mr. Chairman, I urge strong bipartisan support for this bipartisan bill. The Constitution makes raising and maintaining the military one of Congress's most fundamental responsibilities. H.R. 3230 clearly demonstrates the extent to which the National Security Committee has taken this responsibility seriously.

□ 1600

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

Mr. DELLUMS. Mr. Chairman, I yield myself 11 minutes.

Mr. Chairman, I take a few moments to express my concerns with H.R. 3230, the National Defense Authorization Act for fiscal year 1997. I would begin at the outset by thanking my distinguished colleague for his very kind and generous remarks with respect to this gentleman in his opening remarks.

Second, I would like to thank the gentleman from South Carolina, Chairman SPENCE, again for a more bipartisan approach to this year's bill, both at the staff and member level. But I would hasten to add, Mr. Chairman, civility, collegiality and some effort at bipartisanship notwithstanding, there remain many issues that caused me to vote against the bill in committee and to offer additional and dissenting views on its reports.

I refer my colleagues who are interested to those views and will request that at the appropriate time they be approved for inclusion into the RECORD.

Let me enumerate some of my concerns. First, Mr. Chairman, the unwarranted, I underscore, unwarranted addition of nearly $13 billion to the defense topline is justified primarily to meet a notional modernization crisis. The hue and cry over modernization reminds me of last year's readiness crisis, another purported crisis that quickly evaporated before conference was concluded on last year's bill.

Careful thinking would conclude that there is no modernization crisis. The leadership of the Department of Defense has offered a cogent and calm viewpoint demonstrating that the drawdown of our forces has allowed for a slower replacement of our weapon systems. The carefully crafted future years defense plan adequately meets modernization requirements while allowing us to fund other important accounts in our overall budget.

In many cases, it would appear that the committee adds were made with little consideration to the ability to sustain the program, which will cause disruptive program instabilities and forestall our ability to meet future program needs.

Rather than, Mr. Chairman, buying more hardware now, we should invest in technologies of the future, both the direct military technologies, including innovative nonlethal weapons technology more appropriate to operations other than war, to operations such as operations that are being carried out in Bosnia, humanitarian efforts in other parts of the world and into those dual-use technologies that will give our economy a leg up as we move into the next century. Our failure to plan and invest wisely for the future because of hyperbolic claims about a modernization crisis will harm our national security in both the short and long term.

Mr. Chairman, it is true as well that failure to fund the domestic education and economic development programs that form a critical element of our national security strategy is contrary to our long-term national interests.

Second, the bill fails to take advantage of the opportunities to move further beyond the nuclear abyss, Mr. Chairman, whether it is in the form of

constraints on the cooperative threat reduction program, euphemistically referred to as the Nunn-Lugar program, that destroys nuclear weapons in the former Soviet Union or the needless acceleration of Department of Energy weapons programs or the continuing restrictions on retiring strategic systems, these are all missed opportunities.

Third, the bill contains the funding for an overly aggressive and unnecessary national missile defense program that would be noncompliant with the ABM Treaty.

The combination of all these three issues, when combined with the prospect of near-term NATO expansion, has contributed dramatically, in this gentleman's view, to destabilizing our relationship with Russia. In turn, it has reduced the prospect that we can work with democratic forces in Eastern Europe to achieve long-term stability in Europe, stability based upon a respect for human rights, economic development and a nonthreatening balance of military power in the region.

Fourth, the bill grabs hold of numerous hot button cultural issues. The Committee, without hearings, Mr. Chairman, negated the do not ask do not tell policy in its mark and returns us to an era in which capable, willing gay men and lesbians are completely denied the opportunity to serve their Nation in uniform.

The committee, again without hearings, required the discharge of personnel who test positively for HIV–1 virus, which is neither medically nor militarily necessary. It flies in the face, Mr. Chairman, it flies in the face of Congress's very recent appeal of such a policy before it even went into effect. Our service personnel, who have served this Nation with honor, with distinction and professionalism, need better treatment from their Government than this.

The committee refused to return the right of secure safe abortion to servicewomen serving overseas. The committee trampled on the Constitution's first amendment protections by embracing overly broad and vague language in an effort to suppress lascivious literature and other media.

Mr. Chairman, before I conclude, let me just say that I believe that because all of these reasons, in order to make it in order that we be able to more successfully fix the problems that are in this bill, I urge the committee to reject this bill as reported by the committee.

With whatever time I have remaining, I would like to point out to my colleagues that, as I said before, the topline in this budget increases President Clinton's budget request by nearly $13 billion, no small sum at all. That is what makes politics. That is why there is a Republican Party and a Democratic Party, left, right and center on the political perspective.

What is tragic to this gentleman, who has always attempted to take the floor of this body not to challenge on the basis of partisanship, not to challenge on the basis of personality but to be prepared to challenge any Member of Congress on the issues of the day, on the critical, vital issues of our time, we ought to be able to debate, win or lose. The tragedy is that the rule that governed this bill did not allow, Mr. Chairman, not one single amendment to reduce the overall level of the military budget in a post-cold-war environment.

Some may rationalize the inclusion of 13 additional billion dollars. But there are some of us in this body who are prepared to discuss rationally, intelligently and cogently and substantively that there is no rational military requirement to add $13 billion in a post-cold war so-called balanced budget limited dollar environment. But we were denied the opportunity.

For the first time in my 25-plus years in the Congress, denied outright any opportunity to cut the budget, rendering those of us who believe that $13 billion additional in the budget is virtually obscene, rendered us impotent in our capacity to challenge on behalf of constituencies in this country who believe that there is no need for $13 billion additional. No opportunity whatsoever.

Mr. Chairman, if we look at the amendments that were made in order, it does not allow us not only to break into the topline, we cannot even get at the priorities. Of the six major amendments that have been made in order, two of them are not going to be offered. So we are down to four. Of the 35 minor amendments that were primarily language amendments, noncontroversial, seeking studies and reports, most of those 35 amendments will be rolled into two omnibus amendments, bipartisan, noncontroversial. So for a military budget of close to $170 billion, we will move across this floor with a degree of alacrity that staggers the imagination, in this gentleman's opinion, is frightening.

In the atmosphere of a balanced budget, we ought to pay more attention to nearly $270 billion. In a post-cold-war environment, where we are not moving into an era of change and transition and challenge and opportunity, we ought to be able to talk about a rational military budget that walks us into the 21st century with pride and dignity and competence and capability. But to deny that in the rule means that when my colleagues adopted the rule, they adopted this budget. With rare exception we could have given the rule, and what I am saying to my colleagues is, with rare exception, this military budget, $267 billion, could have been offered on the suspension calendar. There are no major amendments here; there are no amendments that take $1 out of this budget. There are no amendments, with rare exception, that make any major policy changes.

□ 1615

Something is wrong with this process. I did not labor marching uphill to find us in a post-cold war environment with great opportunities for 25 years, to come to the floor, rendered totally impotent, in my capacity to try to shake the reality, along with my colleagues, of the billions of dollars we are spending on defense and to move us in a direction that makes sense.

I conclude that I will oppose this bill for all the reasons that I have enunciated. I urge my colleagues to reject this bill. Let us go back to committee and fix the problems.

Mr. Chairman, I include the following material for the RECORD:

ADDITIONAL AND DISSENTING VIEWS OF RONALD V. DELLUMS

I offer dissenting views because I am deeply troubled by several aspects of the authorization bill and its report, most especially by its overall focus and directions. I remain convinced that the authorization top line is significantly higher than required for the military aspects of our national security strategy. It may be true that the committee marked to a top line that it anticipates in the coming fiscal year 1997 budget resolution. Despite this, I believe it had the opportunity to make prudent reductions in the overall program authorization, thereby providing guidance to the Committee on the Budget as to how better to meet deficit reduction goals. Moreover, I remain convinced that the significant plus-up over the President's request has caused a lack of focus and a lack of discipline in our procurement and research and development accounts, a point to which I will return later.

Despite the collegial and effective working relationship between the committee's majority leadership and the minority, there has at times been a troubling partisan appearance to some of the committee's business and is reflected in the committee report as well. Most troubling has been an unwillingness to hear from administration witnesses on important policy issues before the committee. It is certainly true that outside experts provide important insight into the policy choices and strategic circumstances we confront, but we owe ourselves the responsibility to hear also from government experts and responsible officials. What is especially troubling is that we have failed to request the traditional intelligence threat briefing which has provided a cogent perspective on the strategic requirements that we face. Given our rapidly changing world, this annual review is even more important now than it was during the period of the Cold War.

A small but important additional example of this problem is the committee's determination to plumb the conclusions reached by the Intelligence Community in a National Intelligence Estimate (NIE) on the ballistic missile threat to the United States. Whether or not there is a legitimate concern about the development of the NIE and whatever questions one has regarding the validity of its conclusions, it is unconscionable that we have failed to have the Intelligence Community before the committee to testify on the NIE's contents and its methodology. I have requested such a committee hearing on several occasions, and am disappointed that this has not occurred. While I am willing to support the provisions contained in the committee report asking the Director of Central Intelligence to review both the matter of the NIE and to develop an updated and expanded assessment, and while I accept the majority's interest in having an alternative analysis analysis rendered, it concerns me that we have gotten to this point without a full committee deliberation on the substance and development of the IN.

While the fiscal year 1997 authorization bill reported by the committee does not itself contain highly contentious provisions on the command and control of U.S. armed forces participating in peacekeeping operations, the issue arises in a free-standing piece of legislation marked-up the same day by the committee and reported as H.R. 3308 just three months after the Congress sustained the President's veto of the National Defense Authorization Act for Fiscal Year 1996 on this issue, among other reasons.

The same point can be made for the committee's decision to report out H.R. 3144, a national missile defense program guideline clearly calculated to breach the ABM Treaty and return the United States to pursuit of a ''star wars'' missile defense program. A less extreme formulation for national missile defense program activity was met with a Presidential veto on last year's defense authorization bill. As with the command and control issue, it strikes this gentleman that there is a little legislative reason to have decided to push forward an even more extreme ballistic missile defense program, given that it is surely destined to meet a Presidential veto as well. Our committee must achieve its policy goals through legislation, and obviously that activity must be bound by the constraints of our Constitution's separation of powers between the Branches. Pursuing legislation knowing that it will be vetoed, when nothing has occurred to change the imaginable outcome seems a political rather than a legislative course.

But the national ballistic missile defense issue is also embedded in the committee recommendation and report on H.R. 3230 in important ways. And there is much more commonality between the administration and the Congress on this issue than the political rhetoric would suggest. Many of the differences between the two approaches are rooted on a perception of the timing of the appearance of a threat to which we would need such a response. This is essentially a function of risk management, and how to determine what type of ''insurance policy'' we wish to purchase against such a future contingency. What is less focused on but should be very central to the debate, is the cost and character of the alternative ''insurance policies'' that are available to the Nation. And this is where the parties diverge.

The administration's current national ballistic missile defense plan can provide for an affordable defense against limited ballistic missile threats before those threats will emerge. It does so in a way that anticipates likely changes in the threat from today's estimates. It also does so in a way that avoids becoming trapped in a technological cul-de-sac by a premature deployment of a potentially misdirected system.

The committee recommendation and its report would unfocus U.S. efforts by pursuing space-based interceptors without regard to ABM Treaty requirements, START treaty considerations and the threat reduction and strategic stability goals that the treaties promise.

This course of action commits us as well to an incredibly expensive and ultimately unaffordable path. Both the department's 3+3 program and the Spratt substitute to H.R. 3144, provide for a more capable missile defense system when deployed, and one that is affordable within current budget projections. It blends arms control and counterproliferation activities with deterrence and missile intercept capabilities. It thus pursues the most effective approach to missile defense, preventing missiles from being deployed at all, while providing a prudent ''insurance policy'' against limited but as of yet non-existent threats.

The overreliance by the committee on a ''hardware'' solution to intercept incoming missiles in the final minutes of their flight time, risks constructing a very expensive 21st Century Maginot Line. Such a defense strategy may well prove as ineffective to the 21st Century threats we might face as the original Maginot Line was in defending France during World War II.

Returning now to refocus on the issue of the size of the top line and its impact on our procurement choices, I am reminded of echoes from last year's debate on the fiscal year 1996 authorization bill.

During that debate, we heard a hue and cry that there existed a readiness crisis in the services. Foregone training and maintenance, as well as ''optempo'' stress were all allegedly impacting adversely on the U.S. armed force's ability to perform its principal missions. This hue and cry was raised despite assurances by the top military leadership that the force was receiving historically high levels of operational funding and was as ready a force as we had ever had. Facts have borne out their more sober assessment and, indeed, one can say that the relatively modest increased investment that the fiscal year 1996 defense authorization conference in the end committed to the readiness accounts confirmed the view that a ''crisis'' did not really exist. The small increase in the readiness account proposed in the fiscal year 1997 authorization bill lends additional credence to this assessment.

This year's hue and cry is that there is a ''modernization'' crisis, with much displaying of data to support the view that low levels of procurement spending must equate with an insufficient modernization strategy. What is so remarkably similar about this debate with last year's debate on readiness are three things.

First, the services generally agree that they could all ''use'' more money for procurement this year, but that they could meet their requirements with what had been budgeted as long as long-term trends supported their needs. This sounds very much like ''we're missing some training'' but ''we're as ready as we've ever been.''

Second, the leadership of the Department of Defense has offered a cogent and calm viewpoint that the drawdown of the force structure from its Cold War levels allowed them one more year's grace before they needed to begin to replace equipment that had been procured in large numbers during the 1980s for a much larger force. In other words, they had a plan, it was being managed, and they could perform their mission. And they could more appropriately use defense resources in other accounts and reserve for the future year's defense plan a significant increase in procurement dollars.

Third, while the committee invited the service chiefs to submit their ''wish list'' for additional procurement items, it has not followed the Secretary of Defense's plea to limit procurement additions to those items needed by the services. By my calculation approximately half of the procurement plus-up does not meet that qualification.

Not satisfied with this explanation the committee recommendation would spend an additional $7.5 billion on procurement, and as I noted above much of that on requirements not established by the service chiefs. I believe that this unsolicited largess is imprudent and will have significant adverse impact on our ability to meet real future requirements. It will provoke budget and program disruptions in the near term and it will preempt important opportunities into the future.

In many cases it would appear that these adds were made with little consideration to the ability to sustain the program in the next year. The disruptive business and human implications of creating program instabilities by ''spiking'' procurement for one or two years could haunt the military industrial base for years to come. This is a costly and ineffective way to approach long-term modernization requirements. In addition, it would also appear that program risks, indeed even assessing the department's ability to even execute a program, may not have been given adequate consideration in determining authorization levels.

Equally important and worse, the committee recommendation throws much of this money into systems that were designed ''to fight the last war.'' This is a common failing that is so easily avoidable. In addition, the procurement ''theme'' to solve the ''crisis'' appears to be only to buy more, and often not more of what the service chiefs requested. This binge in procurement both purchases needlessly redundant weapons capabilities and does so in excessive amounts. With regard to the former, we will end making purchases of too many different systems, rather than making choices and sticking with the best choice. With regard to the latter, we are spending our investment capital to buy unneeded equipment for today that will prevent us from purchasing the right equipment when it becomes available tomorrow.

Rather than buying more hardware now, we should invest in the technologies of the future, both the direct military technologies, including innovative non-lethal weapons technology more appropriate to operations other than war, and into those dual-use technologies that will give our economy a leg up as we move into the next century. Our failure to plan and invest wisely for the future because of hyperbolic claims about a modernization ''crisis'' will harm our national security in both the short and long term.

Much more could be said about this particular problem. Let me summarize my views in this area by saying that this extravagant level of spending is neither needed for our current military requirements nor prudent for meeting the needs of the future. In addition, it contributes to a defense authorization top line that needlessly consumes resources from the two other elements of our national security triad: our economy and our foreign policy program that can dampen the circumstances that give rise to war. And, unlike money put into the operations and maintenance accounts, it is not easily or efficaciously diverted to other priorities when hindsight establishes that the perceived requirement in fact does not exist.

There are other issues and problems in this report other than with its dollar level and the procurement choices. They deserve illumination as well.

Foremost among them are the several issues that erupted in the personnel title of the bill and report. While I do not support the current ''don't ask, don't tell'' policy on gays and lesbians serving in the military, I more strongly reject the committee's view that we should return to an era in which capable and willing gay men and lesbians were denied the opportunity to serve their nation in uniform. I support a policy that would allow individuals to serve regardless of sexual orientation. Clearly ''don't ask, don't tell'' has not provided the protections to such individuals that its crafters felt it would; but a return to an era of repression and intolerance is not the solution.

By way of explanation of the necessity for the change in policy under section 566 of this legislation, the committee elsewhere in this report cites at length the decision in the case by the United States Court of Appeals for the Fourth Circuit in the case of Paul G. Thomasson, Lieutenant, United States Navy, *Plaintiff-Appellant,* v. *William J. Perry,* Secretary of Defense; John H. Dalton, Secretary of the Navy, *Defendants-Applies.*

It is useful to note that this case is but one of several that are expected to be heard before the United States Supreme Court later this year on the issue of the Administration's ''don't ask, don't tell'' policy. No fewer than eight other cases on the policy are presently before the federal courts. In the last year, judges in two of those cases reached the opposite view of the judges in the *Thomasson* case, yet the committee does not make reference to those decisions.

The committee has not held a single hearing on the issue of gays and lesbians in the military in either the first or second session of the 104th Congress—the period during which the current policy has been implemented. Though the committee obviously feels that it is of utmost importance to change the current policy, it did not choose to expend any time or effort to get the views of witnesses from the military, the administration or the public on the issue. Instead, it relies on the decision on one court case to base a major change to military policy.

If the committee is to make an informed and thoughtful decision on this matter, it should make the effort to shed light on the competing views and experiences that represent all sides on this complex and important issue through the committee hearing process. The committee avoids the subject by relying instead on the judicial branch for justification and to explain Congressional intent. By including legislative provisions in the subcommittee chairman's mark without any discussion of the matter, the committee demonstrates a lack of faith in the hearing process, betrays a lack of confidence that its provision would prevail under scrutiny, and abuses the prerogatives of the majority.

Similarly the committee's recommendation to discharge personnel who test positive for the HIV–1 virus is medically and militarily unnecessary and flies in the face of the Congress's very recent determination to rescind such a policy even before it went into effect. Of even greater concern than having established a policy for which there is no military requirement, the committee's recommendation pretends that it has protected the medical disability rights of personnel who will face discharge under its provisions. This is a disingenuous formulation given that the committee was fully apprised that in order to provide such protection it would have to do so in legislative language, which it refused to do because of the direct spending implications that would have forced funding cuts in other accounts. Our service personnel who have served this nation with honor, distinction and professionalism need better from their government than this.

In language on section 567, elsewhere in this report, the committee directs the Secretary of Defense to ''deem separating service members determined to be HIV-positive as meeting all other requirements for disability retirement * * *.''

While giving the appearance of providing for medical retirement, the fact is that such language had to be stripped from the bill by amendment in the full committee markup because of direct spending implications. The Congressional Budget Office has scored this provision as costing $27 million over the next five years, and it could not be enacted without identifying an offset to pay for it. The committee could not accomplish this and, instead, decided to foist the problem off on the Department of Defense as an unfunded mandate, and then take credit for supposedly providing the medical retirement benefit.

Worse yet, it turns out that the Secretary of Defense may not have the statutory authority to fund such a mandate ''out of hide'' in any case. 10 U.S.C. §1201 and 1204 direct DoD to use the Department of Veterans Affairs rating schedule. While the tables currently indicate that a servicemember who is symptomatic of AIDS is eligible for medical retirement, it rates a servicemember who has asymptomatic HIV with a zero percent disability rating. Consequently, they would not be entitled to disability retired pay.

Under these circumstances, and since the law which would be reinstated by this section was repealed, the member who is discharged under section 567 would have no medical or retirement benefits at all, nor would the members of his or her family. He or she would be promptly discharged within two months of testing positive for HIV–1 virus. It would be the height of irresponsibility to enact such a provision without first clearing up these discrepancies.

The committee's refusal to return the right to secure safe abortion services to servicewomen serving overseas is an additional reason why I could not support the bill being reported. Of equal concern to our servicewomen should be the committee's apparent view of the role of women in combat-related specialties and the important equal-opportunity problems that its position raises.

On another social issue, the committee has trampled on the Constitution's First Amendment protections by embracing overly broad and vague language in an effort to suppress pornographic literature and other media. Despite the obviously degrading and sexist imagery of such media, those who would publish, sell or purchase them enjoy the protection of the Constitution. Surely better ways exist to overcome these problems than by legislating overly broad and unconstitutional attacks on the problem.

The committee's decision to weigh in on these cultural battles in this manner will, I believe, be to the ultimate detriment of the morale and welfare of our service personnel. We are a diverse society, with varying views on these issues. As such, we should decline as a legislature to impose a narrow view that fails to account fully for the human dignity of all in our society. Civility, morality and the Constitution all argue for such restraint. Failure to yield to the natural progression of expanded civil and human rights will only result in further turmoil, which will be adverse to the national security interests of our nation.

In this regard, let me note my appreciation for the committee's action to confront in a purposeful and reasonable manner the problem of hate crime in the military. Obviously, we are a multi-racial, multi-ethnic and multi-cultural society, a society with varying religious traditions. With a Constitution committed to the equality of each person, we seek to vindicate the promise of that equality. The provision in the committee recommendation helps to build upon the military's successes in moving toward making that principle a reality, and should help to overcome the shortcomings where they have occurred.

The committee's treatment of international, peacekeeping and arms control issues displays a continuing resistance to realign our requirements and resources to the realities emerging in this new strategic era. It has become apparent that operations other than war, such as our participation in the peacekeeping effort in Bosnia-Herzegovina, will become more and more common. Yet the image of the U.S. servicemember as peacekeeper is new and it does not yet fit comfortably in the view of the committee. As a result, the committee attempts to micromanage the services, and the Commander in Chief, as I noted above, as they seek to implement these efforts at which we are relatively new participants. The report language requiring probing insight into military plans to withdraw from what is thus far a highly successful effort in Bosnia, for example, is both insulting to our service leadership and potentially dangerous in what it could reveal about our planning process.

The committee and the Congress surely have an oversight responsibility; but it is equally clear that we do not have management responsibility, and the Framers of our Constitution clearly viewed it that way. I would have hoped that we could have demonstrated more confidence in our service leaderships and their ability to develop and implement an appropriate plan for the withdrawal of the U.S. forces in Bosnia. Similarly, the committee's recommendations concerning humanitarian demining and amending the prospective land-mine use moratorium are disturbing and will unduly constrain our theater CINCS in pursuing demining programs that are an essential part of their overall strategy in their area of responsibility.

On another positive note, let me support the determination reached in this bill that the environmental management and restoration programs operated by the Department of Defense and the Department of Energy are important and integral parts of our military requirements. I am pleased that we have not had the same struggle over both funding levels and authority that I believe plagued last year's effort and I look forward to continuing to work with the committee to fashion effective programs for accelerating clean-up, making environmental management more effective and efficient and for saving money on these accounts as a result.

I remain concerned though with the funding levels and program direction of the nuclear weapons program accounts of Title XXXI. The addition of funds to the requested levels for stockpile stewardship and management seem unnecessary given the still pending Programmatic Environmental Impact Statement on Stockpile Stewardship and Management. While I appreciate the committee's responsiveness in establishing a modest fence around the stewardship increase, I do not believe that the committee has taken sufficient time to inquire fully into the opportunities available for a more fundamental reassessment of our nuclear weapons policy.

The permanent extension of the Non Proliferation Treaty concluded last year was achieved in part because of the U.S. reaffirmation of its adherence to the Treaty's Article VI requirement to reduce our arsenal towards elimination. Despite the fact, that this is, and remains, the policy of our government, we are not proceeding outside of our bilateral discussions with Russia under the START process to pursue further reductions. I am concerned that such a failure will lead to lost opportunities that seemed so promising only a year and a half ago, when President Clinton and Russian President Yeltsin jointly declared that each nation would consider pursuing such unilateral initiatives.

Finally, let me note that, despite my disagreements with the committee report, I applaud the chairman and my colleagues for their willingness to work cooperatively where possible to find common ground on the important issues covered in the recommended bill and its accompanying report. I am concerned that, despite this collegiality, we may have produced a committee recommendation that remains vulnerable to a Presidential veto because of the weight of the many contentious matters that it contains.

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

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HUNTER] who is chairman of our Subcommittee on Procurement.

Mr. HUNTER. Mr. Chairman, let me start off by giving also my congratulations to our chairman, the gentleman from South Carolina [Mr. SPENCE] who has done a superb job of working on this defense bill, walking us through the hearings that we had to have in rapid fire order, marshaling this great staff that we have got on the majority side and the minority side to put this bill together, answering the tough questions and the tough issues that we had to answer this year in bringing it to the floor. Let me thank him.

Let me also thank the ranking member the gentleman from California [Mr. DULLUMS], and let me tell my colleagues as we go through the debate, and Mr. DELLUMS reminded us that we have had in the past some long debates on defense issues, I remember the 6-week debate we had on the nuclear freeze that we Republicans enjoyed, quite frankly, and the great times that we have had engaging. I wish myself that we had more time to discuss the top line because I think it is a great debate; I agree with the gentleman that it is an important issue for the country.

Let me answer what I think are three important questions that the American people have about this bill. First, do we need this level of spending? And this level of spending is a little over $12 million above what the President has asked for. The answer, I think is yes, and I think our hearings showed that we need this level of spending.

When we asked the Secretary of Defense if he wanted to get to $60 billion in modernization spending instead of the $38.9 billion that we have got this year in the President's budget, he said yes. He said I want to get there as soon as possible. General Shalikashvili said, yes, I want to get there as soon as possible. They had recommended initially having that level of spending in 1998, $60 billion in spending instead of $38.9. When President Clinton put his defense budget together 2 years ago in 1995 and said here is what I am going to want in 1997, here is a blueprint, his blueprint for this year was $50 billion. Well, we have gone up from $38.9 billion $6.2 billion. We have added an additional $6.2. We asked the services to come in and tell us what equipment they needed; they gave us a list. This is the uniformed services of the Clinton administration, gave us a list for about $15 billion, and when we decided on the new equipment we were going to put in, the things that we have put in for additions in terms of modernized equipment were 95 percent in commonality with what the services asked for.

So if the question is did the services ask for this equipment, the answer is, yes, the services asked for this equipment, and if somebody could throw me down that Marine ammo belt that I have been carrying around for the past couple of days, some people told me that is a silly prop, but I think that is the essence of this defense bill because this Marine ammo belt symbolizes the meeting that I had with the Marines and with the other services, with all of the people who are in charge of ammunition supply for the services. The Marines looked us in the eye and said, Mr. Chairman, Congressman, we cannot fight the two-war scenario that the President has given us the responsibility to fight, and they said we are short of M–16 bullets and a lot of other ammo. We found out they were 96 million M–16 bullets short. That means they run out unless they borrow from somebody else, and if that other service has their minimum requirement, then they are out of ammunition.

So we plussed up over $300 million for Marine ammunition. That was the M–16 and mortar rounds and many other things that they needed.

So, yes, we do safety upgrade the Marine Harriers, the AV–8B's the crashes. They said that they would like to have those 24 Harriers that the administration did not plan to upgrade safety upgraded to give those pilots a better chance of surviving. We did provide ammunition, and we did help to modernize the forces across the board.

We have done the right thing for America. This is a good defense bill, and I ask every Member to support this work that the committee has done.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to my distinguished colleague, the gentleman from Mississippi [Mr. MONTGOMERY], the ranking member, the senior Democrat on our side.

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

Mr. MONTGOMERY. Mr. Chairman, I would like to thank the gentleman from California [Mr. DELLUMS] for yielding me this time and to thank him, for over the years he has been my chairman, for many years, for the support he has given me; sometimes, not that much, we have disagreed on military matters, but he is always considerate and fair to me, and I certainly want this to appear in the RECORD today. And Chairman SPENCE I thank for our cooperation over the years, and I have enjoyed working with him very, very much, as to as well the committee and also to the staff.

Now, Mr. Chairman, I rise in support of the defense authorization bill. The National Guard, and I know I am taking some by surprise that I will talk about the National Guard and Reserve, they have done very well in this legislation. We have tried to improve the readiness, modernization and standard of living in this bill. We have added $805 million for Guard and Reserve equipment, modernization, above the President's budget. We have increased the good year retirement points for the Reserves from 60 points to 75 points. This had not been changed since 1948. There is a 3-percent military pay raise for both the active and reserve forces. We have allowed active guard and reserve enlisted members to retire at the highest rank that they will obtain. Officers can do that now.

However, I am disappointed that the Defense Department provided the Guard and Reserve $294 million for military construction. Now, Mr. Chairman, this is only 3 percent of the total funds for construction for all the military, and the Guard and Reserve, I point this out, have 40 percent of the mission. We have inserted in this bill asking the military to give us a report of actually what the Guard and Reserve need for military construction and armory construction, and I might say that the chairman from Colorado [Mr. HEFLEY] and ranking member, the gentleman from Texas [Mr. ORTIZ] were very fair to us. They tried to help.

We have added the funding to keep the air guard fighters at 15 in a squadron instead of dropping the level to less effective 12 planes per squadron. By adopting the amendment that will mean en bloc reservists will have a second chance to take out mobilization insurance if they decide to go into the Guard or the Reserve.

We have done many other things. We have a revitalization for the Guard and Reserve, and finally, Mr. Chairman, I am very glad that my good friend, the gentleman from New Jersey [Mr. SAXTON] will not be offering his amendment to this bill. Now there is strong feeling on both sides whether the Army Reserve should report to two commanders or one commander. We prefer the one commander, just like the other reserve services do. The committee has supported our position on this throughout the debate. We are trying, Mr. Chairman, to improve the Army Reserve, not tear it down, and I am pleased that this amendment will not be offered and we can work out this disagreement in conference.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I might add this particular point. As a lot of people realize, the gentleman from Mississippi [Mr. MONTGOMERY] is retiring after this year, and personally I would like to offer him my gratitude for all he has meant to this committee and to this country for his service here over the years. I know of no one who stood stronger and taller for national defense than the gentleman from Mississippi [Mr. MONTGOMERY], and he is going to be going down in history and known as Mr. National Guard and Reserve, and we are going to miss you, SONNY.

Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BATEMAN].

Mr. BATEMAN. Mr. Chairman, less than 2 years ago, the National Security Committee brought to light the downward trend in readiness throughout the military services resulting from defense spending cuts, diversion of funds to meet unbudgeted contingency operations, force structure reductions, and

a high pace of operations. Routine training was being canceled. We also heard reports of deferred maintenance, spare parts shortages, and a quality of life for our servicemembers which was suffering. under the strong leadership of Chairman SPENCE, the committee undertook a multifaceted strategy to maintain readiness which has helped to address the unacceptable trends in short-term readiness.

Readiness is a perishable commodity which demands our constant attention. The root causes which led to the readiness problems less than 2 years ago still exist. Defense spending is being cut, force structure is being reduced, and the pace of operations is still high. Adding to my concern is what I view as the administration trying to squeeze defense requirements into a topline driven budget which does not satisfy the current and future needs of our military forces. This has resulted in a juggling exercise that unfortunately pits near-term readiness against modernization. This should not be an either-or-proposition.

H.R. 3230, the National Defense Authorization Act for Fiscal Year 1997 continues last year's work, achieving the goals that we all share: providing the necessary resources to ensure force readiness and improving the quality of life for the men and women of our Armed Forces.

H.R. 3230 fully funds the military services' operations and training accounts, and adds significant resources to other important readiness activities which have been underfunded by the Department of Defense in the fiscal year 1997 budget request, including real property maintenance to address health, safety, and mission critical deficiencies; depot maintenance to reduce backlogs; base operations support to address shortfalls in programs which sustain mission capability, quality of life and work force productivity, mobility enhancements to help deploy U.S. forces more rapidly and efficiently, and reserve component training.

The bill also contains several provisions in the area of civilian employees to provide the Department of Defense better tools for managing the work force and for saving resources.

I would like to thank the ranking member of the Readiness Subcommittee, my colleague from Virginia, Mr. SISISKY for his outstanding cooperation, knowledge, and leadership through the year on the many issues which came before the Readiness Subcommittee.

Mr. Chairman, H.R. 3230 is a responsible, meaningful bill that will provide adequate resources for the continued readiness of our military forces. I urge my colleagues to vote yes on the bill.

□ 1630

Mr. DELLUMS. Mr. Chairman, I yield 5 minutes to my distinguished colleague, the gentleman from Virginia [Mr. SISISKY], the ranking member of the Subcommittee on Military Readiness of the Committee on National Security.

Mr. SISISKY. Mr. Chairman, I ask my colleagues to support the DOD authorization bill.

This bill will go a long way toward supporting and sustaining our U.S. military forces.

As ranking member of the Readiness Subcommittee, I want to commend our chairman, HERB BATEMAN.

He continues to have the foresight necessary to address some of the long-term issues we have identified.

We worked together to add nearly $2 billion to O&M accounts, from $89 billion to $91 billion.

We added $1 billion to real property maintenance, $190 million to depots, $190 million to base ops, $100 million to mobility, and $90 million for reserve component training.

But what we did not do may be just as important.

We did not authorize DOD to go forward with their privatization plan.

As one who represents significant public and private sector interests, let me tell you why.

DOD recognizes that they save money through public-private competition.

Nevertheless, DOD wants to eliminate the public sector as a competitor.

DOD believes the private sector can do anything better and cheaper.

I'm here to tell you that I've ''been there, done that''—and ''it ain't necessarily so.''

We've got to responsibly pick and choose where and when we give someone a monopoly.

We've got to have the business sense to recognize that two overheads cost more than one—whether you talk about air logistics centers, or working on 5-inch guns in Louisville.

It's simple arithmetic, but when you factor in brac politics, it comes out as new math nobody understands.

I don't think anyone opposes it, but we oppose going into it blind—with such a vague roadmap of the future.

Our silence on the privatization issue tells DOD they need to go back to the drawing board on this one.

The issue is far too important to risk national security by going too far, too fast. We need to be careful.

HERB BATEMAN and I also worked to reform DOD financial management, specifically the defense business operating fund—or DBOF.

DBOF has long been a thorn in the side of some of the most dedicated proponents of better business practices at DOD.

Centralized cash management and standardized cost accounting is absolutely necessary to run an organization as big as DOD.

However, to create an $80 billion slush fund to pay for unfunded contingencies—as they did early on—or to hide the real cost of brac—or maybe even environmental clean-up—behind the fig leaf of DBOF cannot be allowed to continue.

Our bill says DOD will develop a plan to improve DOD cash management by the end of September, 1997.

They will implement those plans and terminate DBOF by October 1, 1998.

Bill language outlines nine specific elements of any new plan—such as rates that more accurately reflect real operating costs—as opposed to surcharges tacked on to replenish losses in entirely unrelated areas.

As is often the case, had DOD been willing to do this in the first place, legislation wouldn't be necessary.

In conclusion, I think the bill, on balance, achieves many of the goals Members of both parties have said they wanted to reach at DOD.

I think it is a good bill, it deserves strong bipartisan support with a few exceptions and I ask my colleagues to support the bill.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WELDON], chairman of our Subcommittee on Military Research and Development of the Committee on National Security, has just returned from Moscow, where he met with all the senior Russian military people. He can give us a report on it.

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

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise and thank the distinguished chairman of our full committee and the ranking member, two fine gentlemen who have worked together with us to achieve this piece of legislation. While we may disagree in certain elements, we certainly come together and respect each other's views. In the end, hopefully we will have a bill that all of us can support.

In terms of the Subcommittee on Research and Development, Mr. Chairman, I would like to thank the ranking member, the gentleman from South Carolina [Mr. SPRATT] for his cooperation and support. The request by the administration was $34.7 billion, $1.5 billion less than the fiscal year 1996 request. Because of the request by the service chiefs, which amounted to $20 billion of additional funding in the R&D area alone, we increase slightly the R&D account to a level of $35.5 billion.

As I said, Mr. Chairman, the service chiefs asked us for an additional $20 billion that we just could not provide. It is somewhat discouraging, Mr. Chairman, that we were criticized very heavily last year by both the White House and the Secretary of Defense's office for plusing up the defense budget, but then in this year's hearings, the Secretary came in and showed us charts taking credit for flattening out the acquisition downturn; in effect, taking credit for funds that we were criticized for putting in last year. The same thing is happening this year, Mr. Chairman. That is somewhat disheartening to me, as someone who tries to support the administration and their defense requests, and the requests of the service chiefs.

In particular, we have plused up some specific priorities that were raised in our hearings, and by the members of our subcommittee, including chemical biological defense, $44 million to address shortfalls as a result of the General Accounting Office report, a very needed effort in the area of chem-bio defense that all of us feel strongly about; $43 million of additional money for the countermine program, especially important for our troops on the ground in Bosnia and around the world. This Congress has taken a leadership role in plusing up funding to find solutions to protect our troops from the threat of mines in any hostile environment.

Dual use technology. We reinvigorated a program that will allow the Defense Department and the services to control where dual use applications can occur. There will be no outside agency interference. We have funded it to the level of $350 million, including a special allocation at the office of the Secretary and at Dr. Kaminski's level to oversee as aggressively as possible the efforts toward dual use technology and off-the-shelf acquisition.

We have also added an initiative that we are currently working on with two other committees, the Committee on Resources and the Committee on Science, in terms of consolidating oceanographic efforts. The Navy has been the lead agency in this area, and we in fact give them a further coordinating role with a $30 million allocation to expand partnerships that first of all have a defense implication, but secondarily have an implication for both the environment and for economic opportunities with the oceans.

Mr. Chairman, the real change here in R&D is in missile defense. We will debate that this week. Mr. Chairman, the key difference between this administration and this Congress was and will be this year, the area of missile defense. After a robust series of hearings, after a detailed analysis of what is occurring throughout the world, including those countries that are trying to get missile technology, we have crafted very carefully, with the full cooperation of General O'Neill, a missile defense program that we feel very confident with.

We have plused up national missile defense, theater missile defense, brillian eyes, so we have a space-based sensor program as well as our cruise missile defense. All of these initiatives, Mr. Chairman, we feel are vitally important. We have even put $20 million in this year's bill for joint Russian-United States missile defense initiatives, so we can show that we are not about just sticking it in the eye of the Russians; that we in fact want to work with them in jointly exploring missile defense capabilities.

We no longer live in a biopolar world. We know the North Koreans and the Chinese are developing capabilities. We know Iraq has achieved some technologies from Russia. We know the threat is there, and it is there now. We must meet that threat. This bill does that.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Missouri [Mr. SKELTON], the ranking member of the Subcommittee on Military Procurement of the Committee on National Security.

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

Mr. Chairman, for our men and women in uniform, I ask for support of this authorization bill. For our soldiers in the U.S. Army in places like Sinai, Ecuador, Peru, South Korea, Haiti, and the Balkans, I ask for support of increased spending for equipment and maintenance accounts. For our sailors and Marines off the coast of Liberia and places such as the Arabian Gulf Coast, East China Sea, and the Adriatic, I ask for support of increased pay and benefits. For U.S. Air Force airmen, 81,000 of whom are deployed abroad and 9,300 are on temporary duty, I ask for support to improve operations and eliminate fatigue.

For the talented and highly specialized men and women of our Special Operations Forces currently deployed in over 60 nations, some in excess of 200 days during the past year, I ask for support of the modernization priorities contained in this bill. If we must talk about quality of life, let us speak of providing the most capable and modern equipment available as we ask our troops to go into harm's way.

For the past 2 years I have testified before the Committee on the Budget in favor of increased defense spending. This year, while readiness and quality of life remains pressing issues, I feel the lack of military modernization has reached a critical level. Our subcommittee chairman, the gentleman from California, DUNCAN HUNTER, has worked hard to correct this modernization problem. I have enjoyed working as ranking member of that subcommittee.

Let me commend the chairman, the gentleman from South Carolina [Mr. SPENCE], for his leadership in writing legislation to address this trend. This bill, with almost $13 billion in new spending, is a step in the right direction.

Let me also point out that the ranking member, the gentleman from California, RON DELLUMS, has shown again his unwavering commitment to caring for our troops. I thank him for that.

Mr. Speaker, I fear we have reached the danger point, the point of breaking our forces with high operational tempo rates. The Army's pace of operations has increased 300 percent, with over 25 deployments in the past 6 years. Gen. George Joulwan has noted that his European command has experienced the highest tempo rate in its history. The Air Force has averaged 3 to 4 times the level of overseas deployment as during the cold war. Air crews abroad AWAC's, JSTARS, and EF–111's are in especially high demand. Naval and marine personnel are abroad so often that back-to-back temporary assignments away from home are no longer uncommon. Our carrier battle groups, intent on providing deterrence with continued presence, are straining to guard against aggressive acts throughout the world's oceans.

Members of our special forces, trained in specialties such as language, carpentry, electricity, and cultural affairs, have been the first to answer our Nation's call in Bosnia, Haiti, and Liberia. Although few in number, together they are great in influence, deploying in adverse conditions, day or night, and often assisting local officials with tasks traditionally nonmilitary in nature.

As I ask my colleagues for support for the priorities in this bill, I also ask for support for improvements. I would have preferred language to continue research and development of the CORPS SAM/MEADS theater missile defense system, the only system designed to protect our frontline highly mobile troops from missile attack. This threat is upon our troops today, and threatened our troops during Operation Desert Storm in 1991. I am disappointed, Mr. Chairman, sorely disappointed, that the Committee on Rules did not allow my amendment in order to address this and look to conference for improvement.

Mr. Chairman, from the Bosnian theater, Maj. Gen. Bill Nash recently said, ''The number one thing we've used so far that has allowed us to enforce the peace is a weapons system called the American soldier.'' On behalf of that soldier, I ask for support of this bill, and I ask for continued commitment to this excellent weapons system as we move to conference with the Senate.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. HEFLEY], chairman of our Subcommittee on Military Construction.

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

Mr. Chairman, I rise today in strong support of H.R. 3230. As the chairman of the Subcommittee on Military Installations and Facilities, I want to focus my remarks on the important bipartisan initiatives we are bringing to the House today concerning the military construction program for fiscal 1997.

H.R. 3230 would continue the bipartisan effort of the Congress to rebuild and enhance our crumbling military infrastructure, and I want to express my appreciation to the ranking member of the subcommittee, the gentleman from Texas, SOLOMON ORTIZ, for his tireless efforts to help to put this bill together.

Based on the hearing record, we know the military services have a steep backlog of construction and maintenance requirements that will take decades to resolve unless we accelerate the program. That backlog has serious implications for operational

readiness and impairs the quality of life for men and women and their families who volunteer to serve the Nation.

□ 1645

Mr. Chairman, it is unacceptable to me and it should be unacceptable to this House that 20 percent of the Army's facilities are considered unsuitable due to either deteriorated conditions or an inability to meet mission requirements and that roughly two-thirds of the barracks, dormitories and military family housing units in the service's inventory are considered unsuitable. These are just two glaring examples of the impact of years of neglect.

But where is the administration?

The President proposes to spend 18 percent less than current levels on military construction and, amazingly, 5 percent less than he told us he would spend in fiscal year 1997 when he submitted budget estimates in February of 1995.

In every major category of direct benefit to the modernization of military facilities, the President proposes a cut. This chart shows the problem and how we propose to fix it: MILCON for the active forces and reserve components cut, family housing cut, troop housing cut. troop housing cut. The child development centers, this is one that is truly unbelievable and virtually defunded. It is fashionable in this administration to say it takes a village to raise children. Evidently the President does not believe that sense of community support should extend to our military families.

This bill adds funding to every one of these major categories.

Even those programs which Secretary Perry has placed great emphasis upon, quality of life, family housing, do not fare well under this President.

The next chart will explain the point better than I can. Two years ago, with great fanfare, the President announced a $25 billion plus-up for defense and made a big deal out of his commitment to improve the quality of life for our military personnel. The President said that we ask much of our military and we owe much to them in return. Everyone apparently agrees, except the President's budget does not support that rhetoric.

Mr. Chairman, just 2 months ago, senior administration officials were on the Hill trying to defend the budget request. Secretary Perry admitted that it would be a lot easier to deal with the military housing crisis if we simply had more money. Mr. Hamre seemed equally at a loss to explain the administration's position.

This is a good bill, I urge the Members to support H.R. 3230.

Mr. DELLUMS. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Texas [Mr. ORTIZ], the ranking member of the Subcommittee on Military Installations and Facilities.

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

Mr. ORTIZ. Mr. Chairman, I rise in support of this legislation, and would like to lend my strong endorsement of the military construction title of the bill.

I want to express my great appreciation to the leadership of both sides of the aisle in compiling what I believe to be a truly bipartisan legislative package to address our Nation's military construction backlog.

The military construction portion of this bill places a very strong emphasis on quality of life initiatives and addresses our military's need for modernization.

I am extremely pleased that as a committee, we have been successful in allocating to quality of life programs approximately 70 percent of the additional funds which have been made available for military construction this year.

During committee deliberations, we were careful to fund those projects that were identified by the military services as a top priority.

I think this portion of the defense authorization bill makes a strong statement of congressional concern for our military and bolsters our commitment to maintaining readiness and modernization.

Furthermore, this bill continues the pledge made by Congress last year to stretch housing dollars by increasing the funds available to the military services for public/private partnership initiatives.

On balance, I believe that this is a good bill that emphasizes readiness and quality of life projects, and I congratulate Chairman HEFLEY, Chairman SPENCE, and our distinguished ranking minority member for the full committee, Congressman DELLUMS, for a job well done.

Again, I urge my colleagues to join me in supporting this bill.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SAXTON].

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

Mr. SAXTON. Mr. Chairman, whether we talk about acquisition or research and development to keep our forces modern or quality of life, one thing was very evident to us at the outset of this process. That is that the President again severely underfunded with his request.

Make no mistake about it. The principle upon which we guided our actions this year was that we needed to do more for our military. We simply were tired of an administration which was trying to talk the talk without walking the walk. The administration is eager to sing the praises of our military but is simply unwilling to provide the necessary support needed to ensure that we continue to have a capable, modern force.

Just last year, the Committee on National Security received testimony from the General Accounting Office and from the CBO. Both organizations stated that the administration's defense plan was underfunded to the tune of $120 to $150 billion over the next 5 to 7 years. The White House's response? Request $30 billion less this year. With respect to military construction alone and family housing, as the gentleman from Colorado [Mr. HEFLEY] just pointed out, the budget was 18 percent less than current funding for this year.

Mr. Chairman, some Members are quick to point out that the cold war is over, and I agree. Yes, it is, and the world is different today than it was in the 1980's, but not necessarily safer.

The list of post-war operations grows daily. Think about the headlines that describe places our soldiers and airmen and sailors are, all over the world: carrier groups off Taiwan, mass evacuations by United States special forces in Liberia, 22,000 troops in Bosnia, actions in Haiti, in Somalia, in Panama, in the Middle East. The list goes on and on. It is our duty, Mr. Chairman, at least in my opinion, it is our duty to properly finance these men and women who go around the world to do the great job that they have been tasked to do.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Florida [Mr. PETERSON], a member of the committee.

(Mr. PETERSON of Florida asked and was given permission to revise and extend his remarks.)

Mr. PETERSON of Florida. I thank the gentleman for yielding time.

Mr. Chairman, I want to thank the gentleman from South Carolina, Chairman SPENCE, and the gentleman from California, Mr. DELLUMS, the ranking member, for putting together what is generally a very good bill. We worked very hard to address the issues that were facing the military in outyears, and I think we have done a pretty good job with that.

Mr. Chairman, it is not a perfect bill. Clearly there are far too many social mandates contained in this bill that could invite a veto. But it also contains a provision prohibiting R&D funding for the JASTOVL variant.

While I am adamantly opposed to the bill's provision which would kill the Marine Corps' advanced short takeoff and vertical landing aircraft, I have been assured by senior members that this language would be satisfactorily resolved in conference. Those assurances have been bolstered by additional discussions between committee leaders, Marine Corps representatives and key committee staffers. I appreciate my colleagues' support on this issue.

For the record, I would like to make the following points;

The ASTOVL variant of the Joint Strike Fighter is crucial to the Marine Corps long-range plan. That criticality is based on the Marine Corps' strong dependence upon the use of integrated air assets in its combined arms scheme of warfare. It is this air support that allows the Marines to maintain their expeditionary nature by radically reducing their dependence upon armor and artillery, and in doing

so, has helped ensure that they have the strategic mobility necessary to remain the ''Nation's 9–1–1 Force.''

What needs to be perfectly clear is that cancellation of the program would not affect only the Marine Corps. The Air Force is looking at purchasing the variant as well. The ASTOVL is in fact an integral leg in the three-legged Joint Strike Fighter program which links Air Force, Navy, and Marine Corps aircraft development into a single design that can be modified to individual military branch needs. This element of commonality consolidates numerous fixed-wing programs and provides enormous cost savings. Those cost savings will disappear with the removal of participation by either the Marine Corps, Air Force, or Navy.

One final issue of note is that without the protection provided by ASTOVL, the Marine Corps would be forced to substantially increase its amphibious lift because of a need for Marine Corps ground forces to increase their artillery forces to compensate for the lack of air cover. This is a costly solution financially and puts an unconscionable number of warriors at risk, who otherwise could be protected by an aircraft manned by a one-or-two man crew.

Recognizing that there is no more logical choice than for this program to go forward, I join my colleagues in their efforts to resolve this issue in conference.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN], a valuable member of our committee.

Mr. TORKILDSEN. Mr. Chairman, I am pleased to rise in support of this measure. The gentleman from South Carolina [Mr. SPENCE] and his extremely capable staff, led by Andrew Ellis, have brought to this floor a sound bill that strengthens our Nation's defense in an increasingly unstable world.

While I support the measure, I have strong reservations regarding many of the social policies adopted in the military personnel section of the bill. As my colleagues are well aware, I am personally opposed to limiting the right of servicewoman to choose whether or not to have an abortion. Additionally, I am opposed to changing the Pentagon's current policy regarding HIV positive service members.

Consequently, I will support the amendment of the gentlewoman from Connecticut [Ms. DELAURO], but I will decline to offer my amendment on the issue of personnel who test positive for the HIV virus. I have had many conversations with Members in the other body and am confident that we can resolve this issue more appropriately in conference than on the floor of the House.

My overall support for this authorization bill is based upon my confidence that it adequately sustains the core capabilities of our military. Indeed, the Clinton budget request, once again, has passed the buck and declined to preserve vital elements of our national security apparatus.

The bill before us addresses fundamental defense issues like readiness, modernization, and military housing. Key aspects of disagreement between the administration and Congress regarding missile defense and U.N. command and control have been removed and will be addressed at a later time. I believe this strategy is wise and does not weigh down the larger work represented in this measure to maintain our troops.

I urge my colleagues to support passage of this bill.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I appreciate the hard work of the able gentleman from California, and I appreciate very much his yielding time to me.

Outrageously, this bill revisits and denies choice for women in the Armed Forces who have made the choice to serve their country.

There is a tag line on the end of a Republican ad on television attacking the President for his gas tax proposal. I say, what is sauce for the goose should be sauce for Republicans.

We get lots of lip service on children, for example, with disproportionate cuts; on families with disproportionate cuts. Now what we get for military women is patriotism and abandonment overseas if they happen to need an abortion.

Imagine. A woman in the armed service, in Bosnia, or Haiti, who needs an abortion. Are we prepared to guarantee a safe abortion in those countries or in any one of the trouble spots in which women now serve their country?

What are we going to do if a woman ends up dead or injured because an abortion was performed in a Third World country where safe abortions are unavailable? Does a woman lose her constitutional right to pay American medical personnel to perform a legal procedure simply by singing up for the armed services? Join the armed service and lose your constitutional rights. That ought to be the tag line on the next commercial.

Mr. Chairman, words of patriotism are nice, but women in the armed services want actions that speak louder than words, to quote my distinguished colleagues on the other side of the aisle.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. THORNBERRY], another very valuable member of our committee.

Mr. THORNBERRY. I thank the gentleman for yielding me the time.

Mr. Chairman, this is a good bill. It enhances the security of the United States in ways that are going to get very little notice today. One of those ways is in people issues. The bill has a pay raise for our troops and it increases their housing allowance substantially. It also fills a $500 million shortfall in the administration's request for health care. Although more work is needed here so that we provide the health care we promise to those who serve and those who had served, there is a lot to be proud of.

Another key issue in this bill is the safety and effectiveness of our nuclear weapons. Making sure that our nuclear arsenal is safe and reliable and effective is as important now as it has ever been. We received testimony that at least $4 billion a year is required to ensure that our nuclear arsenal works without nuclear testing. Yet here again the administration request was severely short.

Mr. Chairman, we should not forget some basic facts. First, our nuclear weapons were designed to last about 20 years. We are about at the end of that design life. Someday soon we are going to have to build weapons again, to modernize and replace those that are getting out of date.

Second, we are going from 18 facilities down to 8 facilities in our nuclear weapons complex. We are going to have to modernize those 8 facilities to do the job of 18, to make sure they can do the job and do it safely and effectively.

Third, to make sure that our weapons work well without nuclear testing is going to be an expensive proposition. All those fancy machines we have got to buy to replace testing is expensive. It is absolutely essential that we get and keep the best people we can at the labs and at the production facilities, and we should not forget them.

With the Communists threatening to return to power in Russia, with China, North Korea, and other places, nuclear weapons is not the place to be penny wise and pound foolish. This bill takes steps in the right direction, but more work will be needed.

□ 1700

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Chairman, we are here today not to debate the size of the military budget, but to debate which arms manufacturers will get more of taxpayers' dollars.

How is it that we can find an extra $13 billion to give away to defense contractors, but we can't find the money to increase education funding?

As this chart demonstrates, Mr. Chairman, we spend more on the military than Russia, China, Iran, Iraq, Syria, Libya, North Korea, and Cuba combined.

It appears that we are paying an extra $13 billion so that companies like Lockheed-Martin can send around these cassette tapes of radio programs to all the Members of Congress. Why, Mr. Chairman, must we throw another $13 billion at the largest and most wasteful bureaucracy in the world? The answer is simple, more Pentagon pork for military contractors means more campaign contributions for big defense defenders. Just one more example of the GOP's new and improved cash-and carry government.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentlewoman from Jacksonville, FL [Mrs. FOWLER].

(Mrs. FOWLER asked and was given permission to revise and extend her remarks.)

Mrs. FOWLER. Mr. Chairman, when President Clinton sent us his fiscal year 1997 budget, he requested the lowest level of spending for defense procurement in nearly 50 years. He reduced operations and maintenance funding by $1.5 billion. And he reduced military construction dollars by 18 percent.

President Clinton did this despite the fact the Joint Chiefs say we need a $60 billion modernization budget if we want to meet the needs of the 21st century, and despite reports from the Defense science board that over 60 percent of military housing is unsuitable.

H.R. 3230 restores balance to this request. It adds $8 billion for new weapons, consistent with the need to invest in modernization now. It restores O&M funding to assure readiness. It funds the advanced technologies necessary to meet our security needs, including $350 million more for national missile defense. And it increases military pay and housing allowances, providing the quality of life necessary to keep the best and the brightest in our military.

I congratulate the Chairman for bringing forward this urgently needed legislation, and urge its adoption.

Mr. DELLUMS. Mr. Chairman, I yield 7 minutes to my distinguished colleague, the gentleman from South Carolina [Mr. SPRATT], the ranking member of the Subcommittee on Research and Development.

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

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

Mr. Chairman, this authorization bill may be the last of the big time spenders. It does plus up the President's request by a substantial amount, $12.9 billion, but it takes up defense spending next year by only $2.6 billion over the current fiscal year. From next year onward, defense spending, according to the budget program, does not go up in any year more than $2 to $3 billion. We are going into a future of very constrained defense budgets after this year.

So the question that should concern us greatly in this debate as we add $12.9 billion to the Pentagon's request, is whether we can sustain, finish, in the out years what we are starting beefing up and speeding up next year. This question looms in particular over ballistic missile defense, national and theater, which was increased by $940 million in this bill. There are, as a consequence, out-year funding requirements which we simply may not be able to meet in a defense budget programmed to go up by no more than $2 to 3 billion a year.

I rise to speak to just one small piece of that partly to illustrate the problem, but also to illustrate a very important problem, which I think needs correcting, and I will offer an amendment to that effect. The piece that I want to speak about is something called space and missile tracking system. I have an amendment that will deal with this, and let me explain the reason for it and the problem that we have in this bill.

When deployed, these so-called SMTS, once called Brilliant Eyes, now called SMTS for space missile and tracking system, is a constellation of 18 to 24 satellites, all of them in low-earth orbit. They compliment satellites in higher orbit, including the DSP and geosynchronous orbit, which serve to spot missiles which might be launched against us and then hand off the data to the SMTS.

These SMTS missiles circling the globe in low-earth orbit will acquire the incoming missiles or reentry vehicles, track them for a period of time, feed that data to ground-based radars and battle management computers, and these in turn will cue the ground-based interceptors and give them their initial target vectors to go get the oncoming missiles.

All of these are components of what is called the space-based infra-red system, or SBIR's. They are vital programs, vitally important, and they have my full support.

The Air Force, which manages the SMTS on behalf of the other services, first planned to deploy it in the year 2006, because they thought at that time it could be optimized and serve several different missions rather than just one. But last year in conference, the defense bill was changed to mandate deployment by the year 2003. We legislatively mandated an IOC, an initial operational capability. There were no hearings, there was no debate, there was no discussion of the consequences.

Here are the consequences which we never weighed. First of all, by forcing the deployment schedule to a much earlier date, SMTS has to be downscoped in the words of the Air Force. For example, the more sensors can sense or see an object, trying to track it, the more accurate a track they can get on the object. This frequency is referred to as a revisit rate. The more often you ping it, the better the data you get back. By forcing deployment in the year 2003, the acquisition sensor revisit rate rate will be less than half the rate which was originally specified for mission effectiveness.

Point two: The SMTS works well by itself, but it works best as part of an integrated system, high earth orbit satellites, geosynchronous satellites, ground-based radar. By forcing deployment in the year 2003, the data rate for crosslinking and downlinking information has to be reduced by 80 percent. Some call this dumbing down the system.

Furthermore, the requiring that the system be deployed early, we will probably rob from it one of its essential missions. We wanted it to do three things: Provide sensors, infrared sensors in space for theater ballistic missile defense, provide sensors for national missile defense, and also through this network of low earth orbit satellites encircling the globe, provide technical intelligence data that we could use for battlefield characterization all over the world, vastly enhancing our technical intelligence sources. All three missions were to be wrapped into one system, but this cannot be done if we force the deployment in 2003, rather than waiting for the system to be developed.

The design life of the satellites if we force early deployment will be cut nearly in half. The mean mission duration drops from 8.5 years to 5 years. Although everyone agrees, everybody agrees, that theater missile defense is the most immediate and pressing threat, national missile defense capabilities, because of last year's bill, are given priority over theater missile defense and these other roles and missions of this particular satellite system are simply put on the back burner. They will have to wait until later.

To cap it off, to buy this diminished system, we will have to spend $2 billion more between now and 2003 to accelerate the program to meet the deadline that we legislated last year.

Mr. Chairman, in general, I am opposed. I think we should all be opposed to Congress thinking it knows best and trying to legislate deployment dates or IOC's. We take the technical risk in increasing, we place mission cam capabilities in jeopardy, and we put program managers in untenable positions. They either break the law or field a system that is less than optimal.

Last year's conference requirement is especially shaky. It not only usurped the Services' role in determining what was the right acquisition schedule, it ignored the Air Force's suggestions for accelerating this program.

Last fall the Air Force proposed a faster schedule, one that would field the original design, the baseline system, in the year 2005. To meet the conference requirements, the Air Force will now attempt to field a limited system in 2004 at the expense of delaying full fielding of the baseline system until the year 2009. In a rush to deploy something, we are on line to get our best system 4 years late, in order to get a limited system 1 year early.

The opponents of my amendment say it is an attack on the high segment of the space based infrared system. They are wrong. We do not mention that. They are still an integral part of it, just like a fully capable SMTS is an integral part of the overall system.

Opponents also say it will disrupt or delay the acquisition system. It will not. My amendment does not direct the Air Force to change anything. If the services are dissatisfied with the block one capabilities, they can proceed with it.

I thank the gentleman for the opportunity to explain this amendment.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. LEWIS], a very valuable member of our committee.

Mr. LEWIS of Kentucky. Mr. Chairman, I rise today in support of H.R. 3230—the 1997 National Defense Authorization Act.

I'd like to address the first of the four main goals of the House National Security Committee:

Improving the quality of life for military personnel and their families.

Our all-volunteer service men and women choose to join the military. And each few years, they will choose whether or not to stay in uniform.

If these folks don't have a decent place to live and work, they're not going to choose to stay. We need these people, and their experience. Too many are leaving, too soon.

Mr. Chairman, I'm privileged to represent Fort Knox, in Kentucky's Second District.

In order to keep men and women in uniform, our defense authorization bill includes $20.5 million for new enlisted barracks at Fort Knox along with a wide variety of quality-of-life improvements, and a 3-percent pay raise for our service men and women.

Let me close by saying I also support the 13 million urban combat training center at Fort Knox included on the Senate side.

Soldiers from nearly every armed service, as well as National Guardsmen and civilian police, would train there. It's likely that more and more future battles will be fought in urban areas—consider our experiences in Somalia and Haiti.

When it comes time to go to conference, I hope the Members of this body will give that project consideration as well.

Mr. DELLUMS. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, at this time I would like to underscore the comments of two of my colleagues, first the gentlewoman from Georgia [Ms. MCKINNEY]. What the gentlewoman was attempting to point out is something that we have to reiterate over and over until we get the point.

Mr. Chairman, American people need to know and understand that America's military budget is roughly equal to all of the combined budgets in the rest of the world. That in and of itself is awesome. But what the gentlewoman went further to point out was that when you combine the military budget of the United States and its allies, its friends, that budget exceeds 80 percent of the world's military budget.

We have to keep repeating, less than 20 percent of the military budget is being spent in that so-called reservoir of nations that can potentially be adversaries, which means we outspend, the United States and its allies, the rest of the world 4 to 1.

So it ought to place it in some proper context when we understand exactly what it means to plus up a military budget beyond the administration's request by $13 billion and not allow this body to have any access to challenging that figure.

The second point that I would like to make is to underscore a very significant point offered by the gentleman from South Carolina [Mr. SPRATT]. This year's budget pluses up the military budget by $13 billion. But if you look at the Republican's budget over the several out years of their balanced budget, their own figures only increase the military budget each year after this year. Each year after this year, by your own figures, you only increase the military budget by slightly over $2 billion a year.

Now, that money could be eaten up in inflation costs alone. I reiterate the point I made in my opening remarks: In many cases it would appear that the committee adds were made with little consideration to the ability to sustain the program, which will cause disruptive program instabilities and forestall our ability to meet future program needs.

The point is simple: Are we starting programs that we cannot finance in the out years? I believe the answer is yes. Are we now starting programs in this $13 billion spike in the budget that will preclude our ability to reach into the future and develop and purchase new technologies that are better suited as we march into the 21st century on activities other than war, peacekeeping, humanitarian assistance?

□ 1715

I think the answer to all of those questions is yes. So while it might make people feel good that they put $13 billion in this year's military budget, the question we ought to be addressing as we carry out our fiduciary responsibilities to the voters and to the taxpayer is, is this a rational way to do business and can we fund these matters in the outyears?

My prediction, underscore it, Mr. Chairman is that this budget will produce instability and it will be extraordinarily disruptive because we are purchasing equipment to fight last year's wars and we are maintaining a budget to produce jobs, the most expensive way we can produce jobs, when we ought to be investing in our people and investing in our economy and investing in the strategies of economic conversion that move us into a peace oriented economy so that we do not have to spend billions of dollars building weapon system that we do not field.

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

Mr. SPENCE. Mr. Chairman, I yield 4 minutes and 15 seconds to the gentleman from California [Mr. DORNAN] who is chairman of our Subcommittee on Military Personnel.

Mr. DORNAN. Mr. Chairman, when the Republicans took the leadership helm of this, the world's greatest legislative body, and with unanimity looked forward to the leadership of the gentleman from South Carolina, Navy Capt. FLOYD SPENCE, at the chairmanship of this committee, we reduced the subcommittee chairmanships from six to five. We figured that each of the five areas of responsibility, procurement, R&D, readiness, personnel, and installations could do their own oversight.

So when the five subcommittee chairman met, we said how can we refer to ourselves with one term? I suggested we were going to be the marshals for Sheriff SPENCE. And as the marshal of military personnel, I am very, very proud of the Democrats on our subcommittee, of our staff on both sides, particularly the hard work John Chapla, our chief of staff, and Michael Higgins and Donna Hoffmeier have done on our staff in all the areas that we rather quickly call quality of life.

Now, I have taken a lot of heat and some heavy-duty press, big artillery, on what I tried to do about the culture of degradation in our military. I would tell the gentleman from California [Mr. DELLUMS] directly, and I know this appeals not only to his keen intellect but also to his heart, young Americans on Okinawa are going to spend the rest of their adult lives rotting in Japanese prisons because they raped not a teenager but a 12-year-old, and kidnaped her and tied her up and degraded her. That must stop.

We have also seen the collapse of brilliant naval combat careers, flag officers to be, because of an unfair, too far extension of what came to be called the Tailhook scandal. But I sat in that committee with five four-stars in front of me, the gentleman from California was there, and I said if my daughter was a naval officer, or one of any nieces, as two of my nephews are officers in the Air Force and the Navy, and she had gotten off an elevator on the third floor at the Hilton in Vegas, and I was on the next elevator up, it would have all been elbows and feet and karate chops as I defended the honor of my daughter.

So I am not making light of what is called Tailhook, but it has gone too far, and it comes out of the culture of degradation.

And the hits I have taken on homosexuals in the military, keeping people with a fatal venereal disease, a regiment of them, on active duty; or the abortion in the military, which is public law as of February 10, DORNAN initiated and supported in the majority in this House, public law which was going to be discussing in a few minutes; or taking Hustler, read today's paper where Larry Flint from his drug soaked wheelchair, his own daughter damns her father's whole rotten life, that is all under the culture of degradation.

And because I have taken hits on that, I have not had a chance to talk about the quality of life things we did. So here it is, and I will put in the RECORD what we have done on the Military Personnel Subcommittee with

health care, with raises, with basic allowance for quarters. These personnel readiness and quality of life provisions were the product of a bipartisan effort for which I thank all my colleagues and thank the gentleman from California [Mr. DELLUMS] on his side.

I believe that as a result of all the input of the Committee on National Security and the support of this entire legislative package that we are about to consider, that therein are many provisions designed to redress major shortcoming in Mr. Clinton's defense budget request.

I will only get a chance to probably mention one out of seven key points here.

First, his budget sets the stage for a continued personnel drawdown beginning in 1998 below their own Bottom-Up Review levels. The army will shrink by 20,000 and the Air Force by 6,000. This despite public testimony by Clinton officials that the drawdown is just about over, quote-unquote.

Second, touts strong quality of life programs providing a 3-percent military pay raise. However, after browbeating Mr. Clinton into giving us this 3-percent pay raise, it largely reneges on the promise made by Secretary of Defense Perry last year to continue a 6-year effort to reduce military personnel out-of-pocket costs. And as others have said before me, it goes on and on and on what we have done for our men and women in uniform.

I submit the rest for the RECORD, Mr. Chairman.

Listen to this, Mr. Chairman, 2 weeks ago, the House National Security Committee reported out H.R. 3230—a bill that contains a strong package of legislation that, in my opinion, does more than any other part of the fiscal year 1997 National Defense Authorization Act to directly improve the personnel readiness and quality of life of the people who serve in our military forces.

These personnel readiness and quality of life provisions were the product of a bi-partisan effort for which I thank my colleagues. I believe that as a result of their input and support the legislative package that we are about to consider contains many provisions designed to redress the major shortcomings of the President's defense budget request. Specifically the President's budget:

Sets the stage for a continued personnel drawdown beginning in fiscal year 1998 below the administration's own Bottom-Up Review levels. The Army will shrink by 20,000, the Air Force by 6,000. This despite public testimony by administration officials that ''the drawdown is just about over.''

Touts strong quality of life programs and provides a 3-percent military pay raise. However, it largely reneges the promise made by the Secretary of Defense last year to continue a 6-year effort to reduce military personnel out-of-pocket housing costs.

Does nothing to reduce the 30-percent out-of-pocket costs born by service members and their families each time they make a permanent change of station move in response to military orders.

Underfunds the defense health program by nearly $500 million, a move undertaken in order to stretch an inadequate budget to fund modernization.

In response to these areas of concern, the H.R. 3230 takes several major initiatives, including:

A 4.6-percent basic allowance for quarters buyback instead of the 3-percent BAQ increase contained in the President's budget.

Restrictions on end-strength reductions below the floors set in 1996.

A package of enhanced reimbursements for permanent change of station moves.

Restoration of the defense health fund shortfall.

H.R. 3230 also provides force structure additions for National Guard fighter squadrons and Navy P3C maritime patrol aircraft. It also adds full-time support personnel for the Army Reserve, and increases recruiting funding for the Army Reserve and the U.S. Marine Corps.

Even more to the point that the administration's defense budget request is clearly insufficient to meet the needs of the services, H.R. 3230 adds nearly $150 million to the Army's military personnel accounts to solve continuing manpower readiness shortfalls.

In reporting out H.R. 3230, the full committee also approved two other major initiatives. The first initiative would restore the Department's regulations and policy regarding homosexuals that were in effect on January 19, 1993. The second initiative would require the discharge of persons who become HIV-positive while also providing for the medical retirement of HIV-positive service members. Medical retirement would guarantee full health care for discharged service personnel and their dependents, as well as an income.

Overall, I consider H.R. 3230 to be a strong defense bill, the product of a bipartisan consensus. I urge my colleagues to support it.

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

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. HOSTETTLER].

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

Mr. HOSTETTLER. Mr. Chairman, I rise in strong support of this bill.

I thank Chairman SPENCE and the subcommittee chairman for their good work. Despite difficult fiscal times, this bill is evidence of a careful keeping of the constitutional duty to provide for defense—a duty which we all took an oath to fulfill.

I am especially appreciative of the initiatives taken to improve the quality of life of our Armed Forces.

The 3-percent pay raise—the 50-percent increase over the President's budget for housing allowance. The many additions for quality of life projects such as family housing, barracks, and child care facilities. These were all desperately needed by the men and women serving their country.

I believe that a continued emphasis on quality of life is critical if we are to recruit and maintain a highly competent voluntary service.

This bill obviously benefits those already serving. Less obvious, but equally important, by improving the quality of life of our Armed Forces we will continue to attract the very best to serve. The Armed Forces of the United States are the best in the world. This bill will help to keep it that way.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. CHAMBLISS].

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

Mr. CHAMBLISS. Mr. Chairman, this bill does many of the things very necessary for the modernization of our Nation's military. I would like to personally thank my friend, Chairman SPENCE, and my friend, ranking member DELLUMS, the subcommittee chairman and the other ranking members that have worked together to prioritize and lead the committee into the authorization of these programs that will protect this country as we enter a new century.

I am very encouraged by what I see in this bill. Chairman SPENCE's consultation with priorities outlined by the individual services has resulted in the creation of a good bill that has America's national security interests at its very heart.

I have heard the concern expressed by a few Members that balancing the budget must come first. Nobody in this body wants to balance the budget of this country more than I do, and I would remind those Members that this bill fits within the balanced budget plan that this House passed last year by some $600 million.

In fact, this authorization represents a real decline in spending of 1.5 percent. To roll spending back even further would do a serious disservice to the brave Americans that pledge their lives to the defense of this Nation.

There are two other issues extremely important to me. One is the issue of quality of life. We compete in the services every day with the private sector for the highest quality of young men and women that we produce in our high schools and our colleges.

We need that 3-percent pay raise. We need to upgrade the quality of living in dorms and housing. We need to upgrade the medical and dental service treatment that we give our men and women, in order to attract those men and women and to keep those men and women once we get them in the services.

The second thing I wanted to address is the two MRC scenario we constantly hear about. We have talked and we have heard folks complain that we are upping the President's budget by $13 billion. If we are going to be able to put our troops in harm's way to defend two MRC's, we have to do that. I urge support of this bill.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. HILLEARY], another valuable member of our committee.

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

Mr. HILLEARY. Mr. Chairman, I rise in strong support of H.R. 3230, the National Defense Authorization Act for

Fiscal Year 1997. As a veteran of Desert Storm and Desert Shield, I had the honor of serving my country in a major conflict. I felt secure in the knowledge that we had the best equipment, the best training, and the best leadership in the world.

I consider it my sacred duty to do everything in my power to make sure that in any current or future military operation our brave men and women will have the same support. With this bill, I believe Congress is doing its part to make sure we maintain that kind of fighting force.

Under President Clinton's budget proposal for fiscal year 1997, defense spending would continue on its dangerous descent. As a percentage of gross domestic product, defense spending is now at its lowest level since World War II. As a result, our military preparedness has fallen to a dangerously low level.

Last year's budget was a good start toward stabilizing and reversing the rapid downward spiral in spending and readiness. We must stay the course, not because it is easy in this time of budgetary crisis, but because we must be ready to meet the challenges of an increasingly volatile world.

The world is still a dangerous place. We cannot forget about Saddam Hussein or North Korea and their quest to try to get nuclear weapons. We cannot forget about China in its drive for improved weapons of mass destruction and to become a major world military power. If we continued with the budget President Clinton proposed, I am very concerned that it would leave the United States ill-prepared to defend our national security interests.

The President's procurement request for fiscal year 1997 was $38.9 billion, a level that is at its lowest in real terms in nearly 50 years, and $5 billion below what he was recommending only 1 year ago.

Through research and development, we must continue to strive to maintain our technical advantage which was so evident in the gulf war. In this bill we continue to support our troops with a 3-percent pay raise and 4.6-percent increase in basic allowance for quarters.

This is the second consecutive year we have had to try to stabilize the defense spending decreases. I urge my colleagues to support this bill.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. JONES], who is the son of a distinguished former Member of this body.

Mr. JONES. Mr. Chairman, I rise today in strong support of this bill. This bill is a bipartisan bill that has been skillfully put together by Chairman FLOYD SPENCE of my neighboring State of South Carolina.

As a Representative of the Third District of North Carolina, I represent such well-known facilities as the Marine Corps Air Station Cherry Point, Camp Lejeune, and Seymour-Johnson Air Force Base. Improving quality of life is extremely important to me. I am, therefore, pleased that this bill provides for a 3-percent pay raise, increases housing allowances 50 percent over the President's request, and authorizes $900 million above the President's request for military construction.

This bill also appropriately addresses our military modernization. As my colleagues know, we must continue to provide our soldiers, sailors, airmen, and marines with the technological edge to dominate on the new world battlefield.

I urge my colleagues to support the men and women who bravely serve our country in uniform by voting in favor of H.R. 3230.

□ 1730

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM], our top gun on the committee.

Mr. CUNNINGHAM. Mr. Chairman, this bill came out of our committee 49 to 2. That is Republicans and Democrats voting for a bill 49 to 2. But yet the far left still wants more and more defense cuts. This President has devastated national security and defense cuts, but yet he tries to stand up and say he is a strong defense President, national security. A bill that comes out 49 to 2, and this President threatens to veto it? This is Republicans and Democrats, just like the bipartisan two-time welfare bill that the President vetoed.

My colleagues have gone through and described what is in this bill and why it is good. We need to provide for our men and women in service. We have decimated the 1980 buildup that we had in national security, that is leaving our forces without equipment that are upgraded. For example, the AV–8 that the Marines are flying, a simple fix increases the safety record by over 50 percent. But yet it was not funded. The F–144's that we have lost, simple fixes like flight controls, we added the money to fix those. A system called Argonne, in Vietnam we used a Shriek missile, fought against Sampson surface-to-air missiles. When the enemy turns off his radar, the missile goes stupid so we had another system called Harm, could only be carried on a certain A–6 and F–111 and a very low kill probability.

Now we have a system called Argonne. It uses the latest technology called GPS. When the enemy turns on its radar like in the case of Captain O'Grady, that radar site would be gone and those pilots would be safe. But yet this President continues to cut defense. It has devastated California by over a million jobs. Between BRAC and defense cuts, he is diminishing national security hurting California.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague from Virginia [Mr. PICKETT], the ranking member of the Subcommittee on Military Personnel.

Mr. PICKETT. Mr. Chairman, I thank the chairman for yielding me the time.

Mr. Chairman, the military personnel provisions of H.R. 3230 evolved in a manner that gave fair consideration to minority concerns. I want to thank Chairman DORNAN for that. I also want to thank the staff for their efforts.

H.R. 3230 solidly enhances quality of life and readiness efforts, reflecting this committee's continued support of our military service members through significant enhancements in these areas.

To highlight just a few of the more significant personnel initiatives contained in H.R. 3230, I would begin by mentioning a 3-percent military pay raise, requested by the President, as well as a 4.6-percent increase in the basic allowance for quarters [BAQ]. This increase in BAQ will fully fund a 1 percent reduction in out-of-pocket housing expenses for service members.

Once again, the military personnel titles of H.R. 3230 provide the Secretary of Defense with the authority to establish a minimum variable housing allowance so that even very junior services members can acquire safe and adequate housing in high cost areas. Additionally, the military personnel provisions include several enhancements to the reimbursements for permanent change of station moves. Military members shouldn't be required to use their personal savings to offset the cost of a government-directed move.

To minimize the readiness impact of continued shortfalls in the Army military personnel account, this bill includes nearly $150 million more than the President's budget request for the Army military personnel account.

H.R. 3230 also restores the nearly half a billion dollar shortfall in the Defense Health Program. Medical care consistently rates as a top quality of life issue. Not correcting this problem would have had disruptive and adverse consequences for active-duty family members and retirees who have a difficult enough time already trying to obtain medical care in military facilities. It would have been perceived as a significant breach of faith with our military members and retirees.

I am disappointed, however, that H.R. 3230 does not include a demonstration program for Medicare subvention in the military personnel titles. CBO has contrived, without any basis in fact, to score demonstration legislation that is specifically and clearly budget neutral as having direct spending implications. The Parliamentarian has ruled that this matter falls under the primary jurisdiction of the Ways and Means Committee and the Commerce Committee. Everyone in this body should urge members of these two committees to consider acting on this important matter.

Mr. Chairman, in closing, let me say that overall I believe the military personnel provisions of this bill represent an integrated approach to improving the quality of life of our military men

and women while ensuring a well-trained, ready force. It exemplifies our commitment to readiness, training and taking care of the men and women who serve in our armed forces.

I urge my colleagues to support passage of H.R. 3230.

Mr. DELLUMS. Mr. Chairman, I yield such time as he may consume to my distinguished colleague, the gentleman from Pennsylvania [Mr. MCHALE], a member of our committee.

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

Mr. MCHALE. Mr. Chairman, I rise in support of the bill, and insert in the RECORD a statement concerning section 220 and the future participation of the Marine Corps in the JAST program.

Mr. Chairman, H.R. 3230, as currently written, contains a provision—subsection (b) of section 220—which precludes the Marine Corps from pursuing an advanced short take-off and vertical landing variant under the JAST program—the future of Marine Corps aviation. I had submitted an amendment to the Rules Committee—along with my colleagues Congressman Longley, and Congressman Peterson of Florida—to strike this language, but our amendment was not allowed under the rule. However, based on firm assurances given to me by the chairman of the Rules Committee, and senior members of the National Security Committee, I am confident that subsection (b) of section 220 will be satisfactorily modified in conference.

Subsection (b), of section 220 of the bill, as currently written would deliver a crippling blow to the future of Marine Corps aviation. It would effectively bar the Marine Corps from any participation in the development of our Nation's next generation of fighter aircraft, the JAST program.

I am a member of both the National Security Committee and the Research and Development Subcommittee. The language of section 220, now contained in the bill, was inserted without notice to the committee members. There was no debate. There was no consideration of the issue at either the committee or subcommittee levels. There was no prior notice to the Marine Corps. In short, this attack upon Marine Corps aviation came completely without warning, without Member involvement, and without service consultation.

In light of the foregoing information and the importance of this issue, I will rely on assurances given to me, Congressman Longley, and Congressman Peterson, and will anticipate a final conference report which presents no barriers to Marine Corps ASTOVL development under the JAST program. Whether some young marine, on some future battlefield, has the air support he needs, when he needs it, may well turn upon the wisdom of the deliberations of the appointed conferees. Relying upon the assurances given to me, I will trust in their judgment.

Mr. SPENCE. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. WELDON].

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

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank our distinguished chairman of the full committee for yielding me the time to talk in general about this bill and one of the major problems that I have with this administration when it comes to defense spending.

There have been a number of evidences, Mr. Chairman, of hypocrisy as we walk through the defense process that I want to talk about today. As I mentioned earlier, Mr. Chairman, it started last year when in a combined conference of the House and the Senate, we added approximately $7 billion to the authorization bill in the authorization process. We were severely criticized by the President and by Secretary Perry for putting money in that they said was not necessary, even though we put money in for such things as cruise missile defense, money in for pay raises for the military personnel, improving housing, qualify of housing initiatives for military personnel around the country, including money for countermine measures.

What really aggravated me, Mr. Chairman, was when Secretary Perry came before our committee, and I respect the gentleman and respect the position that he took last year that the add-ons that we made were unnecessary. But in presenting to use the flow charts that talked about how much money the Clinton administration was requesting for acquisition, what was interesting is that the line was bottomed out. Secretary Perry said to us in the committee, as you can see, there are no further cuts requested in terms of acquisition. In fact, the bottoming out has occurred and we are actually starting to increase.

Mr. Chairman, what the Secretary was doing was taking credit for money that we put in last year that he criticized us for. Mr. Chairman, we cannot have it both ways. If we really feel that we added too much money in, that is fine. I respect the gentleman if that is in fact his position. But do not come back this year and then take credit for that and say we have really done the service well in terms of maintaining the acquisition levels.

Now more specifically, Mr. Chairman, unlike many of my colleagues on this side, I opposed the B–2 bomber. I felt it was a technology that I like but we just cannot afford. The President railed about the B–2 bomber, said it was unnecessary. The conference put money in for the B–2, and what did the President do? He goes out to southern California to the areas where the B–2 bomber is built and he stands up and says, I am going to build one more B–2 bomber. I am going to use the technology available to reconfigure one that we have left, one more platform to go to 20.

Obviously that is well received by all those workers. But then he goes on to say, and I am going to commission a study of deep-strike bomber capabilities. And oh, by the way, that study probably will not be out until after the November election.

Mr. Chairman, that is outrageous. If we are against the B–2 bomber, then we are against the B–2 bomber in Pennsylvania and in California, regardless of who we are talking to.

Now, Mr. Chairman, we added $7 billion last year. Much of that money has gone to pay for the missions that this President has assigned our troops, to Somalia, to Haiti, around the world. But what really aggravates me, Mr. Chairman, is that here is a President criticizing us for putting more money in but not willing to tell the American people that some of the money that is being asked to be reprogrammed is going to be used to train the Haitian police force. And it is going to be used for travel costs for the Haitian police force. Now, I have got some police in Philadelphia who could use some training, and I have got some police who could use some travel expenses. But the President does not want to talk about that because he asked for that money. He wants to use the money for those purposes that he feels are priorities that in my mind are not militarily significant.

Mr. Chairman, this bill is a good bill. We take the priorities that the Joint Chiefs have given us in terms of adding on additional dollars for key issues. Our troops in Bosnia need more money for countermine measures. Our troops around the world need more money and support for understanding a threat from chemical and biological weapons.

Mr. Chairman, let me really get to the heart of what this debate is all about. I read the veto message put out by the President where in the end, after saying he is going to veto the bill, he talks about the Nautilus program, the program that we are doing to help Israel. Mr. Chairman, I want our colleagues to listen to this, because this President went before AIPAC and he told AIPAC at their national convention, I urge my colleagues to read his statement, that he is committed to an agreement to expand our theater missile defense program so that we will have the ability to detect and destroy incoming missiles. That way Israel will not only have the advantage it needs today, but will be able to defeat the threats of tomorrow, which is basically the Nautilus program.

This President is all for it and so is Secretary Perry. But like every other defense priority, what did this President do, Mr. Chairman? When the funding requests were made, what we are talking about, the high energy laser program, which is in fact the Nautilus program, in fiscal year 1994, the Clinton budget was $4.8 million. This Congress put in $24.8 million. In fiscal year 1995, this President, who had the audacity to go before AIPAC and say I support you and the high energy laser program must go forward, asked for zero money. He zeroed the program out. Not one dime of money. Yet he is taking credit for that initiative in front of every person concerned about Israel's security across the world.

What did they ask for it this year before there was an incident of the

Katyusha rockets being fired? They asked for $3 million, starvation of the program.

Mr. Chairman, the time for the demagoguery of this administration on defense spending has got to come to an end. This President can no longer get away with saying one thing and doing something else, whether it is the Nautilus program, whether it is the B–2 bomber or whether it is missile defense.

Mr. Chairman, let me say we are not about tweaking Russia in this bill. In my conversations with key Russian leaders over the weekend with Senator BILL BRADLEY, we did not hear one word about missile defense. What do we hear in terms of jeopardizing the START II talks? We heard about this administration's plan to expand NATO. But we never hear the President talk about that, because that is a key priority. That is the only thing the Russians talked about the entire time we were there. In fact, I said to them, I have heard more about NATO expansion in 2 days than I have heard on the floor of the Congress in 2 years. But this administration does not talk about that, because it is not consistent with their position.

In fact, Mr. Chairman, under the leadership of this full committee chairman, we have reached out to the Russians in a way that has never been done before; $20 million of joint missile defense initiatives with the Russians so that we can continue the Ramos project, the Skipper project and do joint technology work. Under the leadership of this chairman, we have reached out to the Russians to show them that we want to work together.

Mr. Chairman, let me also say we are not going to be shortchanged by looking at a military leadership in Russia that was the same when it was the former Soviet Union. While democracy is occurring over there and economic reform and stability and hopefully the elections will turn out well next month, the military leadership is the same. Mr. Chairman, I would ask my colleagues if they would get a copy of what is called the Sirikov document, an internal document circulated among the Russian Ministry of Defense that shows some of the military thought about what their posture should be with the United States.

This is not my document, Mr. Chairman. This was circulated in the Russian media 2 short months ago. I had it translated. What does it say? It says that Russia should look at the United States militarily as a long-term adversary. That Russia should look at the United States in a way that allows them, if they are backed into a corner, to share technology and missile defense capability and offensive missile technology with Iraq, Iran, and Syria.

It further states that the Baltic States of Estonia, Latvia, and Lithuania are rogue nations run by mafiosi. Mr. Chairman, that is the problem. We are not talking about Boris Yelstin. We are not talking about those leaders like Mr. Lukin who definitely want better relations. We are talking about a military that we still have to be prepared to deal with. I urge my colleagues to support this important bill.

Mr. Chairman, we are committed to work with Russia. We are committed to work with the leaders. The current efforts that are being put forth by the Utah Russian Institute to establish a working relationship with those members of the Russian Duma who want us to work together cooperatively. Under Speaker GINGRICH's leadership we have established a new landmark process that will allow us for the first time to have the Speaker of the Russian Duma, Mr. Seleznyov and the Speaker of this Congress to come together twice a year where our Members who are interested in key issues can get to know their colleagues, both in the Russian Duma and in this American Congress.

□ 1745

Mr. Chairman, what we are saying is we want to work with the Russians, we want to reach out to them, we want to share technology. But in the end we do not want to shortchange the American people. This administration will have us believe that arms control agreements are the end all and the cure all. I do not disagree with arms control agreements, but when I see the administration ignore a violation of the missile control technology regime, as they did in December, and not even call the Russians for it, when I see not even calling the Russians on a nuclear test that occurred in Nove Zamky, I wonder how we can say we base our relationship on arms control agreements when we do not want to call the Russians when they violate those same agreements.

What we are saying, Mr. Chairman, is we have a solid approach to work with the Russians, to show that we no longer live in a bipolar world, that we must, first of all, protect and defend the American people.

It is so ironic, Mr. Chairman, with all the rhetoric of the administration that both the Air Force and the Army have said they can give us an ABM Treaty compliant missile defense capability, not for the tens of billions of dollars that President Clinton cites in his veto message, but for between $2 and $5 billion.

These are the administration's leaders in the Pentagon who are telling us we can give the American people something they do not now have, and that is a protection against what? Five incoming missiles. What is so outrageous is that while we try to give the American people this protection, the Russians have had an operational ABM system for the past 20 years that protects 80 percent of their population.

Mr. Chairman, I ask our colleagues to support this bill.

Mr. DELLUMS. Mr. Chairman, I yield myself 9½ minutes.

First, let me say, Mr. Chairman, that with respect to premature expansion of NATO I would tend to agree with the gentleman from Pennsylvania [Mr. WELDON], but I would remind my colleague that in the context of H.R. 7, Contract for America, there was a great deal of very poignant, strident remarks with respect to the issue of the expansion of NATO, and it is slightly disingenuous to make that attack at this point when those remarks were contained in the Republican sponsored H.R. 7.

Second, I tried to listen very carefully to the distinguished gentleman from Pennsylvania [Mr. WELDON], who pointed out that they could purchase a missile, a national missile defense, from between $2 and $3 billion. That is not the missile defense system that is contained in the freestanding piece of legislation that will come to the floor over the next several days. As a matter of fact, as I understand it, the Congressional Budget Office, in costing the potential of the freestanding piece of legislation dealing with nationalistic defense, would more approximate $8 billion, and that is if we just keep it on the ground. If we go into space with Brilliant Pebbles, et cetera, we could be talking about a missile system well in excess of $30 billion, maybe approaching even $40 billion. So this $2 or $3 billion does not square with the reality.

Now, there are several comments that have been made during the course of this debate that I think we need to clarify. With respect to this so-called modernization crisis and the need for procurement, my colleagues on this side of the aisle plused up the procurement budget by $7.5 billion, an incredible amount of money. Now, their argument is that we had a procurement crisis, a modernization crisis. Mr. Chairman, the simple facts are as follows:

In the context of a post-cold-war environment we began to downsize our military force structure. In downsizing our military force structure after the $300 billion per year spending that characterized the 1980's, we had an incredible inventory of resources designed to serve a much larger force structure.

Now, one does not have to be a rocket scientist to understand that if we got inventory to support a force structure here and we are downsizing to a force structure here, that that excess inventory can handle this force structure. So for several years obviously the procurement budget went down as we drew from these excesses in the inventory. The thought was that down the road, they ran back up as we move beyond this so-called procurement holiday, saving taxpayers billions of dollars. That was rational, that was calm, that was cogent, that was responsible. But we are adding $7.5 billion over and above all of that.

Next comment: We are now operating on the basis of the Bottom-Up Review that justifies a military budget to carry out two major regional contingencies. I would suggest, Mr. Chairman, that that Bottom-Up Review was

more a first cautious step away from the end of the cold war than it was a bold step into the future, and I asked Secretary Perry should the Bottom-Up Review be perceived as a dynamic living document and not a static document? His answer was, yes, that we are presently looking at the world through a glass darkly, and as we gain greater knowledge about the world, we must then begin to change the assumptions upon which we build a military budget.

I believe we are beginning to develop that kind of analysis. I have said over and over and continue to believe that there is much less chance that we would engage in some major regional war than it is we would be involved in the Somalias, the Haitis, the Rwandas, and the Bosnias of the world, activities other than war. But we are building a military budget to fight the last war. We still cling tenaciously to the notions of the cold war. Even one of my colleagues used an antiquated term like the far left. I thought we were beyond that, Mr. Chairman. The cold war is over.

Old labels make no sense. Old ideas make no sense. Old paradigms make no sense. We have to strip those labels, strip those ideas, strip those paradigms and come to the table intellectually honest enough to develop a military budget based on the realities of the emerging world, and we ought to be challenging each other intellectually, we ought to be challenging each other with respect to our fiduciary responsibilities to the taxpayer. Spending $267 billion in the context of the cold war, post-cold-war, is obscene when we are challenging education budgets, welfare budgets, jobs budgets, health budgets and other budgets, finding money to balance the budget. But some kind of way we found $13 billion to build the military budget. Who are we afraid of in the world? Some Third World country?

When we fought in Desert Storm, the President told us we were fighting the fourth largest military in the world. The Soviet Union vanished. The Warsaw Pact evaporated. We were spending over 200 and some odd billion dollars per year to wage war, potentially wage war, on two entities that no longer exist.

Mr. Chairman, we do not need this military budget.

Finally, let me say this. I was hoping that we would come to this floor to explore the realities of what we ned in a post-cold-war environment. None of us could have anticipated this moment. Historians will decide who won the cold war and how it ended. I do not have time for that. It is real, it is here, it is now, and we must step up to the plate and address it.

I believe the end of the cold war allows us to develop a new national security strategy with three components: First, a healthy vibrant economy, which means that we invest in our people and we invest in our country, where we have an intelligent, enlightened, educated, informed, and well-trained society. Healthy, where we invest in technologies and research that enhance the quality of human life as we march into the 21st century at the end of the post-cold-war world, the end of the cold war.

The second element is a foreign policy based upon the notion that it is a heck of a lot more responsible to attempt to prevent war than it is to walk cocky into war. The problems of the world do not necessarily lend themselves to a military solution. The problems of the world are political and economic and social and cultural and need to be resolved in that context. We ought to be about prevention, political solution, dialog, sitting at the peace table.

Why have we produced peace in Bosnia? Because people came to the negotiating table. Diplomacy was the order of the day, not building more bombs and more missiles and more weapons so that we stride across the world prepared to wage war. The world has changed, and we must change with it.

The third element is a properly sized, properly trained, properly equipped military to meet the national security needs into the 21st century. I do not believe this budget does that. We have not taken the time to review the bottom-up review and come up with a new one if we do not think it works. We have not taken the time to sit down to develop a national security strategy so that our children and our children's children inherit a world that is indeed worthy of them.

That is why we are paid to be here, to grapple with each other, to debate beyond that, to think and to have the audacity to think new and to think fresh and to think boldly. But we are marching cautiously away from the cold war, funding weapon systems that we do not need.

In conclusion, we are doing it because of unemployment. We are doing it because we know that people work on these weapon systems, and I understand that. Each of us has to get up each day and pay our bills and pay our rent and educate our children, house our family. So I am not cavalier about jobs. But there is a better way to produce jobs in this country than for the military budget to be a jobs bill. Our strategy ought to be a strategy that embraces full employment, that embraces economic conversion, that invests in people and invests in our society, but not use the military budget because we lack the courage and lack the willingness to move boldly into the future.

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

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

Mr. Chairman, we look back at history. What is being said today on both sides of the aisle is not a whole lot different from what we experienced before. if we look back at history, we always have found people who thought we were doing too much in defense of our country, and we also found people who thought that we were not doing enough, and somehow or another we have been able to overcome those arguments from people who refuse to see the threats that we face in the world, our freedom, and we have remained free because of it.

The fight is a continuing fight, it has always been here, it is always going to be here. Today is rehash of the same thing.

We have a dangerous world. Our obligation is to keep our country free, what we are trying to do.

Mr. Chairman, I yield 2 minutes to the gentleman from Pensacola, FL [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Chairman I want to make a couple quick comments.

The ranking member talked about how the world had changed, and I have a great deal of respect for the gentleman from California [Mr. DELLUMS], but I will agree with him on this point. The world has changed.

□ 1800

The cold war world is over. We are no longer a bipolar world. Unfortunately, we have gone from being a bipolar world to becoming a singularly polar world. For the first time since the end of the fifth century, we are the sole superpower on the planet. There is only one superpower for the first time since the end of the Roman Empire.

If we are going to be the world's policeman, as the gentleman argued that we should have been in Bosnia and in Haiti and in Somalia and around the four corners of the globe while taking care of our troops, we are going to have to make an investment. If we want to ensure that our men and women who are enlisted can serve this country without the fear of having to be on food stamps, then we have to make an adequate investment.

If we want to make sure that service families do not continue to deteriorate and fall apart because the President has fired 300,000 people in the military, and he is still asking them to do more with less and more with less, year in and year out and year in and year out, then we are going to have to make an investment.

If we want to ensure that we can protect this country at least from a ballistic missile from an emerging Third World country, or if we want to be prepared for the great China threat, and Mr. Chairman, it is coming, the 21st century may not be the China century but there is a good chance it is going to be the Asian century, if we are going to look forward and protect against those threats, then we have to make the investment. This bill does it. I support it.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to the distinguished

gentleman from Missouri [Mr. SKELTON] for a combined 5 minutes, to allow them to enter into a colloquy.

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

Mr. SAXTON. Mr. Chairman, I would like to enter into a discussion with the distinguished gentleman from Missouri [Mr. SKELTON]. As the gentleman knows, I had planned to offer an amendment which would keep in place the administrative command structure for the Army Reserve. As a senior member of the Subcommittee on Military Personnel which has jurisdiction over this matter, I think it would be beneficial to the Members if the gentleman could explain the impact of the provisions and whereby you support the provision as it is currently written in keeping the U.S. Army Reserve Command as it currently exists.

Mr. SKELTON. Mr. Chairman, I thank my good friend, the gentleman from New Jersey, and I appreciate the opportunity to speak on this important issue of Army Reserve.

Title XII of H.R. 3230, the reserve forces revitalization, is intended to set forth the administrative and organizational structure of our Nation's reserve forces. This provision was not contained in the chairman's original mark but was included following a spirited debate on the issue. Several subcommittee members and I remain particularly concerned about the language that would change the command structure of the Army Reserve.

The U.S. Army Reserve Command is responsible for providing well trained and equipped soldiers to augment active duty forces during times of conflict. Currently the Army Reserve Command reports to the Chief of Staff to the Army through the Army's Forces Command. Since Forces Command is the provider of ground forces to the war-fighting Commanders-in-Chief, this relationship seems both appropriate and beneficial. The adopted provision would alter this command organization by making the United States Army Reserve Command a wholly separate command and have the Reserve commander report directly to the Chief of Staff. Under this structure the U.S. Army Reserve Command would have to advocate for needed resources without the benefit of the commanding general of Forces Command, an influential four-star general.

Mr. Chairman, I am concerned with this change on two accounts. First, the current command relationship is operating well and making good progress towards addressing noted weaknesses. While it is true that in the past, Reserve forces seem to be last in line to receive needed resources, significant changes have been made which make restructuring unnecessary at this time.

In the words of the current Chief of Staff of the Army Reserve, Maj. Gen. Max Barantz, from a letter addressed to me on May 3, 1996: ''Because 100 percent of the Army Reserve line units and 92 percent of the support units are utilized in the CINCs' current war-fighting plans, I believe it is a good idea between peacetime and war to work directly for the people one will fight with. We have been under this system for 4 years and our readiness has increased during this time as a direct result of this command relationship.

Second, in the Military Personnel Subcommittee markup, I offered language which would allow the Army's leadership to determine whether or not to restructure. This seemed a better approach than to mandate what is essentially a military decision.

Mr. SAXTON. Mr. Chairman, I thank the gentleman for providing the Members with that insight. I share the gentleman's views on the issue. In fact, it was in response to those concerns that I proposed my amendment to keep the situation the way it is.

In addition to the points which the gentleman has raised, I would like to add two other points. First, as the gentleman knows, within the Pentagon the budget battles are ultimately decided by four-star generals. Left unchanged, H.R. 3230 would set up a command structure which puts the commander of the Army Reserve, a two-star general, in competition with generals that wear four stars. I am concerned that in that arrangement, the U.S. Army Reserve will inevitably end up with the short end of the stick.

In addition, I know of no other command within the military which has been the subject of such congressional oversight and attention as the Army Reserve has. The Army Reserve Command is a relatively new command established in 1991. In 1994 Congress mandated a significant change in the command structure. Both actions require time to fully implement and to determine whether further changes are necessary.

Mr. Chairman, I believe that, at this time, mandating a change in the U.S. Army Reserve Command structure is premature. My amendment was intended to keep all options open to retain the current command structure, yet permit the change to take place should it be necessary. I have elected to withdraw my amendment, understanding that this issue will be taken up in conference.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I thank the gentleman for yielding time to me. I want to thank the gentleman from New Jersey for withdrawing that amendment. I would point out that this colloquy is not what is in the bill. The bill is the amendment that we sponsored that said the Army Reserve commander would only report to one person, the Chief of Staff. That is the biggest difference between this amendment they are talking about. They want two people that the Army Reserve chief has to report to.

The Army Reserve commander is the only one that has to report to two chiefs. The Army Guard, the Air Guard, the Air Reserve, the Marine Reserve, the Naval Reserve, their commanders go directly to those Chiefs of Staff. It is simple. It makes a lot of sense to do it that way.

Mr. Chairman, I have five letters from former commanders of the Army Reserve. I will read part of one from General Ward, who was former chief of the Army Reserve. He said: ''Having two bosses is something less than ideal. The conflicts that arise are frequent and not easily resolved as you attempt to advise and comply with the guidance of two superiors whose points of view are different.''

Really, he says that this is inefficient, ineffective, and flies in the face of logic. He says we need common sense. We only need one commander that the Army Reserve reports to. That is what is in the bill. We hope it stays in there.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana [Mr. BUYER].

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

Mr. BUYER. Mr. Chairman, I rise in support of this bill, and offer compliments to the chairman, the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, I yield the remainder of my time to the gentleman from New York, Mr. JERRY SOLOMON, chairman of the Committee on Rules.

The CHAIRMAN. The gentleman from New York [Mr. SOLOMON] is recognized for three-quarters of a minute.

Mr. SOLOMON. Mr. Chairman, I wanted to rise to commend the chairman of the committee and the ranking member, because they have done an outstanding job with probably the most important legislation that ever will come before this body each year, and also to call attention to my amendment that will be first up tomorrow morning dealing with the Nunn-Lugar issue. I hope every Member comes over, listens to the debate, and supports my amendment.

With that, Mr. Chairman, I commend the chairman and his staff for a job well done.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Colorado [Mr. SKAGGS].

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

Mr. Chairman, many in the new majority seem determined to do anything they possibly can to interfere with a woman's privacy rights and freedom of choice about abortion. They even want to turn this bill into a battleground on that issue. This bill should be about defending the country, not making war on a woman's right to choose.

Mr. Chairman, we will soon be taking up the DeLauro amendment, which

would protect the rights of U.S. servicewomen abroad by allowing them to exercise the same constitutional rights available to women here at home. I ask my colleagues to support it. I ask them in the strongest possible terms.

It is ironic, I think, that when we ask members of the U.S. Armed Forces serving abroad, women members of the Armed Forces to defend this country and its Constitution, we at the same time, if the language in the bill is retained, deny them the fundamental rights accorded every other woman in this society under the very Constitution they are being asked to defend. Of all people for us to single out, of all the people to deny the fundamental protections of the Constitution, rights to privacy and freedom of choice, we certainly should not be doing it to those women in uniform willing to risk their lives to defend this country and the rest of us.

Mr. Chairman, I urge the majority in this body to leave these soldiers alone. Do not target them for this very ill-advised and I think ill-considered act of ideological retribution. They have enough to worry about as they go about doing their jobs without having to face the prospect that in an unfortunate situation, their only choice is to rely on suspect and frequently dangerous clinics in a strange land to deal with the most anguished personal problem they might face.

Many in the new majority seem determined to do anything to interfere with a woman's privacy rights and freedom of choice about abortion. They even want to turn Defense authorization into an ideological battle ground on this issue. This bill should be about defending the country, not making war on a woman's right to choose.

Mr. Chairman, we will soon take up the DeLauro amendment to protect the rights of U.S. service women overseas by allowing them to exercise their constitutional rights in the same way as women at home. I ask my colleagues to support it.

The U.S. Constitution guarantees women the right to privacy and to choose whether to have an abortion or not. Without the DeLauro amendment, the bill before us makes a mockery of that right by denying access to safe, sanitary reproductive health care to women who have volunteered to serve their country in uniform.

Imagine your sister or daughter in a strange land struggling with what may well be the most difficult decision of her life. Why shouldn't she have access—at her own expense—to military hospitals and health care? Why should the country for which she is willing to risk her life deny her the same rights and choices all other American women have?

As members of the U.S. armed services abroad, military women defend this country and its Constitution. Without the DeLauro amendment, this bill will deny them the fundamental rights accorded every other American woman under the very Constitution they defend.

Of all people for this body to single out—of all people to deny fundamental rights—those willing to risk their lives to defend the United States should be the last.

I urge the majority in this body to leave these soldiers alone; find another ideological target. These soldiers have enough to worry about as they go about their jobs without having to worry about relying on suspect, possibly dangerous, clinics in strange lands in one of the most difficult and anguished circumstances they'll ever face.

Vote ''yes'' on the DeLauro amendment.

Mr. DELLUMS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member for yielding time to me.

Mr. Chairman, to the chairman of the committee and to the ranking member, let me first say that I hope as we proceed with this very important discussion that we will unshackle ourselves from the definition of doves and hawks. We now move into the 21st century, when all of us have claimed the birthright of a safe and secure nation. To categorize those of us who have come to this floor to ask that we have a reasonable debate on reducing this defense budget is inaccurate and unfair.

Let me simply say that I believe in defense as well, and am proud of the men and women who serve in the U.S. military; equally more proud of the African-Americans who lost their lives who will now be honored by this authorization bill.

But I come honestly to say have we done the right thing by our children and by America, for the fact that we did not allow one single amendment that would discuss the reducing of a $13 billion excess, even to half it, as I had offered in the Committee on Rules? The real thing is we are doing good things for the military personnel by including a percentage for a raise. We are including a percentage for a housing allowance. We are recognizing the value of human resources.

But I must share the remarks of my ranking member, the gentleman from California [Mr. DELLUMS], who made a very vital point: This is a new world order. We will not fight, as we can imagine, the kind of massive war we have fought in the past. We hope that we will again sit down to the table of peace and be able to resolve the Bosnia's and the Haiti's and the Rwanda's and the Somalia's, and yes, maybe a South Africa. What we must understand is that this country must be a leader in defense, yes; I do not deny that, but we must also be a leader in peace. Therefore, our strategy of defense must be one carved with the details of peace and negotiation in showing the readiness of our military, providing housing, securing fairness to all, but yet not overburdening this budget.

Mr. Chairman, I ask that we defeat this authorization and recognize that we can go back to the table.

Mr. DELLUMS. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts [Mr. MEEHAN], my distinguished colleague and a member of the committee.

Mr. MEEHAN. Mr. Chairman, as we close general debate on the fiscal 1997 national defense authorization bill, I wonder what sort of message we are sending to the citizens of this country. For months the American public has heard nothing but the dangers of the growing deficit and the need to tighten our belts and balance the budget. Frankly, I could not agree more.

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Unfortunately, today we are considering a bill that adds $13 billion to the Pentagon's request. That is right, $13 billion more than the Pentagon asked for. The same Congress that shut down the Government twice in the name of balancing the budget is sending a Government agency $13 billion more than it wants. Congress is sinking $13 billion into defense, and we will not even be discussing the final cost to the defense budget during this debate because the Republican-controlled leadership has refused to put a single amendment in order that would cut this budget.

We added $7 billion in the fiscal year. Now we are adding $13 billion in this fiscal year. The defense budget is half of all discretionary spending we have in this country. If half of discretionary spending, we are going to tell the Government they need to spend more, $20 billion over 2 years, how in the world are we going to make the investments in education, in student loans, in children?

We are not making that investment because we do not have the courage to make the difficult choices when it comes to the defense budget in this country. This is an outrage, that we cannot even have an amendment before this House, the people's House, to determine whether or not we should add $13 million to a budget where the Pentagon said they already had enough.

The American public ought to be outraged that we are actually coming before this House. I urge us not to vote for this bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to argue for eliminating the Defense authorization provisions requiring that members of the armed services who are diagnosed with HIV be discharged from the service. The systematic discharge of those personnel that are HIV-positive is discriminatory and unnecessary.

Defense Secretary Perry, General Shalikashvili, Chairman of the Joint Chiefs of Staff, and other military leaders have all successfully urged repeal of the requirement that HIV personnel be discharged. If military personnel are able to perform their duties, we cannot in good conscience discharge them when we have no justifiable reason to do so.

I oppose provisions to summarily discharge someone based on their medical condition.

This violates our sense of fairness and justice. We should not be punishing someone for contracting HIV, or any other disease. We do not systematically discharge personnel who have contracted cancer or diabetes. These military personnel have served honorably and are prepared in heart and body to defend and protect our Nation. I think we do a great disservice to all of the armed services when we support a discriminatory policy to those who would sacrifice their lives for our Nation.

As this legislation proceeds through the House and Senate and to the conferences, I expect that the right decision will be made and these strikingly discriminatory provisions that disregard the service of our military personnel, who are infected with HIV, will be rejected.

Ms. HARMAN. Mr. Chairman, as we have added funds to the Pentagon's budget, we have unfortunately neglected, until this year, changing the mindset of the military on how it makes purchasing decisions. Regardless of how much Congress provides, we must ensure that all of the dollars are spent wisely.

As my colleagues know, I am a strong and vocal advocate for creating an industrial base that can meet both commercial and military requirements. It is clear that we cannot afford to maintain two distinct industrial bases—one for defense, one for commercial applications—as we have had the luxury of maintaining in the past.

Instead, we must pursue policies and develop programs that encourage cooperative ventures in which defense and commercial expertise and technology complement and support each other. As such, I want to commend Mr. WELDON, chairman of the research and development subcommittee, and bring to my colleagues' attention section 203 of the bill.

Section 203 creates an innovative and robust dual-use technology program. It does this by elevating within the Department of Defense an emphasis on integrating commercial technologies into current and future military systems. It devotes over the next 4 fiscal years increasing percentages of the DOD science and technology budget for dual use applications. And it encourages program managers to use these funds to develop and acquire technologies with both military and commercial applications, rather than purchasing more expensive milspec items. And it does this while sharing the costs of development with industry.

I strongly believe that the dual use program authorized in the bill will make defense dollars stretch farther while sustaining critical components of our Nation's industrial base. I will fight for it in conference and trust Mr. WELDON will join me.

Mr. Chairman, I also want to bring to my colleagues' attention another provision which I believe is widely supported by this body.

As you know, on April 28, the Secretary of Defense and the Prime Minister of Israel entered into an agreement for the joint development of the Nautilus Laser/Theater High Energy Laser Program.

This program will lead to the development of a ballistic-missile defense system for Israel—a goal which in itself will ensure continued stability and peace for the Middle East.

Unfortunately, at the time of our subcommittee markup, the administration had still not forwarded its funding request nor identified offsets to pay the estimated $40 to $50 million U.S. share.

As a result, the subcommittee included at my request, and with the full support of all members, a statement expressing strong congressional support for the Nautilus Program and encouraging the Secretary to send up a funding request.

I am hopeful that by the time the House and Senate conference on the defense bill, we will be in a position to authorize the funds necessary to develop this critical missile defense program.

I am pleased that committee also authorized funds to continue several badly-needed weapons programs. Ten C–17's, for example, were funded and the 6-year procurement of 80 aircraft approved. By buying the transport aircraft in this fashion, the taxpayers save nearly $1 billion.

The committee also added $290 million to improve the conventional mission capability of the B–2 strategic bomber and $49 million for similar improvements to the B–1. Both recommendations deserve the support of this body.

Mr. Chairman, I am hopeful that there will be some changes and modifications to the bill in conference, including the repeal of the abortion language, the HIV-discharge requirement, other discriminatory provision affecting gays and lesbians, and the unconstitutional restrictions on the sale and rental of materials at military PXs.

I would hope that a clean prodefense bill will pass this House this week, pass the Senate soon, be reported by a Senate-House conference and signed into law by the President. Our national security, our military, and our industrial base depend on it.

Mr. MCKEON. Mr. Speaker, I rise in support of H.R. 3230, the Department of Defense Authorization Act. As many Members know, the decline in defense spending that began in the aftermath of the cold war has drastically accelerated under the Clinton administration. Troop levels, air wings, and naval vessels have all been impacted. At the same time, demands on our military are increasing and we must ensure that our military can effectively respond to these demands.

I want to inform Members who might be concerned about the modernization levels in the bill that the President cut these levels after promising last year that modernization spending would rise. In fact, the Chairman of the Joint Chiefs of Staff testified in support of a $60 million funding level for modernization accounts. Because we are reducing our overall troop levels and forward military presence, it is critical to finance these needs. H.R. 3230 will arm our bombers and fighters with smart weapons and protect our ships from missile attack. I urge support for this legislation.

Mr. EVERETT. Mr. Chairman, the Clinton administration's national security strategy is based on being able to fight two regional contingencies [MRC's] simultaneously, yet the administration has underfunded this strategy by as much as $150 billion over the next 5 years. The national Defense authorization bill for fiscal year 1997 before us today will help shore up the inadequacies of Clinton's defense budget.

In staying with the congressional Republican commitment to prevent the hollowing of the Nation's military, the National Security Committee added nearly $13 billion to Clinton's request of $255 billion which is consistent with Congress' plan to balance the budget by 2002. These additional funds are primarily focused on three areas, to include quality of life enhancements for service members and their families, maintaining military readiness, and modernizing outdated weapon systems. All three of these areas are crucial if America wants to maintain a highly motivated and highly capable military, and I feel this defense keeps the country moving in this direction.

While I am supportive of most provisions contained in this legislation, I am concerned about the lack of a cogent depot maintenance policy in the bill. Last year, the House supported the elimination of the 60/40 policy with the hope that the Pentagon would arrive at a sensible maintenance policy that preserves an in-house capability to support the CORE workload requirements, but also utilizes the private sector industrial base for DOD's remaining maintenance workload.

This already complex industrial base/military readiness matter involving outsourcing and privatization became embroiled in Presidential politics in the aftermath of the 1995 Base Realignment and Closure Act. President Clinton's unwise, and in my view, flagrant abuse of the base closure process resulted in the privatization in place concept at Kelly and McClellan Air Force Logistics Centers for political expediency in Texas and California. The Pentagon has done little to clarify this matter.

Last month, Department of Defense officials testified before the National Security Committee and failed to put forth a balanced depot maintenance policy. In fact, the comments about wholesale depot privatization enraged committee members and lent credence to the 60/40 policy. Rather than clear up any confusion or ambiguity, the Pentagon's unfocused testimony forced the committee to withhold any action until conference negotiations with the Senate.

The 60/40 depot-level maintenance policy is archaic and based on a public/private worksharing arrangement that has no relevance to readiness or military capability. I believe the $15 billion that the taxpayer pays annually for this purpose can be pared significantly if a sound maintenance policy is put in place.

From a private sector industrial base perspective, I have a specific example in my district of just how harmful the current policy is. A private helicopter remanufacturing company has tried repeatedly to bid on depot-level maintenance for Army Blackhawk helicopters. They have a long history of performing very good work on UH–60 and CH–53E helicopters.

But as a result of the Army's interpretation of this 60/40 policy, the 40 percent of the work this firm can actually bid on is being largely consumed by organizational and intermediate-level maintenance for fixed-wing aircraft.

Not only is the firm in my district, that specializes in helicopter work, inhibited from competing for depot-level maintenance work on Blackhawks, but the 40 percent share set aside for the private sector is nearly fully consumed by fixed-wing work comprised of emptying ashtrays and changing windshield wiper blades. The ramifications of this haphazard policy yield virtually no industrial base benefits to support rotary-wing, or for that matter fixed-wing, aircraft. This is not a cogent industrial base policy for our national defense.

Mr. Chairman, the 60/40 workload split makes even less sense today than it did when

it was first adopted, and I hope this maintenance issue is examined thoroughly when the House and Senate go to conference on this legislation.

Mr. BROWDER. Mr. Chairman, the Chemical Stockpile Emergency Preparedness Program [CSEPP] was established in 1988 to assist communities near the eight chemical weapons storage sites in the United States. The program, currently managed jointly by the Army and FEMA, provides States and local governments funding and technical assistance to improve emergency response capabilities for an accident involving the chemical stockpile.

Although the Federal Government has spend $387 million on CSEPP, communities near the storage sites are not fully prepared to respond to a chemical emergency. Since 1993, GAO reports have attributed CSEPP's lack of progress to Federal management weaknesses including fragmented responsibilities, poor guidance, and inadequate financial controls. The amendment I am offering today to H.R. 3230, 1997 National Defense authorization bill, seeks to rectify this situation.

Efforts are ongoing between the Army, FEMA, and the States to establish site specific integrated product and process teams as a management tool for the CSEPP portion of the Chemical Demilitarization Program. In view of CSEPP's past management difficulties, I encourage the expeditious establishment of the IPT's. My amendment requires the Army to report within 120 days of enactment on the success of the IPT process.

But if at the end of the 120-day period the Army and FEMA have been unsuccessful in implementing site-specific IPT's with each of the affected States, my amendment authorizes the Army to assume full control and responsibility for CSEPP, eliminating FEMA's role as joint program manager. This will allow the Army to negotiate directly with the States regarding program requirements, implementation schedules, training and exercise requirements, and funding in the form of direct grants for program support.

Mr. Chairman, during consideration of H.R. 3230 by the House National Security Committee, I called on the committee to schedule full and open hearings next year on the stockpile program. We as a nation need to answer three central questions about our aging chemical weapons stockpile: First, do we really need to destroy these weapons; second, how should we destroy these weapons; and third, how much are we willing to pay to destroy these weapons?

The price tag for the destruction program has already climbed above $12 billion, making it one of DOD's largest procurement programs. If this were an airplane or a ship or a missile, my colleagues in the House, the media, and the American public would be screaming from the rooftops about the outrageous cost and mismanagement of this program. But because it involves chemical weapons, it isn't sexy enough to merit more than lip service from our Nation's highest officials.

I ask your support of my amendment to H.R. 3230 as we attempt to try to bring some sanity and fiscal constraint to CSEPP and the Chemical Stockpile Destruction Program.

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise at this time to speak about an issue which I believe to be very important. I requested that the committee consider including language in the fiscal year 1997 Defense authorization bill authorizing additional funds for the purchase of combat boots during fiscal year 1997 and directing the Defense Personnel Support Center [DPSC], a unit of the Defense Logistics Agency [DLA], to procure a minimum of 85 percent of the anticipated consumption of combat boots. Over a period of 3 years this plan would provide a reduction in inventories of 557,000 pairs. At the end of that time, this country would have a 38-week peacetime supply of combat boots—including a 20-week mobilization stock. This supply, only a few weeks of boots at Desert Storm consumption rates, compares to an 18-week supply currently planned by the DPSC.

Late last year the Military Boot Manufacturers Association [MBMA], which is comprised of the four manufacturers of combat boots for the military services, brought to my attention the fact that the DPSC planned to continue its reduction in inventory of combat boots over the next 3 years from the present 65-week supply to an 18-week supply of boots. By letter dated February 29, 1996, Congressmen HEFNER, COSTELLO, LEWIS, ROMERO-BARCELÓ, KINGSTON, and I wrote to the Department of Defense and expressed concern about the DPSC's plan to purchase between 579,000 and 869,000 boots per year, when the annual consumption of boots is expected to be 1.2 million, resulting in an inventory decrease of approximately 380,000 pairs per year, or 1.14 million pairs over a 3-year period.

While I recognize and appreciate the need to reduce inventories to the lowest practical level, the 18-week supply contemplated by the DPSC may be insufficient in the event of a national emergency or mobilization and could impair the viability of our producers. Moreover, in view of the fact that 90 percent of the footwear in the United States is imported, the Department of Defense has recognized the importance of preserving the small industrial base represented by the MBMA.

The January 30, 1996, response we received from Brig. Gen. Carl H. Freeman of the DPSC, confirmed the statistics cited in our letter but asserted that ''DPSC is no longer authorized to carry mobilization stocks, only to maintain safety levels.'' According to the DPSC, due to the need to prioritize limited funding and to comply with a September 5, 1991, Department of Defense comptroller decision which requires DPSC to reduce mobilization stocks to ''safety levels,'' DPSC plans to continue purchasing reduced numbers of boots over the next 3 years unless it receives additional funding specified for boots and an authorization to carry additional inventory.

Mr. Chairman, I also wish to bring to the committee's attention an innovative distribution plan for combat boots which the MBMA members recently proposed to the DPSC. Under the plan, boots would be shipped by contractors directly to recruit induction centers and other boot consumers, bypassing the present Government depots and saving the Government freight and administrative costs. Each contractor would provide quick response shipment upon receipt of Government delivery orders transmitted via electronic data interchange [EDI]. The plan is consistent with the DLA's goal of lowering costs and improving customer service through director vendor delivery [DVD] and EDI. Inventories would be reduced at a rate of 15 percent of consumption per year rather than the more drastic reduction in inventory contemplated by DPSC. I hope that the committee will encourage the DLA to give careful consideration to the plan as a means of ensuring an adequate supply of combat boots in the event of a national emergency or mobilization and preserving a fragile industrial base.

Thank you Mr. Chairman and I look forward to working with you and the DLA on this crucial matter.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

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

H.R. 3230

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:

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

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

Subtitle B—Army Programs

Sec. 111. Repeal of limitation on procurement of certain aircraft.
Sec. 112. Multiyear procurement authority for Army programs.

Subtitle C—Navy Programs

Sec. 121. Nuclear attack submarine programs.
Sec. 122. Cost limitations for Seawolf submarine program.
Sec. 123. Pulse Doppler Radar modification.
Sec. 124. Reduction in number of vessels excluded from limit on purchase of vessels built in foreign shipyards.
Sec. 125. T–39N trainer aircraft for the Navy.

Subtitle D—Air Force Programs

Sec. 141. Repeal of limitation on procurement of F–15E aircraft.
Sec. 142. C–17 aircraft procurement.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic and applied research.
Sec. 203. Dual-use technology programs.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Space launch modernization.
Sec. 212. Live-fire survivability testing of V–22 aircraft.
Sec. 213. Live-fire survivability testing of F–22 aircraft.
Sec. 214. Demilitarization of conventional munitions, rockets, and explosives.
Sec. 215. Research activities of the Defense Advanced Research Projects Agency relating to chemical and biological warfare defense technology.
Sec. 216. Limitation on funding for F–16 tactical manned reconnaissance aircraft.
Sec. 217. Unmanned aerial vehicles.
Sec. 218. Hydra–70 rocket product improvement program.
Sec. 219. Space-Based Infrared System program.
Sec. 220. Joint Advanced Strike Technology (JAST) program.
Sec. 221. Joint United States-Israeli Nautilus Laser/Theater High Energy Laser program.
Sec. 222. Nonlethal weapons research and development program.

Subtitle C—Ballistic Missile Defense Programs

Sec. 231. Funding for Ballistic Missile Defense programs for fiscal year 1997.
Sec. 232. Certification of capability of United States to defend against single ballistic missile.
Sec. 233. Policy on compliance with the ABM Treaty.
Sec. 234. Requirement that multilateralization of the ABM Treaty be done only through treaty-making power.
Sec. 235. Report on ballistic missile defense and proliferation.
Sec. 236. Revision to annual report on Ballistic Missile Defense programs.
Sec. 237. ABM Treaty defined.
Sec. 238. Capability of National Missile Defense system.

Subtitle D—Other Matters

Sec. 241. Uniform procedures and criteria for maintenance and repair at Air Force installations.
Sec. 242. Requirements relating to Small Business Innovation Research Program.
Sec. 243. Extension of deadline for delivery of Enhanced Fiber Optic Guided Missile (EFOG-M) system.
Sec. 244. Amendment to University Research Initiative Support program.
Sec. 245. Amendments to Defense Experimental Program To Stimulate Competitive Research.
Sec. 246. Elimination of report on the use of competitive procedures for the award of certain contracts to colleges and universities.
Sec. 247. National Oceanographic Partnership Program.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

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

Subtitle B—Depot-Level Activities

Sec. 311. Extension of authority for aviation depots and naval shipyards to engage in defense-related production and services.
Sec. 312. Exclusion of large maintenance and repair projects from percentage limitation on contracting for depot-level maintenance.

Subtitle C—Environmental Provisions

Sec. 321. Repeal of report on contractor reimbursement costs.
Sec. 322. Payments of stipulated penalties assessed under CERCLA.
Sec. 323. Conservation and Readiness Program.
Sec. 324. Navy compliance with shipboard solid waste control requirements.
Sec. 325. Authority to develop and implement land use plans for Defense Environmental Restoration Program.
Sec. 326. Pilot program to test alternative technologies for limiting air emissions during shipyard blasting and coating operations.
Sec. 327. Navy program to monitor ecological effects of organotin.

Subtitle D—Civilian Employees and Nonappropriated Fund Instrumentality Employees

Sec. 331. Repeal of prohibition on payment of lodging expenses when adequate Government quarters are available.
Sec. 332. Voluntary separation incentive pay modification.
Sec. 333. Wage-board compensatory time off.
Sec. 334. Simplification of rules relating to the observance of certain holidays.
Sec. 335. Phased retirement.
Sec. 336. Modification of authority for civilian employees of Department of Defense to participate voluntarily in reductions in force.

Subtitle E—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 341. Contracts with other agencies and instrumentalities for goods and services.
Sec. 342. Noncompetitive procurement of brand-name commercial items for resale in commissary stores.
Sec. 343. Prohibition of sale or rental of sexually explicit material.

Subtitle F—Performance of Functions by Private-Sector Sources

Sec. 351. Extension of requirement for competitive procurement of printing and duplication services.
Sec. 352. Requirement regarding use of private shipyards for complex naval ship repair contracts.

Subtitle G—Other Matters

Sec. 360. Termination of Defense Business Operations Fund and preparation of plan regarding improved operation of working-capital funds.
Sec. 361. Increase in capital asset threshold under Defense Business Operations Fund.
Sec. 362. Transfer of excess personal property to support law enforcement activities.
Sec. 363. Storage of motor vehicle in lieu of transportation.
Sec. 364. Control of transportation systems in time of war.
Sec. 365. Security protections at Department of Defense facilities in National Capital Region.
Sec. 366. Modifications to Armed Forces Retirement Home Act of 1991.
Sec. 367. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 368. Retention of civilian employee positions at military training bases transferred to National Guard.
Sec. 369. Expansion of authority to donate unusable food.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Permanent end strength levels to support two major regional contingencies.
Sec. 403. Authorized strengths for commissioned officers on active duty in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians.

Subtitle C—Authorization of Appropriations

Sec. 421. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Personnel Management

Sec. 501. Authorization for senior enlisted members to reenlist for an indefinite period of time.
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Sec. 503. Permanent authority for Navy spot promotions for certain lieutenants.
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Sec. 1322. Duties of Commission.
Sec. 1323. Report.
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DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

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Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
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Sec. 2105. Correction in authorized uses of funds, Fort Irwin, California.

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Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
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Sec. 2302. Family housing.
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Sec. 2842. Land conveyance, Radar Bomb Scoring Site, Belle Fourche, South Dakota.

PART IV—OTHER CONVEYANCES

Sec. 2851. Land conveyance, Tatum Salt Dome Test Site, Mississippi.
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Subtitle D—Other Matters

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Sec. 2862. Authority to enter into cooperative agreements for the management of cultural resources on military installations.
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Sec. 2902. Withdrawal and reservation of lands at Fort Carson Military Reservation.
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Sec. 2905. Management of withdrawn lands.
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Sec. 2923. Maps and legal descriptions.
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Sec. 3152. Covered defense nuclear facilities.
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Sec. 3154. Department of Energy orders.
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TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

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Sec. 3301. Definitions.
Sec. 3302. Authorized uses of stockpile funds.

Subtitle B—Programmatic Change

Sec. 3311. Biennial report on stockpile requirements.
Sec. 3312. Notification requirements.
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TITLE XXXIV—NAVAL PETROLEUM RESERVES

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Sec. 3402. Price requirement on sale of certain petroleum during fiscal year 1997.

TITLE XXXV—PANAMA CANAL COMMISSION

Subtitle A—Authorization of Appropriations

Sec. 3501. Short title.
Sec. 3502. Authorization of expenditures.
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Sec. 3521. Short title; references.
Sec. 3522. Definitions and recommendation for legislation.
Sec. 3523. Administrator.
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Sec. 3526. Appointment and compensation; duties.
Sec. 3527. Applicability of certain benefits.
Sec. 3528. Travel and transportation expenses.
Sec. 3529. Clarification of definition of agency.
Sec. 3530. Panama Canal Employment System; merit and other employment requirements.
Sec. 3531. Employment standards.
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Sec. 3536. Applicability of certain laws.
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Sec. 3539. Panama Canal Revolving Fund.
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Sec. 3549. Repeal of Panama Canal Code.
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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

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

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

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

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

(1) For aircraft, $1,556,615,000.

(2) For missiles, $1,027,829,000.

(3) For weapons and tracked combat vehicles, $1,334,814,000.

(4) For ammunition, $1,160,728,000.

(5) For other procurement, $2,812,240,000.

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, $6,668,952,000.

(2) For weapons, including missiles and torpedoes, $1,305,308,000.

(3) For shipbuilding and conversion, $5,479,930,000.

(4) For other procurement, $2,871,495,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1997 for procurement for the Marine Corps in the amount of $546,748,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for procurement of ammunition for Navy and the Marine Corps in the amount of $599,239,000.

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, $7,271,928,000.

(2) For missiles, $4,341,178,000.

(3) For ammunition, $303,899,000.

(4) For other procurement, $6,117,419,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1997 for Defense-wide procurement in the amount of $1,890,212,000.

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, $118,000,000.

(2) For the Air National Guard, $158,000,000.

(3) For the Army Reserve, $106,000,000.

(4) For the Naval Reserve, $192,000,000.

(5) For the Air Force Reserve, $148,000,000.

(6) For the Marine Corps Reserve, $83,000,000.

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 $799,847,000 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 PROGRAMS.

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.

Subtitle B—Army Programs

SEC. 111. REPEAL OF LIMITATION ON PROCUREMENT OF CERTAIN AIRCRAFT.

(a) APACHE HELICOPTERS.—Section 132 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1383) is repealed.

(b) OH–58D ARMED KIOWA WARRIOR HELICOPTERS.—Section 133 the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1383) is repealed.

SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR ARMY PROGRAMS.

(a) AVENGER AIR DEFENSE MISSILE SYSTEM.—Notwithstanding the limitation in subsection (k) of section 2306b of title 10, United States Code, relating to the maximum duration of a multiyear contract under the authority of that section, the Secretary of the Army may extend the multiyear contract in effect during fiscal year 1996 for the Avenger Air Defense Missile system through fiscal year 1997 and may award such an extension.

(b) ARMY TACTICAL MISSILE SYSTEM.—The Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract, beginning with the fiscal year 1997 program year, for procurement of the Army Tactical Missile System (Army TACMS).

Subtitle C—Navy Programs

SEC. 121. NUCLEAR ATTACK SUBMARINE PROGRAMS.

(a) AMOUNTS AUTHORIZED FROM SCN ACCOUNT.—Of the amount authorized by section 102 to be appropriated for Shipbuilding and Conversion, Navy, for fiscal year 1997—

(1) $699,071,000 is available for continued construction of the third vessel (designated SSN–23) in the Seawolf attack submarine class, which shall be the final vessel in that class;

(2) $296,186,000 is 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

(3) $504,000,000 is 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.

(b) AMOUNTS AUTHORIZED FROM NAVY RDT&E ACCOUNT.—(1) Of the amount authorized to be appropriated by section 201 for Research, Development, Test, and Evaluation, Navy, $489,443,000 is available for the design of the submarine previously designated by the Navy as the New Attack Submarine. Such funds 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.

(2)(A) Of the amount authorized to be appropriated by section 201(2), $60,000,000 is available to address the inclusion on future nuclear attack submarines of the specific advanced technologies that are identified by the Secretary of Defense (in the report of the Secretary entitled ''Report on Nuclear Attack Submarine Procurement and Submarine Technology'', submitted to Congress on March 26, 1996) as those technologies the maturation of which the Submarine Technology Assessment Panel recommended be addressed in its March 15, 1996, final report to the Assistant Secretary of the Navy for Research, Development, and Acquisition, as follows: hydrodynamics, alternative sail designs, advanced arrays, electric drive, external weapons and active controls and mounts.

(B) Of the amount referred to in subparagraph (A), $20,000,000 shall be equally divided between the two shipyards for the purpose of ensuring that the shipyards are principal participants in the process of addressing the inclusion of technologies referred to in subparagraph (A). The Secretary of the Navy shall ensure that those shipyards have access for such purpose (under procedures prescribed by the Secretary) to the Navy laboratories and the Office of Naval Intelligence and (in accordance with arrangements to be made by the Secretary) to the Defense Advanced Research Projects Agency.

(3) Of the amount authorized to be appropriated by section 201(2), $38,000,000 is available to begin funding those Category I and Category II advanced technologies described in Appendix C of the report of the Secretary of Defense referred to in paragraph (2).

(4) Of the amount authorized to be appropriated by section 201(2), $40,000,000 is available to provide funds for the design improvements in accordance with subsection (f), to be equally divided between the two shipyards.

(5)(A) Of the amount authorized to be appropriated by section 201(2), $50,000,000 is available to initiate the design of a new, next-generation nuclear attack submarine, the design of which is not intended to be an outgrowth of the submarine program described in section 131 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 208). Those funds shall be equally divided between the two shipyards and shall provide alternatives to the design or designs to be derived in accordance with subsection (f). The Secretary of the Navy shall compete those alternative designs with the design or designs to be derived in accordance with subsection (f) for serial production beginning not earlier than fiscal year 2003.

(B) The design under subparagraph (A) should proceed from, but not be limited to, the technology specified in paragraph (2)(A), especially with respect to hydrodynamics concepts and technologies. The Secretary shall require the two shipyards to submit to the Secretary an annual report on the progress of the design work under subparagraph (A) and shall transmit each such report to the committees specified in subsection (d)(1).

(c) CONTRACTS AUTHORIZED.—(1) The Secretary of the Navy is authorized, using funds available pursuant to paragraphs (2) and (3) of subsection (a), 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 fiscal year 1998 submarine and the fiscal year 1999 submarine under this section; and

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

(2) The Secretary may enter into a contract or contracts under this section with the shipbuilder of the fiscal year 1998 submarine only if the Secretary enters into a contract or contracts under this section with the shipbuilder of the fiscal year 1999 submarine.

(d) LIMITATIONS.—(1) Of the amounts specified in subsection (a), not more than $50,000,000 may be obligated 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 to be constructed after four submarines are procured as provided for in the plan described in section 131(c) of the National Defense Authorization Act for fiscal year 1996 will be under one or more contracts that are entered into after 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 best value to the Government.

(2) Of the amounts specified in subsection (a), not more than $50,000,000 may be obligated until the Under Secretary of Defense for Acquisition and Technology submits to the congressional committees specified in paragraph (1) a report in writing detailing the following:

(A) The Under Secretary's oversight activities to date, and plans for the future, for the development and improvement of the nuclear attack submarine program of the Navy as required by section 131(b)(2)(C) of the National Defense Authorization Act for Fiscal Year 1996.

(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

the National Defense Authorization Act for Fiscal Year 1996 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.

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

(3) Of the amount specified in subsection (b)(1), not more than $50,000,000 may be obligated or expended until the Under Secretary of Defense (Comptroller) certifies in writing to the congressional committees specified in paragraph (1) that the Department has complied with section 132 of the National Defense Authorization Act for Fiscal Year 1996 and that the funds specified in paragraphs (2), (3), and (4) of subsection (b), have been obligated.

(e) ACQUISITION SIMPLIFICATION.—(1) In furtherance of the direction provided by subsection (d) of section 131 of the National Defense Authorization Act for Fiscal Year 1996 to the Secretary of Defense regarding the application of acquisition reform policies and procedures to the submarine program under that section, the Secretary shall direct the Secretary of the Navy to implement for the submarine programs of the Navy the acquisition reform initiatives begun by the Secretary of the Air Force in May 1995 referred to as the ''Lightning Bolt'' initiatives. The Secretary of the Navy shall, not later than March 31, 1997, submit to the congressional committees specified in subsection (d)(1) a report on the results of the implementation of such initiatives.

(f) DESIGN RESPONSIBILITY.—(1) The Secretary of the Navy shall carry out the submarine program described in section 131 of the National Defense Authorization Act for Fiscal Year 1996 in a manner that ensures that neither of the two shipyards has the lead responsibility for submarine design under the program. Each of the two shipyards involved in the design and construction of the four submarines described in that section shall be allowed to propose to the Secretary any design improvement that shipyard considers appropriate for the submarines to be built at that shipyard as part of those four submarines. Control of the configuration of each of the four submarines shall be separately maintained, and there shall be no single design to compete for serial production with those designs derived from the design work under subsection (b)(5), such competition to occur not earlier than fiscal year 2003.

(2) The Secretary of the Navy shall submit an annual report to the committees specified in subsection (d)(1) on the design improvements proposed by the two shipyards under paragraph (1) for incorporation on any of the four submarines using the funds specified in subsection (b)(4). Each annual report shall set forth each design improvement proposed and whether that proposal was—

(A) reviewed, approved, and funded by the Navy;

(B) reviewed and approved, but not funded; or

(C) not approved, in which case the report shall include the reasons therefor and any views of the shipyard making the proposal.

SEC. 122. COST LIMITATIONS FOR SEAWOLF SUBMARINE PROGRAM.

(a) FIRST TWO SUBMARINES.—The total amount obligated or expended for procurement of the first two Seawolf-class submarines (designated as SSN–21 and SSN–22) may not exceed $4,793,557,000.

(b) THIRD SUBMARINE.—The total amount obligated or expended for procurement of the third Seawolf-class submarine (designated as SSN–23) may not exceed $2,430,102,000.

(c) AUTOMATIC INCREASE IN SSN–21 AND SSN–22 LIMITATION AMOUNT.—The amount of the limitation set forth in subsection (a) is increased by the following amounts:

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

(2) The amounts of increases in costs for those submarines attributable to economic inflation after September 30, 1995.

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

(d) AUTOMATIC INCREASE IN SSN–23 LIMITATION AMOUNT.—The amount of the limitation set forth in subsection (b) is increased by the following amounts:

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

(2) The amounts of increases in costs for that submarine attributable to economic inflation after September 30, 1995.

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

(e) REPEAL OF SUPERSEDED PROVISION.—Section 133 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211) is repealed.

SEC. 123. PULSE DOPPLER RADAR MODIFICATION.

The Secretary of the Navy shall, to the extent specifically provided in an appropriations Act enacted after the date of the enactment of this Act, spend $29,000,000 solely for development and procurement of the Pulse Doppler Upgrade modification to the AN/SPS–48E radar system, to be derived by the Secretary from amounts appropriated for Other Procurement, Navy, for fiscal years before fiscal year 1997 that are unobligated and remain available for obligation.

SEC. 124. REDUCTION IN NUMBER OF VESSELS EXCLUDED FROM LIMIT ON PURCHASE OF VESSELS BUILT IN FOREIGN SHIPYARDS.

Section 1023 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2838) is amended by striking out ''three ships'' and inserting in lieu thereof ''one ship''.

SEC. 125. T–39N TRAINER AIRCRAFT FOR THE NAVY.

(a) PROCUREMENT.—The Secretary of the Navy shall, using funds appropriated for fiscal year 1996 for procurement of T–39N trainer aircraft for the Navy that remain available for obligation for such purpose, enter into a contract only for the acquisition of not less than 17 T–39N aircraft for naval flight officer training that are suitable for low-level training flights. The Secretary shall use procurement procedures authorized under section 2304(c) of title 10, United States Code, for a contract under subsection (a). The Secretary shall enter into such a contract not later than 15 days after the date of the enactment of this Act.

(b) CONFORMING REPEAL.—Subsection (a) of section 137 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 212) is repealed.

Subtitle D—Air Force Programs

SEC. 141. REPEAL OF LIMITATION ON PROCUREMENT OF F–15E AIRCRAFT.

Section 134 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1383) is repealed.

SEC. 142. C–17 AIRCRAFT PROCUREMENT.

The Secretary of the Air Force may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear contract under the C–17 aircraft program for the procurement of a total of not more than 80 aircraft. Such a contract may (notwithstanding subsection (k) of such section 2306b) be entered into for a period of six program years, beginning with fiscal year 1997.

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, $4,669,979,000.

(2) For the Navy, $8,189,957,000.

(3) For the Air Force, $13,271,087,000.

(4) For Defense-wide activities, $9,406,377,000, 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 AND APPLIED RESEARCH.

(a) FISCAL YEAR 1997.—Of the amounts authorized to be appropriated by section 201, $4,088,043,000 shall be available for basic research and applied research projects.

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

SEC. 203. DUAL-USE TECHNOLOGY PROGRAMS.

(a) DESIGNATION OF OFFICIAL FOR DUAL-USE PROGRAMS.—The Secretary of Defense shall designate a senior official in the Office of the Secretary of Defense whose sole responsibility is developing policy relating to, and ensuring effective implementation of, dual-use programs and the integration of commercial technologies into current and future military systems for the period beginning on October 1, 1996, and ending on September 30, 2000. Such official shall report directly to the Under Secretary of Defense for Acquisition and Technology.

(b) FUNDING REQUIREMENT.—Of the amounts appropriated for the Department of Defense for science and technology programs for each of fiscal years 1997 through 2000, at least the following percentages of such amounts shall be available in the applicable fiscal year only for dual-use programs of the Department of Defense:

(1) For fiscal year 1997, five percent.

(2) For fiscal year 1998, seven percent.

(3) For fiscal year 1999, 10 percent.

(4) For fiscal year 2000, 15 percent.

(c) LIMITATION ON OBLIGATIONS.—(1) Except as provided in paragraph (2), funds made available pursuant to subsection (b) may not be obligated until the senior official designated under subsection (a) approves the obligation.

(2) Paragraph (1) does not apply with respect to funds made available pursuant to subsection (b) to the Department of the Air Force or to the Defense Advanced Research Projects Agency.

(d) TRANSFER AUTHORITY.—The Secretary of Defense may transfer funds made available pursuant to subsection (b) for a dual-use program from a military department or defense agency to another military department or defense agency to ensure efficient implementation of the program. The Secretary may delegate the authority provided in the preceding sentence to the senior official designated under subsection (a).

(e) FEDERAL COST SHARE.—(1) The share contributed by the Secretary of a military department for the cost of a dual-use program during the fiscal years 1997, 1998, 1999, and 2000 may not be greater than 50 percent.

(2) In calculating the share of the costs of a dual-use program contributed by a military department or a non-Government entity, the Secretaries of the military departments may not consider in-kind contributions.

(f) DEFINITIONS.—In this section:

(1) The term ''dual-use program'' means a program of a military department—

(A) under which research or development of a dual-use technology (as defined in section 2491 of title 10, United States Code) is carried out; and

(B) the costs of which are shared between the Department of Defense and non-Government entities.

(2) The term ''science and technology program'' means a program of a military department under which basic research, applied research, or advanced technology development is carried out.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. SPACE LAUNCH MODERNIZATION.

(a) ALLOCATION OF FUNDS.—Of the amount appropriated pursuant to the authorization in section 201(3), $50,000,000 shall be available for a competitive reusable launch vehicle technology program (PE 63401F).

(b) LIMITATION.—Funds made available pursuant to subsection (a)(1) may be obligated only to the extent that the fiscal year 1997 current operating plan of the National Aeronautics and Space Administration allocates at least an equal amount for its Reusable Space Launch Vehicle program.

SEC. 212. LIVE-FIRE SURVIVABILITY TESTING OF V–22 AIRCRAFT.

(a) AUTHORITY FOR RETROACTIVE WAIVER.—The Secretary of Defense may exercise the waiver authority in section 2366(c) of title 10, United States Code, with respect to the application of survivability testing to the V–22 aircraft system, notwithstanding that such system has entered engineering and manufacturing development.

(b) REPORT TO CONGRESS.—In exercising the waiver authority in section 2366(c), the Secretary shall submit to Congress a report explaining how the Secretary plans to evaluate the survivability of the V–22 aircraft system and assessing possible alternatives to realistic survivability testing of the system.

(c) ALTERNATIVE SURVIVABILITY TESTING REQUIREMENTS.—If the Secretary of Defense submits a certification under section 2366(c)(2) of such title that live-fire testing of the V–22 aircraft system under such section would be unreasonably expensive and impractical, the Secretary shall require that sufficiently large and realistic components and subsystems that could affect the survivability of the V–22 aircraft system be made available for any alternative live-fire testing of such system.

(d) FUNDING.—The funds required to carry out any alternative live-fire testing of the V–22 aircraft system shall be made available from amounts appropriated for the V–22 program.

SEC. 213. LIVE-FIRE SURVIVABILITY TESTING OF F–22 AIRCRAFT.

(a) AUTHORITY FOR RETROACTIVE WAIVER.—The Secretary of Defense may exercise the waiver authority in section 2366(c) of title 10, United States Code, with respect to the application of survivability testing to the F–22 aircraft system, notwithstanding that such system has entered engineering and manufacturing development.

(b) ALTERNATIVE SURVIVABILITY TESTING REQUIREMENTS.—If the Secretary of Defense submits a certification under section 2366(c)(2) of such title that live-fire testing of the F–22 aircraft system under such section would be unreasonably expensive and impractical, the Secretary of Defense shall require that sufficiently large and realistic components and subsystems that could affect the survivability of the F–22 aircraft system be made available for any alternative live-fire testing of such system.

(c) FUNDING.—The funds required to carry out any alternative live-fire testing of the F–22 aircraft system shall be made available from amounts appropriated for the F–22 program.

SEC. 214. DEMILITARIZATION OF CONVENTIONAL MUNITIONS, ROCKETS, AND EXPLOSIVES.

(a) ESTABLISHMENT OF CONVENTIONAL MUNITIONS, ROCKETS, AND EXPLOSIVES DEMILITARIZATION PROGRAM.—The Secretary of Defense shall establish an integrated program for the development and demonstration of technologies for the demilitarization and disposal of conventional munitions, rockets, and explosives in a manner that complies with applicable environmental laws.

(b) DURATION OF PROGRAM.—The program established pursuant to subsection (a) shall be in effect for a period of at least five years, beginning with fiscal year 1997.

(c) FUNDING.—Of the amount authorized to be appropriated in section 201, $15,000,000 is authorized to be appropriated for the program established pursuant to subsection (a). The funding request for the program shall be set forth separately in the budget justification documents for the budget of the Department of Defense for each fiscal year during which the program is in effect.

(d) REPORTS.—The Secretary of Defense shall submit to Congress a report on the plan for the program established pursuant to subsection (a) at the same time the President submits to Congress the budget for fiscal year 1998. The Secretary shall submit an updated version of such report, setting forth in detail the progress of the program, at the same time the President submits the budget for each fiscal year after fiscal year 1998 during which the program is in effect.

SEC. 215. RESEARCH ACTIVITIES OF THE DEFENSE ADVANCED RESEARCH PROJECTS AGENCY RELATING TO CHEMICAL AND BIOLOGICAL WARFARE DEFENSE TECHNOLOGY.

(a) AUTHORITY.—Section 1701(c) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1853; 50 U.S.C. 1522) is amended—

(1) by inserting ''(1)'' before ''The Secretary''; and

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

''(2) The Director of the Defense Advanced Research Projects Agency may conduct a program of basic and applied research and advanced technology development on chemical and biological warfare defense technologies and systems. In conducting such program, the Director shall seek to avoid unnecessary duplication of the activities under the program with chemical and biological warfare defense activities of the military departments and defense agencies and shall coordinate the activities under the program with those of the military departments and defense agencies.''.

(b) FUNDING.—Section 1701(d) of such Act is amended—

(1) in paragraph (1), by striking out ''military departments'' and inserting in lieu thereof ''Department of Defense'';

(2) in paragraph (2), by inserting after ''requests for the program'' in the first sentence the following: ''(other than for activities under the program conducted by the Defense Advanced Research Projects Agency under subsection (c)(2))'';

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

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

''(3) The program conducted by the Defense Advanced Research Projects Agency under subsection (c)(2) shall be set forth as a separate program element in the budget of that agency.''.

SEC. 216. LIMITATION ON FUNDING FOR F–16 TACTICAL MANNED RECONNAISSANCE AIRCRAFT.

(a) LIMITATION.—Effective on the date of the enactment of this Act, not more than $50,000,000 (in fiscal year 1997 constant dollars) may be obligated or expended for—

(1) research, development, test, and evaluation for, and acquisition and modification of, the F–16 tactical manned reconnaissance aircraft program; and

(2) costs associated with the termination of such program.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply to obligations required for improvements planned before the date of the enactment of this Act to incorporate the common data link into the F–16 tactical manned reconnaissance aircraft.

SEC. 217. UNMANNED AERIAL VEHICLES.

(a) PROHIBITION.—(1) The Secretary of Defense may not enter into a contract for the Joint Tactical Unmanned Aerial Vehicle project, and no funds authorized to be appropriated by this Act may be obligated for such project, until a period of 30 days has expired after the date on which the Secretary of Defense submits to Congress a certification that the reconnaissance programs of the Department of Defense—

(A) are justified on the basis of the projected national security threat;

(B) have been subjected to a roles and missions determination;

(C) are supported by an overall national, joint, and tactical reconnaissance plan;

(D) are affordable within the budget of the Department of Defense as projected by the future-years defense program; and

(E) are fully programmed for in the future-years defense program.

(2) In this subsection, the term 'reconnaissance programs of the Department of Defense' means programs for tactical unmanned aerial vehicles, endurance unmanned aerial vehicles, airborne reconnaissance, manned reconnaissance, and distributed common ground systems that—

(A) are described in the budget justification documents of the Defense Airborne Reconnaissance Office;

(B) are included in the funding request for the Department of Defense; or

(C) are certified as acquisition reconnaissance requirements by the Joint Requirements Oversight Council for the future-years defense program.

(b) PROCUREMENT FUNDING REQUEST.—The funding request for procurement for unmanned aerial vehicles for any fiscal year shall be set forth under the funding requests for the military departments in the budget of the Department of Defense.

(c) TRANSFER OF PROGRAM MANAGEMENT.—Program management for the Predator Unmanned Aerial Vehicle, and programmed funding for such vehicle for fiscal years 1998, 1999, 2000, 2001, and 2002 (as set forth in the future-years defense program), shall be transferred to the Department of the Air Force, effective October 1, 1996, or the date of the enactment of this Act, whichever is later.

(d) PROHIBITION ON PROVIDING OPERATING CAPABILITY FROM NAVAL VESSELS.—No funds authorized to be appropriated by this Act may be obligated for purposes of providing the capability of the Predator Unmanned Aerial Vehicle to operate from naval vessels.

(e) FUNDING.—Of the amounts authorized to be appropriated by section 201 for program element 35154D, $10,000,000 shall be available only for an advanced concepts technology demonstration of air-to-surface precision guided munitions employment using a Predator, Hunter, or Pioneer unmanned aerial vehicle and a nondevelopmental laser target designator.

SEC. 218. HYDRA–70 ROCKET PRODUCT IMPROVEMENT PROGRAM.

(a) FUNDING AUTHORIZATION.—Of the amount authorized to be appropriated under section 201(1) for the Army for Other Missile Product Improvement Programs, $15,000,000 is authorized as specified in subsection (b) for completion of the Hydra–70 product improvement program authorized for fiscal year 1996.

(b) AUTHORIZED ACTIONS.—Funding is authorized to be appropriated for the following:

(1) Procurement for test and flight qualification of at least one nondevelopmental item 2.75-inch composite rocket motor type, along with other nondevelopmental item candidate motors

that use composite propellent as the propulsion component and that have passed initial insensitive munition criteria tests.

(2) Platform integration, including additional quantities of the motor chosen for operational certification on the Apache attack helicopter.

(c) DEFINITION.—In this section, the term ''nondevelopmental item'' has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) and also includes an item the flight capability of which has been demonstrated from a current Hydra–70 rocket launcher.

SEC. 219. 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, $180,390,000.

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

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

(b) LIMITATION.—None of the funds authorized under subsection (a) to be made available for the Space-Based Infrared System program may be obligated or expended until the Secretary of Defense certifies to Congress that the requirements of section 216(a) of Public Law 104–106 (110 Stat. 220) have been carried out.

(c) PROGRAM MANAGEMENT.—Before the submission of the President's budget for fiscal year 1998, the Secretary of Defense shall conduct a review of the appropriate management responsibilities for the Space and Missile Tracking System, including whether transferring such management responsibility from the Air Force to the Ballistic Missile Defense Organization would result in improved program efficiencies and support.

SEC. 220. JOINT ADVANCED STRIKE TECHNOLOGY (JAST) PROGRAM.

(a) ALLOCATION OF FUNDS.—Of the amounts authorized to be appropriated pursuant to the authorizations in section 201, $589,069,000 shall be available only for advanced technology development for the Joint Advanced Strike Technology (JAST) program. Of that amount—

(1) $246,833,000 shall be available only for program element 63800N in the budget of the Department of Defense for fiscal year 1997;

(2) $263,836,000 shall be available only for program element 63800F in the budget of the Department of Defense for fiscal year 1997; and

(3) $78,400,000 shall be available only for program element 63800E in the budget of the Department of Defense for fiscal year 1997.

(b) LIMITATION.—None of the funds authorized to be appropriated pursuant to the authorizations in section 201 may be used for Advanced Short Takeoff and Vertical Landing aircraft development.

(c) FORCE STRUCTURE ANALYSIS.—Of the amount made available under subsection (a), up to $10,000,000 shall be available for the conduct of an analysis by the Institutes of Defense Analysis of the following:

(1) The weapons systems force structure requirements to meet the projected threat for the period beginning on January 1, 2000, and ending on December 31, 2025.

(2) Alternative force structures, including, at a minimum, JAST derivative aircraft; remanufactured AV–8 aircraft; F–18C/D, F–18E/F, AH–64, AH–1W, F–14, F–16, F–15, F–117, and F–22 aircraft; and air-to-surface and surface-to-surface weapons systems.

(3) Affordability, effectiveness, commonality, and roles and missions alternatives related to the alternative force structures analyzed under paragraph (2).

(d) COST REVIEW.—The cost analysis and improvement group of the Office of the Secretary of Defense shall review cost estimates made under the analysis conducted under subsection (c) and shall provide a sensitivity analysis for the alternatives evaluated under paragraphs (2) and (3) of subsection (c).

(e) DEADLINE.—The Secretary of Defense shall submit to the congressional defense committees a copy of the analysis conducted under subsection (c) and the review conducted under subsection (d) not later than February 1, 1997.

SEC. 221. JOINT UNITED STATES-ISRAELI NAUTILUS LASER/THEATER HIGH ENERGY LASER PROGRAM.

The Congress strongly supports the Joint United States-Israeli Nautilus Laser/Theater High Energy Laser programs and encourages the Secretary of Defense to request authorization to develop these programs as agreed to on April 28, 1996, in the statement of intent signed by the Secretary of Defense and the Prime Minister of the State of Israel.

SEC. 222. NONLETHAL WEAPONS RESEARCH AND DEVELOPMENT PROGRAM.

Of the amounts authorized to be appropriated by section 201 for program element 63640M, $3,000,000 shall be available for the Nonlethal Weapons Research and Development Program.

Subtitle C—Ballistic Missile Defense Programs

SEC. 231. FUNDING FOR BALLISTIC MISSILE DEFENSE PROGRAMS FOR FISCAL YEAR 1997.

Of the amount appropriated pursuant to section 201(4), not more than $3,258,982,000 may be obligated for programs managed by the Ballistic Missile Defense Organization.

SEC 232. CERTIFICATION OF CAPABILITY OF UNITED STATES TO DEFEND AGAINST SINGLE BALLISTIC MISSILE.

Not later than 15 days after the date of the enactment of this Act, the President shall submit to Congress a certification in writing stating specifically whether or not the United States has the military capability (as of the time of the certification) to intercept and destroy a single ballistic missile launched at the territory of the United States.

SEC. 233. POLICY ON COMPLIANCE WITH THE ABM TREATY.

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

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

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

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

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

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

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

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

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

SEC. 234. REQUIREMENT THAT MULTILATERALIZATION OF THE ABM TREATY BE DONE ONLY THROUGH TREATY-MAKING POWER.

Any addition of a new signatory party to the ABM Treaty (in addition to the United States and the Russian Federation) constitutes an amendment to the treaty that can only be agreed to by the United States through the treaty-making power of the United States. No funds appropriated or otherwise available for any fiscal year may be obligated or expended for the purpose of implementing or making binding upon the United States the participation of any additional nation as a party to the ABM Treaty unless that nation is made a party to the treaty by an amendment to the Treaty that is made in the same manner as the manner by which a treaty is made.

SEC. 235. REPORT ON BALLISTIC MISSILE DEFENSE AND PROLIFERATION.

The Secretary of Defense shall submit to Congress a report on ballistic missile defense and the proliferation of weapons of mass destruction, including nuclear, chemical, and biological weapons, and the missiles that can be used to deliver them. The report shall be submitted not later than December 31, 1996, and shall include the following:

(1) An assessment of how United States theater missile defenses contribute to United States efforts to prevent proliferation, including an evaluation of the specific effect United States theater missile defense systems can have on dissuading other states from acquiring ballistic missiles.

(2) An assessment of how United States national missile defenses contribute to United States efforts to prevent proliferation.

(3) An assessment of the effect of the lack of national missile defenses on the desire of other states to acquire ballistic missiles and an evaluation of the types of missiles other states might seek to acquire as a result.

(4) A detailed review of the linkages between missile defenses (both theater and national) and each of the categories of counterproliferation activities identified by the Secretary of Defense as part of the Defense Counterproliferation Initiative announced by the Secretary in December 1993.

(5) A description of how theater and national ballistic missile defenses can augment the effectiveness of other counterproliferation tools.

SEC. 236. REVISION TO ANNUAL REPORT ON 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), and (10);

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

(3) by redesignating paragraph (7) as paragraph (5) and in that paragraph by striking out ''of the Soviet Union'' and ''for the Soviet Union'';

(4) by redesignating paragraph (8) as paragraph (6); and

(5) by redesignating paragraph (9) as paragraph (7) and in that paragraph—

(A) by striking out ''of the Soviet Union'' in subparagraph (A);

(B) by striking out subparagraphs (C) through (F); and

(C) by redesignating subparagraph (G) as subparagraph (C).

SEC. 237. ABM TREATY DEFINED.

For purposes of this subtitle, the term ''ABM Treaty'' means the Treaty Between the United

States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, and signed at Moscow on May 26, 1972, and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974.

SEC. 238. CAPABILITY OF NATIONAL MISSILE DEFENSE SYSTEM.

The Secretary of Defense shall ensure that any National Missile Defense system deployed by the United States is capable of defeating the threat posed by the Taepo Dong II missile of North Korea.

Subtitle D—Other Matters

SEC. 241. UNIFORM PROCEDURES AND CRITERIA FOR MAINTENANCE AND REPAIR AT AIR FORCE INSTALLATIONS.

The Secretary of the Air Force shall apply uniform procedures and criteria to allocate funds authorized to be appropriated pursuant to this title and title III of this Act for maintenance and repair of real property at military installations of the Department of the Air Force.

SEC. 242. REQUIREMENTS RELATING TO SMALL BUSINESS INNOVATION RESEARCH PROGRAM.

(a) MANAGEMENT AND EXECUTION BY PROGRAM MANAGER.—The Secretary of Defense, in conducting within the Department of Defense the Small Business Innovation Research Program (as defined by section 2491(13) of title 10, United States Code), shall ensure that the Program is managed and executed, for each program element for research and development for which $20,000,000 or more is authorized for a fiscal year, by the program manager for that element.

(b) REPORT.—Not later than March 30, 1997, the Comptroller General shall submit to Congress and to the Secretary of Defense a report setting forth an assessment of whether there has been a demonstrable reduction in the quality of research performed under funding agreements awarded by the Department of Defense under the Small Business Innovation Research Program since fiscal year 1995.

SEC. 243. EXTENSION OF DEADLINE FOR DELIVERY OF ENHANCED FIBER OPTIC GUIDED MISSILE (EFOG–M) SYSTEM.

Section 272(a)(2) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 239) is amended by striking out ''September 30, 1998,'' and inserting in lieu thereof ''September 30, 1999,''.

SEC. 244. AMENDMENT TO UNIVERSITY RESEARCH INITIATIVE SUPPORT PROGRAM.

Section 802(c) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1701; 10 U.S.C. 2358 note) is amended by striking out ''fiscal years before the fiscal year in which the institution submits a proposal'' and inserting in lieu thereof ''most recent fiscal years for which complete statistics are available when proposals are requested''.

SEC. 245. AMENDMENTS TO DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.

Section 257(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2705; 10 U.S.C. 2358 note) is amended—

(1) in paragraph (1)—

(A) by striking out ''Director of the National Science Foundation'' and inserting in lieu thereof ''Under Secretary of Defense for Acquisition and Technology''; and

(B) by striking out ''and shall notify the Director of Defense Research and Engineering of the States so designated''; and

(2) in paragraph (2)—

(A) by striking out ''Director of the National Science Foundation'' and inserting in lieu thereof ''Under Secretary of Defense for Acquisition and Technology'';

(B) by striking out ''as determined by the Director'' and inserting in lieu thereof ''as determined by the Under Secretary'';

(C) in subparagraph (A), by striking out ''(to be determined in consultation with the Secretary of Defense);'' and inserting in lieu thereof ''; and'';

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

(E) by striking out subparagraph (C).

SEC. 246. ELIMINATION OF REPORT ON THE USE OF COMPETITIVE PROCEDURES FOR THE AWARD OF CERTAIN CONTRACTS TO COLLEGES AND UNIVERSITIES.

Section 2361 of title 10, United States Code, is amended by striking out subsection (c).

SEC. 247. NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) The oceans and coastal areas of the United States are among the Nation's most valuable natural resources, making substantial contributions to economic growth, quality of life, and national security.

(2) Oceans drive global and regional climate. Hence, they contain information affecting agriculture, fishing, and the prediction of severe weather.

(3) Understanding of the oceans through basic and applied research is essential for using the oceans wisely and protecting their limited resources. Therefore, the United States should maintain its world leadership in oceanography as one key to its competitive future.

(4) Ocean research and education activities take place within Federal agencies, academic institutions, and industry. These entities often have similar requirements for research facilities, data, and other resources (such as oceanographic research vessels).

(5) The need exists for a formal mechanism to coordinate existing partnerships and establish new partnerships for the sharing of resources, intellectual talent, and facilities in the ocean sciences and education, so that optimal use can be made of this most important natural resource for the well-being of all Americans.

(b) PROGRAM REQUIRED.—(1) Subtitle C of title 10, United States Code, is amended by adding 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. Ocean Research Partnership Coordinating Group.
''7904. Ocean Research Advisory Panel.

''§ 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, academia, 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 Deputy Secretary of Energy.

''(6) The Administrator of the Environmental Protection Agency.

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

''(8) The Director of the Geological Survey of the Department of the Interior.

''(9) The Director of the Defense Advanced Research Projects Agency.

''(10) The Director of the Minerals Management Service of the Department of the Interior.

''(11) The President of the National Academy of Sciences, the President of the National Academy of Engineering, and the President of the Institute of Medicine.

''(12) The Director of the Office of Science and Technology.

''(13) The Director of the Office of Management and Budget.

''(14) One member appointed by the Chairman from among individuals who will represent the views of ocean industries.

''(15) One member appointed by the Chairman from among individuals who will represent the views of State governments.

''(16) One member appointed by the Chairman from among individuals who will represent the views of academia.

''(17) One member appointed by the Chairman from among individuals who will represent such other views as the Chairman considers appropriate.

''(c) TERM OF OFFICE.—The term of office of a member of the Council appointed under paragraph (14), (15), (16), or (17) 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) RESPONSIBILITIES.—The Council shall have the following responsibilities:

''(1) To establish the Ocean Research Partnership Coordinating Group as provided in section 7903.

''(2) To establish the Ocean Research Advisory Panel as provided in section 7904.

''(3) To submit to Congress an annual report pursuant to subsection (e).

''(e) 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 Research Partnership Coordinating Group, the Ocean Research Advisory Panel, 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.

"§ 7903. Ocean Research Partnership Coordinating Group

''(a) ESTABLISHMENT.—The Council shall establish an entity to be known as the 'Ocean Research Partnership Coordinating Group' (hereinafter in this chapter referred to as the 'Coordinating Group').

''(b) MEMBERSHIP.—The Coordinating Group shall consist of members appointed by the Council, with one member appointed from each Federal department or agency having an oceanographic research or development program.

''(c) CHAIRMAN.—The Council shall appoint the Chairman of the Coordinating Group.

''(d) RESPONSIBILITIES.—Subject to the authority, direction, and control of the Council, the Coordinating Group shall have the following responsibilities:

''(1) To prescribe policies and procedures to implement the National Oceanographic Partnership Program.

''(2) To review, select, and identify and allocate funds for partnership projects for implementation under the program, based on the following criteria:

''(A) Whether the project addresses critical research objectives or operational goals, such as data accessibility and quality assurance, sharing of resources, education, or communication.

''(B) Whether the project has broad participation within the oceanographic community.

''(C) Whether the partners have a long-term commitment to the objectives of the project.

''(D) Whether the resources supporting the project are shared among the partners.

''(E) Whether the project has been subjected to adequate peer review.

''(3) To promote participation in partnership projects by each Federal department and agency involved with oceanographic research and development by publicizing the program and by prescribing guidelines for participation in the program.

''(4) To submit to the Council an annual report pursuant to subsection (i).

''(e) PARTNERSHIP PROGRAM OFFICE.—The Coordinating Group shall establish, using competitive procedures, and oversee a partnership program office to carry out such duties as the Chairman of the Coordinating Group considers appropriate to implement the National Oceanographic Partnership Program, including the following:

''(1) To establish and oversee working groups to propose partnership projects to the Coordinating Group and advise the Group on such projects.

''(2) To manage peer review of partnership projects proposed to the Coordinating Group and competitions for projects selected by the Group.

''(3) To submit to the Coordinating Group an annual report on the status of all partnership projects and activities of the office.

''(f) CONTRACT AND GRANT AUTHORITY.—The Coordinating Group may authorize one or more of the departments or agencies represented in the Group to enter into contracts and make grants, using funds appropriated pursuant to an authorization for the National Oceanographic Partnership Program, for the purpose of implementing the program and carrying out the Coordinating Group's responsibilities.

''(g) FORMS OF PARTNERSHIP PROJECTS.—Partnership projects selected by the Coordinating Group may be in any form that the Coordinating Group considers appropriate, including memoranda of understanding, demonstration projects, cooperative research and development agreements, and similar instruments.

''(h) ANNUAL REPORT.—Not later than February 1 of each year, the Coordinating Group shall submit to the Council a report on the National Oceanographic Partnership Program. The report shall contain, at a minimum, copies of any recommendations or reports to the Coordinating Group by the Ocean Research Advisory Panel.

"§ 7904. Ocean Research Advisory Panel

''(a) ESTABLISHMENT.—The Council shall appoint an Ocean Research Advisory Panel (hereinafter in this chapter referred to as the 'Advisory Panel') consisting of not less than 10 and not more than 18 members.

''(b) MEMBERSHIP.—Members of the Advisory Panel shall be appointed from among persons who are eminent in the fields of marine science or marine policy, or related fields, and who are representative, at a minimum, of the interests of government, academia, and industry.

''(c) RESPONSIBILITIES.—(1) The Coordinating Group shall refer to the Advisory Panel, and the Advisory Panel shall review, each proposed partnership project estimated to cost more than $500,000. The Advisory Panel shall make any recommendations to the Coordinating Group that the Advisory Panel considers appropriate regarding such projects.

''(2) The Advisory Panel shall make any recommendations to the Coordinating Group regarding activities that should be addressed by the National Oceanographic Partnership Program that the Advisory Panel considers appropriate.''.

(2) The tables 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".

(c) INITIAL APPOINTMENTS OF COUNCIL MEMBERS.—The Secretary of the Navy shall make the appointments required by section 7902(b) of title 10, United States Code, as added by subsection (b)(1), not later than December 1, 1996.

(d) INITIAL APPOINTMENTS OF ADVISORY PANEL MEMBERS.—The National Ocean Research Leadership Council established by section 7902 of title 10, United States Code, as added by subsection (b)(1), shall make the appointments required by section 7904 of such title not later than January 1, 1997.

(e) FIRST ANNUAL REPORT OF NATIONAL OCEAN RESEARCH LEADERSHIP COUNCIL.—The first annual report required by section 7902(e) of title 10, United States Code, as added by subsection (b)(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.

(f) AUTHORIZATION.—Of the amount authorized to be appropriated to the Department of Defense in section 201, $30,000,000 is authorized for the National Oceanographic Partnership Program established pursuant to section 7901 of title 10, United States Code, as added by subsection (b)(1).

(g) REQUIRED FUNDING FOR PROGRAM OFFICE.—Of the amount appropriated for the National Oceanographic Partnership Program for fiscal year 1997, at least $500,000, or 3 percent of the amount appropriated, whichever is greater, shall be available for operations of the partnership program office established pursuant to section 7903(e) of title 10, United States Code, for such fiscal year.

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, $18,436,929,000.

(2) For the Navy, $20,433,797,000.

(3) For the Marine Corps, $2,524,677,000.

(4) For the Air Force, $17,982,955,000.

(5) For Defense-wide activities, $10,375,368,000.

(6) For the Army Reserve, $1,155,436,000.

(7) For the Naval Reserve, $858,927,000.

(8) For the Marine Corps Reserve, $106,467,000.

(9) For the Air Force Reserve, $1,504,553,000.

(10) For the Army National Guard, $2,297,477,000.

(11) For the Air National Guard, $2,688,473,000.

(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, Defense, $1,333,016,000.

(15) For Drug Interdiction and Counter-drug Activities, Defense-wide, $682,724,000.

(16) For Medical Programs, Defense, $9,831,288,000.

(17) For Cooperative Threat Reduction programs, $302,900,000.

(18) For Overseas Humanitarian, Disaster, and Civic Aid programs, $60,544,000.

(19) For payment to Kaho'olawe Island, $10,000,000.

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, $1,123,002,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1997 from the Armed Forces Retirement Home Trust Fund the sum of $57,300,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $250,000,000 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, $83,334,000.

(2) For the Navy, $83,333,000.

(3) For the Air Force, $83,333,000.

(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.

Subtitle B—Depot-Level Activities

SEC. 311. EXTENSION OF AUTHORITY FOR AVIATION DEPOTS AND NAVAL SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUCTION AND SERVICES.

Section 1425(e) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1684) is amended by striking out ''September 30, 1996'' and inserting in lieu thereof ''September 30, 1997''.

SEC. 312. EXCLUSION OF LARGE MAINTENANCE AND REPAIR PROJECTS FROM PERCENTAGE LIMITATION ON CONTRACTING FOR DEPOT-LEVEL MAINTENANCE.

Section 2466 of title 10, United States Code, is amended by inserting after subsection (a) the following new subsection:

''(b) TREATMENT OF CERTAIN LARGE PROJECTS.—If a single maintenance or repair project contracted for performance by non-Federal Government personnel accounts for five percent or more of the funds made available in a fiscal year to a military department or a Defense Agency for depot-level maintenance and repair workload, the project and the funds necessary for the project shall not be considered when applying the percentage limitation specified in subsection (a) to that military department or Defense Agency.''.

Subtitle C—Environmental Provisions

SEC. 321. REPEAL OF REPORT ON CONTRACTOR REIMBURSEMENT COSTS.

Section 2706 of title 10, United States Code, is amended—

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

(2) by redesignating subsection (d) as subsection (c).

SEC. 322. PAYMENTS OF STIPULATED PENALTIES ASSESSED UNDER CERCLA.

The Secretary of Defense may pay, from funds appropriated pursuant to section 301(14), the following:

(1) Stipulated civil penalties, to the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986, in amounts as follows:

(A) Not more than $34,000 assessed against the United States Army at Fort Riley, Kansas, under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(B) Not more than $55,000 assessed against the Massachusetts Military Reservation, Massachusetts, under such Act.

(C) Not more than $10,000 assessed against the F.E. Warren Air Force Base, Wyoming, under such Act.

(D) Not more than $30,000 assessed against the Naval Education and Training Center, Newport, Rhode Island, under such Act.

(E) Not more than $37,500 assessed against Lake City Army Ammunition Plant, under such Act.

(2) Not more than $500,000 to carry out two environmental restoration projects, as part of a negotiated agreement in lieu of stipulated penalties assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) against the Massachusetts Military Reservation, Massachusetts.

SEC. 323. CONSERVATION AND READINESS PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense may establish and carry out a program to be known as the ''Conservation and Readiness Program''.

(b) PURPOSE.—The purpose of the Conservation and Readiness Program is to conduct and manage in a coordinated manner those conservation and cultural activities that have regional, multicomponent, or Department of Defense-wide significance and are necessary to meet legal requirements or to support military operations. These activities include the following:

(1) The development of ecosystem-wide land management plans.

(2) The conduct of wildlife studies to ensure the safety of military operations.

(3) The identification and return of Native American human remains and cultural items in the possession or control of the Department of Defense, or discovered on land under the jurisdiction of the Department of Defense, to the appropriate Native American tribes.

(4) The control of invasive species that may hinder military activities or degrade military training ranges.

(5) The establishment of a regional curation system for artifacts found on military installations.

(c) COOPERATIVE AGREEMENTS AND GRANTS.—The Secretary of Defense may negotiate and enter into cooperative agreements with, and award grants to, public and private agencies, organizations, institutions, individuals, or other entities to carry out the Conservation and Readiness Program.

(d) EFFECT ON OTHER LAWS.—Nothing in this section shall be construed or interpreted as preempting any otherwise applicable Federal, State, or local law or regulation relating to the management of natural and cultural resources on military installations.

SEC. 324. NAVY COMPLIANCE WITH SHIPBOARD SOLID WASTE CONTROL REQUIREMENTS.

(a) AMENDMENT TO THE ACT TO PREVENT POLLUTION FROM SHIPS.—Subsection (c) of section 3 of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(c)) is amended—

(1) in paragraph (1), by inserting '', except as provided in paragraphs (4) and (5) of this subsection'' before the period at the end;

(2) by striking out paragraph (4); and

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

''(4) A vessel owned or operated by the Department of the Navy for which the Secretary of the Navy determines under the compliance plan submitted under paragraph (2) that, due to unique military design, construction, manning, or operating requirements, full compliance with paragraph (1) would not be technologically feasible, would impair the vessel's operations, and would impair the vessel's operational capability, is authorized to discharge garbage consisting of either of the following:

''(A) A slurry of seawater, paper, cardboard, and food waste that does not contain more than the minimum amount practicable of plastic, if such slurry is discharged not less than 3 nautical miles from the nearest land and is capable of passing through a screen with openings of no greater than 12 millimeters.

''(B) Metal and glass garbage that has been shredded and bagged to ensure negative buoyancy and is discharged not less than 12 nautical miles from the nearest land.

''(5) Not later than December 31, 2000, the Secretary of the Navy shall publish in the Federal Register—

''(A) a list of those surface ships planned to be decommissioned between January 1, 2001, and December 31, 2005; and

''(B) standards to ensure, so far as is reasonable and practicable, without impairing the operations or operational capabilities of such ships, that such ships act in a manner consistent with the special area requirements of Regulation 5 of Annex V to the Convention.''.

(b) GOAL TO ACHIEVE FULL COMPLIANCE.—It shall be the goal of the Secretary of the Navy to achieve full compliance with Annex V to the International Convention for the Prevention of Pollution from Ships, 1973, as soon as practicable.

SEC. 325. AUTHORITY TO DEVELOP AND IMPLEMENT LAND USE PLANS FOR DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.

(a) AUTHORITY.—The Secretary of Defense may, to the extent possible and practical, develop and implement, as part of the Defense Environmental Restoration Program provided for in chapter 160 of title 10, United States Code, a land use plan for any defense site selected by the Secretary under subsection (b).

(b) SELECTION OF SITES.—The Secretary may select up to 10 defense sites, from among sites where the Secretary is planning or implementing environmental restoration activities, for which land use plans may be developed under this section.

(c) REQUIREMENT TO CONSULT WITH REVIEW COMMITTEE OR ADVISORY BOARD.—In developing a land use plan under this section, the Secretary of Defense shall consult with a technical review committee established pursuant to section 2705(c) of title 10, United States Code, a restoration advisory board established pursuant to section 2705(d) of such title, a local land use redevelopment authority, or another appropriate State agency.

(d) 50-YEAR PLANNING PERIOD.—A land use plan developed under this section shall cover a period of at least 50 years.

(e) IMPLEMENTATION.—For each defense site for which the Secretary develops a land use plan under this section, the Secretary shall take into account the land use plan in selecting and implementing, in accordance with applicable law, environmental restoration activities at the site.

(f) DEADLINES.—For each defense site for which the Secretary of Defense intends to develop a land use plan under this section, the Secretary shall develop a draft land use plan by October 1, 1997, and a final land use plan by March 15, 1998.

(g) DEFINITION OF DEFENSE SITE.—For purposes of this section, the term ''defense site'' means (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft under the jurisdiction of the Department of Defense, or (B) any site or area under the jurisdiction of the Department of Defense where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

(h) REPORT.—Not later than December 31, 1998, the Secretary of Defense shall submit to Congress a report on the land use plans developed under this section and the effect such plans have had on environmental restoration activities at the defense sites where they have been implemented. The report shall include recommendations on whether such land use plans should be developed and implemented throughout the Department of Defense.

(h) SAVINGS PROVISIONS.—(1) Nothing in this section or in a land use plan developed under this section with respect to a defense site shall be construed as requiring any modification to a land use plan that was developed before the date of the enactment of this Act.

(2) Nothing in this section may be construed to affect statutory requirements for an environmental restoration or waste management activity or project or to modify or otherwise affect applicable statutory or regulatory environmental restoration and waste management requirements, including substantive standards intended to protect public health and the environment, nor shall anything in this section be construed to preempt or impair any local land use planning or zoning authority or State authority.

SEC. 326. PILOT PROGRAM TO TEST ALTERNATIVE TECHNOLOGIES FOR LIMITING AIR EMISSIONS DURING SHIPYARD BLASTING AND COATING OPERATIONS.

(a) PILOT PROGRAM.—The Secretary of the Navy shall establish a pilot program to test an alternative technology designed to capture and destroy or remove particulate emissions and volatile air pollutants that occur during abrasive blasting and coating operations at naval shipyards. In conducting the test, the Secretary shall seek to demonstrate whether the technology is valid, cost effective, and in compliance with environmental laws and regulations.

(b) REPORT.—Upon completion of the test conducted under the pilot program, the Secretary of the Navy shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report setting forth in detail the results

of the test. The report shall include recommendations on whether the alternative technology merits implementation at naval shipyards and such other recommendations as the Secretary considers appropriate.

SEC. 327. NAVY PROGRAM TO MONITOR ECOLOGICAL EFFECTS OF ORGANOTIN.

(a) MONITORING REQUIREMENT.—The Secretary of the Navy shall, in consultation with the Administrator of the Environmental Protection Agency, develop and implement a program to monitor the concentrations of organotin in the water column, sediments, and aquatic organisms of representative estuaries and near-coastal waters in the United States, as described in section 7(a) of the Organotin Antifouling Paint Control Act of 1988 (33 U.S.C. 2406(a)). The program shall be designed to produce high-quality data to enable the Environmental Protection Agency to develop water quality criteria concerning organotin compounds.

(b) REPORT.—Not later than June 1, 1997, the Secretary of the Navy shall submit to Congress a report containing the following:

(1) A description of the monitoring program developed pursuant to subsection (a).

(2) An analysis of the results of the monitoring program as of the date of the submission of the report.

(3) Information about the progress of Navy programs, referred to in section 7(c) of Organotin Antifouling Paint Control Act of 1988 (33 U.S.C. 2406(c)), for evaluating the laboratory toxicity and environmental risks associated with the use of antifouling paints containing organotin.

(4) An assessment, developed in consultation with the Administrator of the Environmental Protection Agency, of the effectiveness of existing laws and rules concerning organotin compounds in ensuring protection of human health and the environment.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the Administrator of the Environmental Protection Agency, in consultation with the Secretary of the Navy, should develop, for purposes of the national pollutant discharge elimination system, a model permit for the discharge of organotin compounds at shipbuilding and ship repair facilities. For purposes of this subsection, the term ''organotin'' has the meaning provided in section 3 of the Organotin Antifouling Paint Control Act of 1988 (33 U.S.C. 2402).

Subtitle D—Civilian Employees and Nonappropriated Fund Instrumentality Employees

SEC. 331. REPEAL OF PROHIBITION ON PAYMENT OF LODGING EXPENSES WHEN ADEQUATE GOVERNMENT QUARTERS ARE AVAILABLE.

(a) REPEAL.—Section 1589 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 of such title is amended by striking out the item relating to section 1589.

SEC. 332. VOLUNTARY SEPARATION INCENTIVE PAY MODIFICATION.

(a) IN GENERAL.—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.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to employment accepted on or after the date of the enactment of this Act.

SEC. 333. WAGE-BOARD COMPENSATORY TIME OFF.

(a) IN GENERAL.—Section 5543 of title 5, 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) The head of an agency may, on request of an employee, grant the employee compensatory time off from his scheduled tour of duty instead of payment under section 5544 or section 7 of the Fair Labor Standards Act of 1938 for an equal amount of time spent in irregular or occasional overtime work.''.

(b) CONFORMING AMENDMENT.—Section 5544(c) of title 5, United States Code, is amended by inserting ''and the provisions of section 5543(b)'' before ''shall apply''.

SEC. 334. SIMPLIFICATION OF RULES RELATING TO THE OBSERVANCE OF CERTAIN HOLIDAYS.

Section 6103 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) For purposes of this subsection—

''(A) the term 'compressed schedule' has the meaning given such term by section 6121(5); and

''(B) the term 'adverse agency impact' has the meaning given such term by section 6131(b).

''(2) An agency may prescribe rules under which employees on a compressed schedule may, in the case of a holiday that occurs on a regularly scheduled non-workday for such employees, and notwithstanding any other provision of law or the terms of any collective bargaining agreement, be required to observe such holiday on a workday other than as provided by subsection (b), if the agency head determines that it is necessary to do so in order to prevent an adverse agency impact.''.

SEC. 335. PHASED RETIREMENT.

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8344 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(m)(1) In order to promote the retention of employees having knowledge, skills, or expertise needed by the Department of Defense, in a manner consistent with ongoing downsizing efforts, the Secretary of Defense or his designee may waive the application of subsection (a), with respect to reemployed annuitants of the Department of Defense, under this subsection.

''(2) A waiver under this subsection—

''(A) may not be granted except upon appropriate written application submitted and approved not later than the date of separation on which entitlement to annuity is based;

''(B) shall be contingent on the reemployment commencing within such time as the Secretary or his designee may require, may remain in effect for a period of not to exceed 2 years, and shall not be renewable; and

''(C) may be granted and thereafter remain in effect only if, with respect to the position in which reemployed, the number of regularly scheduled hours in each week or other period is at least ½ but not more than ¾ those last in effect for the individual before the separation referred to in subparagraph (A).

''(3)(A) In no event shall the sum of the rate of basic pay for, plus annuity allocable to, any period of service as a reemployed annuitant under this subsection exceed the rate of basic pay that would then be in effect for service performed during such period if separation had not occurred.

''(B) If the limitation under subparagraph (A) would otherwise be exceeded, an amount equal to the excess shall be deducted from basic pay for the period involved (but not to exceed total basic pay for such period), and any amount so deducted shall be deposited in the Treasury of the United States to the credit of the Fund.

''(4) The number of reemployed annuitants under this subsection at any given time may not, when taken together with the then current number under section 8468(j), exceed a total of 50.

''(5) All waivers under this subsection shall cease to be effective after September 30, 2001.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8468 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(j)(1) In order to promote the retention of employees having knowledge, skills, or expertise needed by the Department of Defense, in a manner consistent with ongoing downsizing efforts, the Secretary of Defense or his designee may waive the application of subsections (a) and (b), with respect to reemployed annuitants of the Department of Defense, under this subsection.

''(2) A waiver under this subsection—

''(A) may not be granted except upon appropriate written application submitted and approved not later than the date of separation on which entitlement to annuity is based;

''(B) shall be contingent on the reemployment commencing within such time as the Secretary or his designee may require, may remain in effect for a period of not to exceed 2 years, and shall not be renewable; and

''(C) may be granted and thereafter remain in effect only if, with respect to the position in which reemployed, the number of regularly scheduled hours in each week or other period is at least ½ but not more than ¾ those last in effect for the individual before the separation referred to in subparagraph (A).

''(3)(A) In no event shall the sum of the rate of basic pay for, plus annuity allocable to, any period of service as a reemployed annuitant under this subsection exceed the rate of basic pay that would then be in effect for service performed during such period if separation had not occurred.

''(B) If the limitation under subparagraph (A) would otherwise be exceeded, an amount equal to the excess shall be deducted from basic pay for the period involved (but not to exceed total basic pay for such period), and any amount so deducted shall be deposited in the Treasury of the United States to the credit of the Fund.

''(4) The number of reemployed annuitants under this subsection at any given time may not, when taken together with the then current number under section 8344(m), exceed a total of 50.

''(5) All waivers under this subsection shall cease to be effective after September 30, 2001.''.

(c) REPORTING REQUIREMENT.—Not later than December 31, 2000, the Secretary of Defense shall submit to each House of Congress and the Office of Personnel Management a written report on the operation of sections 8344(m) and 8468(j) of title 5, United States Code, as amended by this section. Such report shall include—

(1) recommendations as to whether or not those provisions of law should be continued beyond September 30, 2001, and, if so, under what conditions or constraints; and

(2) any other information which the Secretary of Defense may consider appropriate.

SEC. 336. MODIFICATION OF AUTHORITY FOR CIVILIAN EMPLOYEES OF DEPARTMENT OF DEFENSE TO PARTICIPATE VOLUNTARILY IN REDUCTIONS IN FORCE.

Section 3502(f) of title 5, United States Code, is amended to read as follows:

''(f)(1) The Secretary of Defense or the Secretary of a military department may—

''(A) separate from service any employee who volunteers to be separated under this subparagraph even though the employee is not otherwise subject to separation due to a reduction in force; and

''(B) for each employee voluntarily separated under subparagraph (A), retain an employee in a similar position who would otherwise be separated due to a reduction in force.

''(2) The separation of an employee under paragraph (1)(A) shall be treated as an involuntary separation due to a reduction in force.

''(3) An employee with critical knowledge and skills (as defined by the Secretary concerned) may not participate in a voluntary separation under paragraph (1)(A) if the Secretary concerned determines that such participation would impair the performance of the mission of the Department of Defense or the military department concerned.

''(4) The regulations prescribed under this section shall incorporate the authority provided in this subsection.

''(5) No authority under paragraph (1) may be exercised after September 30, 2001.''.

Subtitle E—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 341. CONTRACTS WITH OTHER AGENCIES AND INSTRUMENTALITIES FOR GOODS AND SERVICES.

(a) CONTRACTS TO PROMOTE EFFICIENT OPERATION AND MANAGEMENT.—Chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2490b. Contracts with other agencies and instrumentalities for goods and services

''An agency or instrumentality of the Department of Defense that supports the operation of the exchange or morale, welfare, and recreation systems of the Department of Defense may enter into a contract or other agreement with another department, agency, or instrumentality of the Department of Defense or another Federal agency to provide goods and services beneficial to the efficient management and operation of the exchange or morale, welfare, and recreation systems.''.

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

''2490b. Contracts with other agencies and instrumentalities for goods and services.''.

SEC. 342. 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 new subsection:

''(e) The Secretary of Defense may not use the exception provided in section 2304(c)(5) of this title regarding 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 name by which 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. 343. PROHIBITION OF SALE OR RENTAL OF SEXUALLY EXPLICIT MATERIAL.

(a) IN GENERAL—(1) Chapter 147 of title 10, United States Code, is amended by adding after section 2490b, as added by section 341, the following new section:

''§ 2490c. Sale or rental of sexually explicit material prohibited

''(a) PROHIBITION OF SALE OR RENTAL.—The Secretary of Defense may not permit the sale or rental of sexually explicit written or videotaped material on property under the jurisdiction of the Department of Defense.

''(b) PROHIBITION OF OFFICIALLY PROVIDED SEXUALLY EXPLICIT MATERIAL.—A member of the armed forces or a civilian officer or employee of the Department of Defense acting in an official capacity for sale, remuneration, or rental may not provide sexually explicit material to another person.

''(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement this section.

''(d) DEFINITIONS.—In this section:

''(1) The term 'sexually explicit material' means an audio recording, a film or video recording, or a periodical with visual depictions, produced in any medium, the dominant theme of which depicts or describes nudity, including sexual or excretory activities or organs, in a lascivious way.

''(2) The term 'property under the jurisdiction of the Department of Defense' includes commissaries, all facilities operated by the Army and Air Force Exchange Service, the Navy Exchange Service Command, the Navy Resale and Services Support Office, Marine Corps exchanges, and ship stores.''.

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2490b, as added by section 341, the following new item:

''2490c. Sale or rental of sexually explicit material prohibited.''.

(b) EFFECTIVE DATE.—Subsection (a) of section 2490c of title 10, United States Code, as added by subsection (a) of this section, shall take effect 90 days after the date of the enactment of this Act.

Subtitle F—Performance of Functions by Private-Sector Sources

SEC. 351. EXTENSION OF REQUIREMENT FOR COMPETITIVE PROCUREMENT OF PRINTING AND DUPLICATION SERVICES.

(a) EXTENSION.—Section 351(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 266) is amended by striking out ''fiscal year 1996'' and inserting in lieu thereof ''fiscal years 1996 and 1997''.

(b) REPORTING REQUIREMENTS.—Such section is further amended by adding at the end the following new subsection:

''(c) REPORTING REQUIREMENTS.—(1) Not later than 90 days after the end of each fiscal year in which the requirement of subsection (a) applies, the Secretary of Defense shall submit to Congress a report—

''(A) describing the extent of the compliance of the Secretary with the requirement during that fiscal year;

''(B) specifying the total volume of printing and duplication services procured by Department of Defense during that fiscal year—

''(i) from sources within the Department of Defense;

''(ii) from private-sector sources; and

''(iii) from other sources in the Federal Government; and

''(C) specifying the total volume of printed and duplicated material during that fiscal year covered by the exception in subsection (b).

''(2) The report required for fiscal year 1996 shall also include the plans of the Secretary for further implementation of the requirement of subsection (a) during fiscal year 1997.''.

SEC. 352. REQUIREMENT REGARDING USE OF PRIVATE SHIPYARDS FOR COMPLEX NAVAL SHIP REPAIR CONTRACTS.

(a) IN GENERAL.—(1) Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 7315. Use of private shipyards for complex ship repair work: limitation to certain shipyards

''(a) LIMITATION ON REPAIR LOCATIONS.—Whenever a naval vessel (other than a submarine) is to undergo complex ship repairs and the Secretary of the Navy determines that a private shipyard contractor is to be used for the work required, such work—

''(1) may be performed only by a qualifying shipyard contractor; and

''(2) shall be performed at the shipyard facility of the contractor selected unless the Secretary determines that the work should be conducted elsewhere in the interest of national security.

''(b) QUALIFYING SHIPYARD CONTRACTOR.—For the purposes of this section, a qualifying shipyard contractor, with respect to the award of any contract for ship repair work, is a private shipyard that—

''(1) is capable of performing the repair and overhaul of ships with a displacement of 800 tons or more;

''(2) performs at least 55 percent of repairs with its own facilities and work force;

''(3) possesses or has access to a dry-dock and a pier with the capability to berth a ship with a displacement of 800 tons or more; and

''(4) has all the facilities and organizational elements needed for the repair of a ship with a displacement of 800 tons or more.

''(c) COMPLEX SHIP REPAIRS.—In this section, the term 'complex ship repairs' means repairs to a vessel performed at a shipyard that are estimated (before work on the repairs by a shipyard begins) to require expenditure of $750,000 or more.

''(d) EXCEPTION REGARDING PACIFIC COAST.—This section shall not apply in the case of complex ship repairs to be performed at a shipyard facility located on the Pacific Coast of the United States.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''7315. Use of private shipyards for complex ship repair work: limitation to certain shipyards.''.

(b) EFFECTIVE DATE.—Section 7315 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts for complex ship repairs that are awarded after the date of the enactment of this Act.

Subtitle G—Other Matters

SEC. 360. TERMINATION OF DEFENSE BUSINESS OPERATIONS FUND AND PREPARATION OF PLAN REGARDING IMPROVED OPERATION OF WORKING-CAPITAL FUNDS.

(a) REPEAL OF DEFENSE BUSINESS OPERATIONS FUND.—(1) Section 2216 of title 10, United States Code, as added by section 371(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 277), is repealed.

(2) The table of sections at the beginning of chapter 131 of title 10, United States Code, is amended by striking out the item relating to such section.

(3) The amendments made by this subsection shall take effect on October 1, 1998.

(b) PLAN FOR IMPROVED OPERATION OF WORKING-CAPITAL FUNDS.—Not later than September 30, 1997, the Secretary of Defense shall submit to Congress a plan to improve the management and performance of the industrial, commercial, and support type activities of the military departments or the Defense Agencies that are currently managed through the Defense Business Operations Fund.

(c) ELEMENTS OF PLAN.—The plan required by subsection (b) shall address the following issues:

(1) The ability of each military department to set working capital requirements and set charges at its own industrial and supply activities.

(2) The desirability of separate business accounts for the management of both industrial and supply activities for each military department.

(3) Liability for operating losses at industrial and supply activities.

(4) Reimbursement to the Department of Defense for each military department's fair share of the costs of legitimate common business support services provided by the Department of Defense (such as accounting and financial services and central logistics services).

(5) The role of the Department of Defense in setting charges or imposing surcharges for activities managed by the military department business accounts (except for the common business support costs described in paragraph (4)), and what such charges should properly reflect.

(6) The appropriate use of operating profits arising from the operations of the industrial and supply activities of a military department.

(7) The ability of military departments to purchase industrial and supply services from, and provide such services to, other military departments.

(8) Standardization of financial management and accounting practices employed by military department business accounts.

(9) Reporting requirements related to actual and projected performance of military department business management account activities.

SEC. 361. INCREASE IN CAPITAL ASSET THRESHOLD UNDER DEFENSE BUSINESS OPERATIONS FUND.

Section 2216 of title 10, United States Code, as added by section 371(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 227), is amended in subsection (i)(1) by striking out ''$50,000'' and inserting in lieu thereof ''$100,000''.

SEC. 362. TRANSFER OF EXCESS PERSONAL PROPERTY TO SUPPORT LAW ENFORCEMENT ACTIVITIES.

(a) TRANSFER AUTHORITY.—(1) Chapter 153 of title 10, United States Code, is amended by inserting after section 2576 the following new section:

''§ 2576a. Excess personal property: sale or donation for law enforcement activities

''(a) TRANSFER AUTHORIZED.—(1) Notwithstanding any other provision of law and subject to subsection (b), the Secretary of Defense may transfer to Federal and State agencies personal property of the Department of Defense, including small arms and ammunition, that the Secretary determines is—

''(A) suitable for use by the agencies in law enforcement activities, including counter-drug activities; and

''(B) excess to the needs of the Department of Defense.

''(2) The Secretary shall carry out this section in consultation with the Attorney General and the Director of National Drug Control Policy.

''(b) CONDITIONS FOR TRANSFER.—The Secretary may transfer personal property under this section only if—

''(1) the property is drawn from existing stocks of the Department of Defense; and

''(2) the transfer is made without the expenditure of any funds available to the Department of Defense for the procurement of defense equipment.

''(c) CONSIDERATION.—Personal property may be transferred under this section without cost to the recipient agency.

''(d) PREFERENCE FOR CERTAIN TRANSFERS.—In considering applications for the transfer of personal property under this section, the Secretary shall give a preference to those applications indicating that the transferred property will be used in the counter-drug activities of the recipient agency.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2576 the following new item:

''2576a. Excess personal property: sale or donation for law enforcement activities.''.

(b) CONFORMING AMENDMENTS.—(1) Section 1208 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 10 U.S.C. 372 note) is repealed.

(2) Section 1005 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1630) is amended by striking out ''section 1208 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (10 U.S.C. 372 note) and section 372'' and inserting in lieu thereof ''sections 372 and 2576a''.

SEC. 363. STORAGE OF MOTOR VEHICLE IN LIEU OF TRANSPORTATION.

(a) STORAGE AUTHORIZED.—(1) Section 2634 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g)(1) In lieu of transportation authorized by this section, if a member is ordered to make a change of permanent station to a foreign country and the laws, regulations, or other restrictions imposed by the foreign country or the United States preclude entry of a motor vehicle described in subsection (a) into that country, or would require extensive modification of the vehicle as a condition to entry, the member may elect to have the vehicle stored at the expense of the United States at a location approved by the Secretary concerned.

''(2) If a member is transferred or assigned to duty at a location other than the permanent station of the member for a period of more than 30 consecutive days, but the transfer or assignment is not considered a change of permanent station, the member may elect to have a motor vehicle described in subsection (a) stored at the expense of the United States at a location approved by the Secretary concerned.

''(3) Authorized expenses under this subsection include costs associated with the delivery of the motor vehicle for storage and removal of the vehicle for delivery to a destination approved by the Secretary concerned.''.

(2)(A) The heading of such section is amended to read as follows:

''§ 2634. Motor vehicles: transportation or storage for members on change of permanent station or extended deployment''.

(B) The item relating to such section in the table of sections at the beginning of chapter 157 of title 10, United States Code, is amended to read as follows:

''2634. Motor vehicles: transportation or storage for members on change of permanent station or extended deployment.''.

(b) CONFORMING AMENDMENT.—Section 406(h)(1) of title 37, United States Code, is amended by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph:

''(B) in the case of a member described in paragraph (2)(A), authorize the transportation of one motor vehicle, which is owned or leased by the member (or a dependent of the member) and is for the personal use of a dependent of the member, to that location by means of transportation authorized under section 2634 of title 10 or authorize the storage of the motor vehicle pursuant to subsection (g) of such section.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 1997.

SEC. 364. CONTROL OF TRANSPORTATION SYSTEMS IN TIME OF WAR.

(a) RESPONSIBILITY OF SECRETARY OF DEFENSE.—Chapter 157 of title 10, United States Code is amended by adding at the end the following new section:

''§ 2644. Control of transportation systems in time of war

''In time of war, the President, acting through the Secretary of Defense, may take possession and assume control of all or any part of a system of transportation to transport troops, war material, and equipment, or for other purposes related to the emergency. So far as necessary, the Secretary may use the transportation system to the exclusion of other traffic.''.

(b) CONFORMING REPEALS.—Sections 4742 and 9742 of title 10, United States Code are repealed.

(c) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 447 of such title is amended by striking out the item relating to section 4742.

(2) The table of sections at the beginning of chapter 947 of such title is amended by striking out the item relating to section 9742.

(3) The table of sections at the beginning of chapter 157 of such title 10 is amended by inserting after the item relating to section 2643 the following new item:

''2644. Control of transportation systems in time of war.''.

SEC. 365. SECURITY PROTECTIONS AT DEPARTMENT OF DEFENSE FACILITIES IN NATIONAL CAPITAL REGION.

(a) EXPANSION OF AUTHORITY.—Subsection (b) of section 2674 of title 10, United States Code, is amended by striking out ''at the Pentagon Reservation'' and inserting in lieu thereof ''in the National Capital Region''.

(b) CLERICAL AMENDMENT.—(1) The heading of such section is amended to read as follows:

''§ 2674. Operation and control of Pentagon Reservation and defense facilities in National Capital Region''.

(2) The item relating to such section in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

''2674. Operation and control of Pentagon Reservation and defense facilities in National Capital Region.''.

SEC. 366. MODIFICATIONS TO ARMED FORCES RETIREMENT HOME ACT OF 1991.

(a) TERM OF OFFICE.—Section 1515 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 415) is amended—

(1) in subsection (e), by adding at the end the following:

''(3) The chairman of the Retirement Home Board may appoint a member of the Retirement Home Board for a second consecutive term. The chairman of a Local Board may appoint a member of that Local Board for a second consecutive term.''; and

(2) by striking out subsection (f) and inserting in lieu thereof the following:

''(f) EARLY EXPIRATION OF TERM.—A member of the Armed Forces or Federal civilian employee who is appointed as a member of the Retirement Home Board or a Local Board may serve as a board member only so long as the member of the Armed Forces or Federal civilian employee is assigned to or serving in the duty position that gave rise to the appointment as a board member.''.

(b) DISPOSAL OF REAL PROPERTY.—Section 1516(d) of such Act (24 U.S.C. 416(d)) is amended by striking out ''(d)'' and all that follows through the end of paragraph (1) and inserting in lieu thereof the following:

''(d) DISPOSAL OF REAL PROPERTY.—(1) The Retirement Home Board may dispose of real property of the Retirement Home by sale or otherwise, except that the disposal may not occur until after the end of a period of 30 legislative days or 60 calendar days, whichever is longer, beginning on the date on which the Retirement Home Board notifies the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of the proposed disposal. The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), and any other provision of law or regulation relating to the handling or disposal of real property by the United States shall not apply to the disposal of real property by the Retirement Home Board.''.

(c) ANNUAL EVALUATION OF DIRECTORS.—Section 1517 of such Act (24 U.S.C. 417) is amended by striking out subsection (f) and inserting in lieu thereof the following:

''(f) ANNUAL EVALUATION OF DIRECTORS.—The chairman of the Retirement Home Board shall annually evaluate the performance of the Directors and shall make such recommendations to the Secretary of Defense as the chairman considers appropriate in light of the evaluation.''.

(d) EFFECT OF AMENDMENT.—The amendment made by subsection (a)(2) shall not affect the staggered terms of members of the Armed Forces Retirement Home Board or a Local Board of the Retirement Home under section 1515(f) of such Act, as in effect before the date of the enactment of this Act.

SEC. 367. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 1997.—Of the amounts authorized to be appropriated in section 301(5)—

(1) $50,000,000 shall be available for providing educational agencies assistance (as defined in subsection (d)(1)) to local educational agencies; and

(2) $8,000,000 shall be available for making educational agencies payments (as defined in subsection (d)(2)) to local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 1997, the Secretary of Defense shall—

(1) notify each local educational agency that is eligible for educational agencies assistance for fiscal year 1997 of that agency's eligibility for such assistance and the amount of such assistance for which that agency is eligible; and

(2) notify each local educational agency that is eligible for an educational agencies payment for fiscal year 1997 of that agency's eligibility for such payment and the amount of the payment for which that agency is eligible.

(c) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse funds made available under paragraphs (1) and (2) of subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term ''educational agencies assistance'' means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term ''educational agencies payments'' means payments authorized under section 386(d) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(3) The term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 368. 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 shall retain civilian employee positions of the Department of Defense at the installation after transfer to the National Guard to facilitate active and reserve component training at the installation.

(c) MAXIMUM 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 requirement to maintain a civilian employee position at an installation under this section shall terminate upon the later of the following:

(1) The date of the departure or retirement of the civilian employee initially employed or retained in a civilian employee position at the installation as a result of this section.

(2) The date on which the Secretary certifies to Congress that a civilian employee position at the installation is no longer required to ensure that effective support is provided at the installation for active and reserve component training.

SEC. 369. EXPANSION OF AUTHORITY TO DONATE UNUSABLE FOOD.

(a) AUTHORITY FOR DONATIONS FROM DEFENSE AGENCIES.—Section 2485 of title 10, United States Code, is amended by striking out ''Secretary of a military department'' in subsections (a) and (b) and inserting in lieu thereof ''Secretary of Defense''.

(b) EXPANSION OF ELIGIBLE RECIPIENTS.—Such section is further amended—

(1) in subsection (a), by striking out ''authorized charitable nonprofit food banks'' and inserting in lieu thereof ''entities specified under subsection (d)''; and

(2) in subsection (d), by striking out ''may only be made'' and all that follows and inserting in lieu thereof the following: ''may only be made to an entity that is one of the following:

''(1) A charitable nonprofit food bank that is designated by the Secretary of Defense or the Secretary of Health and Human Services as authorized to receive such donations.

''(2) A State or local agency that is designated by the Secretary of Defense or the Secretary of Health and Human Services as authorized to receive such donations.

''(3) A chapter or other local unit of a recognized national veterans organization that provides services to persons without adequate shelter and is designated by the Secretary of Veterans Affairs as authorized to receive such donations.

''(4) A not-for-profit organization that provides care for homeless veterans and is designated by the Secretary of Veterans Affairs as authorized to receive such donations.''.

(c) CLARIFICATION OF FOOD THAT MAY BE DONATED.—Subsection (b) of such section is further amended by inserting ''rations known as humanitarian daily rations (HDRs),'' after ''(MREs),''.

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.

(2) The Navy, 407,318.

(3) The Marine Corps, 174,000.

(4) The Air Force, 381,100.

SEC. 402. PERMANENT END STRENGTH LEVELS TO SUPPORT TWO MAJOR REGIONAL CONTINGENCIES.

Section 691 of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

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

''(c) The budget for the Department of Defense for any fiscal year as submitted to Congress shall include amounts for funding for each of the armed forces (other than the Coast Guard) at least in the amounts necessary to maintain the active duty end strengths prescribed in subsection (b), as in effect at the time that such budget is submitted.

''(d) No funds appropriated to the Department of Defense may be used to implement a reduction of the active duty end strength for any of the armed forces (other than the Coast Guard) for any fiscal year below the level specified in subsection (b) unless the reduction in end strength for that armed force for that fiscal year is specifically authorized by law.''.

SEC. 403. AUTHORIZED STRENGTHS FOR COMMISSIONED OFFICERS ON ACTIVE DUTY IN GRADES OF MAJOR, LIEUTENANT COLONEL, AND COLONEL AND NAVY GRADES OF LIEUTENANT COMMANDER, COMMANDER, AND CAPTAIN.

(a) REVISION IN ARMY, AIR FORCE, AND MARINE CORPS LIMITATIONS.—The table in paragraph (1) of section 523(a) 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:			
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) REVISION IN NAVY LIMITATIONS.—The table in paragraph (2) of such section 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

"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
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) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on September 1, 1997, except that with the approval of the Secretary of Defense the Secretary of a military department may prescribe an earlier date for that Secretary's military department. Any such date shall be published in the Federal Register.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) FISCAL YEAR 1997.—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, 215,179.

(3) The Naval Reserve, 96,304.

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

(5) The Air National Guard of the United States, 108,843.

(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, 11,729.

(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, 625.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS.

(a) AUTHORIZATION FOR FISCAL YEAR 1997.—The minimum number of military technicians as of the last day of fiscal year 1997 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 6,799.

(2) For the Army National Guard of the United States, 25,500.

(3) For the Air Force Reserve, 9,802.

(4) For the Air National Guard of the United States, 22,906.

(b) INFORMATION TO BE PROVIDED WITH FUTURE AUTHORIZATION REQUESTS.—Section 10216 of title 10, 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) INFORMATION REQUIRED TO BE SUBMITTED WITH ANNUAL END STRENGTH AUTHORIZATION REQUEST.—(1) The Secretary of Defense shall include as part of the budget justification documents submitted to Congress with the budget of the Department of Defense for any fiscal year the following information with respect to the end strengths for military technicians requested in that budget pursuant to section 115(g) of this title, shown separately for each of the Army and Air Force reserve components:

''(A) The number of dual-status technicians in the high priority units and organizations specified in subsection (a)(1).

''(B) The number of technicians other than dual-status technicians in the high priority units and organizations specified in subsection (a)(1).

''(C) The number of dual-status technicians in other than high priority units and organizations specified in subsection (a)(1).

''(D) The number of technicians other than dual-status technicians in other than high priority units and organizations specified in subsection (a)(1).

''(2)(A) If the budget submitted to Congress for any fiscal year requests authorization for that fiscal year under section 115(g) of this title of a military technician end strength for a reserve component of the Army or Air Force in a number that constitutes a reduction from the end strength minimum established by law for that reserve component for the fiscal year during which the budget is submitted, the Secretary of Defense shall submit to the congressional defense committees with that budget a justification providing the basis for that requested reduction in technician end strength.

''(B) Any justification submitted under subparagraph (A) shall clearly delineate—

''(i) in the case of a reduction that includes a reduction in technicians described in subparagraph (A) or (C) of paragraph (1), the specific force structure reductions forming the basis for such requested technician reduction (and the numbers related to those force structure reductions); and

''(ii) in the case of a reduction that includes reductions in technicians described in subparagraphs (B) or (D) of paragraph (1), the specific force structure reductions, Department of Defense civilian personnel reductions, or other reasons forming the basis for such requested technician reduction (and the numbers related to those reductions).''.

(c) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by striking out ''section 115'' and inserting in lieu thereof ''section 115(g)''; and

(2) in subsection (c), as redesignated by subsection (b)(1), by striking out ''after the date of the enactment of this section'' both places it appears and inserting in lieu thereof ''after February 10, 1996,''.

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 $70,206,030,000. 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—Personnel Management

SEC. 501. AUTHORIZATION FOR SENIOR ENLISTED MEMBERS TO REENLIST FOR AN INDEFINITE PERIOD OF TIME.

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

''(d)(1) For a member with less than 10 years of service, 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 periods of at least two but not more than six years.

''(2) At the discretion of the Secretary concerned, a member with 10 or more years of service who reenlists in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, and who meets all qualifications for continued service, may be accepted for reenlistment of an unspecified period of time.''.

SEC. 502. AUTHORITY TO EXTEND ENTRY ON ACTIVE DUTY UNDER THE DELAYED ENTRY PROGRAM.

Section 513(b) of title 10, United States Code, is amended—

(1) by adding after the first sentence the following new sentence: ''The Secretary concerned may extend the 365-day period for any person for up to an additional 180 days if the Secretary considers such extension to be warranted on a case-by-case basis.''; and

(2) in the last sentence, by striking out ''the preceding sentence'' and inserting in lieu thereof ''under this subsection''.

SEC. 503. PERMANENT AUTHORITY FOR NAVY SPOT PROMOTIONS FOR CERTAIN LIEUTENANTS.

Section 5721 of title 10, United States Code, is amended by striking out subsection (g).

SEC. 504. REPORTS ON RESPONSE TO RECOMMENDATIONS CONCERNING IMPROVEMENTS TO DEPARTMENT OF DEFENSE JOINT MANPOWER PROCESS.

(a) SEMIANNUAL REPORT.—The Secretary of Defense shall submit to Congress a semiannual report on the status of actions taken by the Secretary to implement the recommendations made by the Department of Defense Inspector General in the report of November 29, 1995, entitled ''Inspection of the Department of Defense Joint Manpower Process'' (Report No. 96–029). The first such report shall be submitted not later than February 1, 1997.

(b) ADDITIONAL MATTER FOR FIRST REPORT.—As part of the first report under subsection (a), the Secretary shall include the following:

(1) The Secretary's assessment as to the need to establish a joint, centralized permanent organization in the Department of Defense to determine, validate, approve, and manage military and civilian manpower requirements resources at joint organizations.

(2) The Secretary's assessment of the Department of Defense timeline and plan to increase the capability of the joint professional military education system (including the Armed Forces Staff College) to overcome the capacity limitations cited in the report referred to in subsection (a).

(3) The Secretary's plan and timeline to provide the necessary training and education of reserve component officers.

(c) GAO ASSESSMENT.—The Comptroller General of the United States shall assess the completeness and adequacy of the corrective actions taken by the Secretary with respect to the matters covered in the report referred to in subsection (a) and shall submit a report to Congress, not later than one year after the date of enactment of this Act, providing the Comptroller General's findings and recommendations.

SEC. 505. FREQUENCY OF REPORTS TO CONGRESS ON JOINT OFFICER MANAGEMENT POLICIES.

(a) CHANGE FROM SEMIANNUAL TO ANNUAL REPORT.—Section 662(b) of title 10, United States Code, is amended by striking out ''REPORT.—The Secretary of Defense shall periodically (and not less often than every six months) report to Congress on the promotion rates'' and inserting in lieu thereof ''ANNUAL REPORT.—Not later than January 1 of each year, the Secretary of Defense shall submit to Congress a report on the promotion rates during the preceding fiscal year''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such section is further amended—

(1) in the first sentence, by striking out ''clauses'' and inserting in lieu thereof ''paragraphs''; and

(2) in the second sentence—

(A) by inserting ''for any fiscal year'' after ''such objectives''; and

(B) by striking out ''periodic report required by this subsection'' and inserting in lieu thereof ''report for that fiscal year''.

SEC. 506. REPEAL OF REQUIREMENT THAT COMMISSIONED OFFICERS BE INITIALLY APPOINTED IN A RESERVE GRADE.

Section 532 of title 10, United States Code, is amended by striking out subsection (e).

SEC. 507. CONTINUATION ON ACTIVE STATUS FOR CERTAIN RESERVE OFFICERS OF THE AIR FORCE.

(a) AUTHORITY.—Section 14507 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) TEMPORARY AUTHORITY TO RETAIN CERTAIN OFFICERS DESIGNATED AS JUDGE ADVOCATES.—(1) Notwithstanding the provisions of subsections (a) and (b), the Secretary of the Air Force may retain on the reserve active-status list any reserve officer of the Air Force who is designated as a judge advocate and who obtained the first professional degree in law while on an educational delay program subsequent to being commissioned through the Reserve Officers' Training Corps.

''(2) No more than 50 officers may be retained on the reserve active-status list under the authority of paragraph (1) at any time.

''(3) No officer may be retained on the reserve active-status list under the authority of paragraph (1) for a period exceeding three years from the date on which, but for that authority, that officer would have been removed from the reserve active-status list under subsection (a) or (b).

''(4) The authority of the Secretary of the Air Force under paragraph (1) expires on September 30, 2003.''.

(b) EFFECTIVE DATE.—Subsection (c) of section 14507 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1996.

Subtitle B—Reserve Component Matters

SEC. 511. INDIVIDUAL READY RESERVE ACTIVATION AUTHORITY.

(a) IRR MEMBERS SUBJECT TO ORDER TO ACTIVE DUTY OTHER THAN DURING WAR OR NATIONAL EMERGENCY.—Section 10144 of title 10, United States Code, is amended—

(1) by inserting ''(a)'' before ''Within the Ready Reserve''; and

(2) by adding at the end the following:

''(b)(1) Within the Individual Ready Reserve of each reserve component there is a mobilization category of members, as designated by the Secretary concerned, who are subject to being ordered to active duty involuntarily in accordance with section 12304 of this title. A member may not be placed in that mobilization category unless—

''(A) the member volunteers for that category; and

''(B) the member is selected for that category by the Secretary concerned, based upon the needs of the service and the grade and military skills of that member.

''(2) A member of the Individual Ready Reserve may not be carried in the mobilization category of members under paragraph (1) after the end of the 24-month period beginning on the date of the separation of the member from active service.

''(3) The Secretary shall designate the grades and critical military skills or specialities of members to be eligible for placement in such mobilization category.

''(4) A member in such mobilization category shall be eligible for benefits (other than pay and training) as are normally available to members of the Selected Reserve, as determined by the Secretary of Defense.''.

(b) CRITERIA FOR ORDERING TO ACTIVE DUTY.—Subsection (a) of section 12304 of title 10, United States Code, is amended by inserting after ''of this title),'' the following: ''or any member in the Individual Ready Reserve mobilization category and designated as essential under regulations prescribed by the Secretary concerned,''.

(c) MAXIMUM NUMBER.—Subsection (c) of such section is amended—

(1) by inserting ''and the Individual Ready Reserve'' after ''Selected Reserve''; and

(2) by inserting '', of whom not more than 30,000 may be members of the Individual Ready Reserve'' before the period at the end.

(d) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (f), by inserting ''or Individual Ready Reserve'' after ''Selected Reserve'';

(2) in subsection (g), by inserting '', or member of the Individual Ready Reserve,'' after ''to serve as a unit''; and

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

''(i) For purposes of this section, the term 'Individual Ready Reserve mobilization category' means, in the case of any reserve component, the category of the Individual Ready Reserve described in section 10144(b) of this title.''.

(e) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§ 12304. Selected Reserve and certain Individual Ready Reserve members; order to active duty other than during war or national emergency''.

(2) The item relating to section 12304 in the table of sections at the beginning of chapter 1209 of such title is amended to read as follows:

''12304. Selected Reserve and certain Individual Ready Reserve members; order to active duty other than during war or national emergency''.

SEC. 512. TRAINING FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Subsection (b) of section 12310 of title 10, United States Code, is amended to read as follows:

''(b) A Reserve on active duty as described in subsection (a) may be provided training and professional development opportunities consistent with those provided to other members on active duty, as the Secretary concerned sees fit.''.

SEC. 513. CLARIFICATION TO 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 ''a member of a reserve component''.

SEC. 514. APPOINTMENT ABOVE GRADE OF 0–2 IN THE NAVAL RESERVE.

Paragraph (3) of section 12205(b) of title 10, United States Code, is amended by inserting ''or the Seaman to Admiral Program'' before the period at the end.

SEC. 515. REPORT ON NUMBER OF ADVISERS IN ACTIVE COMPONENT SUPPORT OF RESERVES PILOT PROGRAM.

(a) REPORT ON NUMBER OF ACTIVE COMPONENT ADVISERS.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report setting forth the Secretary's determination as to the appropriate number of active component personnel to be assigned to serve as advisers to reserve components under section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 12001 note). If the Secretary's determination is that such number should be a number other than the required minimum number in effect under subsection (c) of such section, the Secretary shall include in the report an explanation providing the Secretary's justification for the number recommended.

(b) TECHNICAL AMENDMENT.—Section 414(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 12001 note) is amended by striking out ''During fiscal years 1992 and 1993, the Secretary of the Army shall institute'' and inserting in lieu thereof ''The Secretary of the Army shall carry out''.

SEC. 516. SENSE OF CONGRESS AND REPORT REGARDING REEMPLOYMENT RIGHTS FOR MOBILIZED RESERVISTS EMPLOYED IN FOREIGN COUNTRIES.

(a) SENSE OF CONGRESS.—Congress is concerned about the lack of reemployment rights afforded Reserve component members who reside in foreign countries and either work for United States companies that maintain offices or operations in foreign countries or work for foreign employers. Being outside the jurisdiction of the United States, these employers are not subject to the provisions of chapter 43 of title 38, United States Code, known as the Uniformed Services Employment and Reemployment Rights Act (USERRA). The purpose of that Act is to provide statutory employment protections that include reinstatement, seniority, status, and rate of pay coverage for Reservists who are ordered to active duty for a specified period of time, including involuntary active duty in support of an operational contingency. While most Reserve members are afforded the protections of that Act (which covers reemployment rights in their civilian jobs upon completion of military service), approximately 2,000 members of the Selected Reserve reside outside the United States and its territories and, not being guaranteed the job protection envisioned by the USERRA, are potentially subject to reemployment problems after release from active duty. During Operation Joint Endeavor, a number of Reservists who are currently living and working abroad and who were involuntarily ordered to active duty in support of that operation did in fact face reemployment problems with their civilian employers. This situation poses a continuing personnel management challenge for the reserve components.

(b) RECOGNITION OF PROBLEM.—Congress, while recognizing that foreign governments and companies located abroad, not being within the jurisdiction of the United States, cannot be required to comply with the provisions of the Uniformed Services Employment and Reemployment Rights Act, also recognizes that there is a need to provide assistance to Reservists in the situation described in subsection (a), both in the near term and the long term.

(c) REPORT REQUIREMENT.—Not later than April 1, 1997, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report that sets forth recommended actions to help alleviate reemployment problems for Reservists who are employed outside the United States and its territories by United States companies that maintain offices or operations in foreign countries or by foreign employers. The report shall include recommendations on the assistance and support that may be required by other organizations of the Government, including the Defense Attaché Offices, the Department of Labor, and the Department of State. The report shall be prepared

in consultation with the Secretary of State and the Secretary of Labor.

Subtitle C—Jurisdiction and Powers of Courts-Martial for the National Guard When Not in Federal Service

SEC. 531. COMPOSITION, JURISDICTION, AND PROCEDURES OF COURTS-MARTIAL.

Section 326 of title 32, United States Code, is amended—

(1) by inserting ''(a)'' at the beginning of the text of the section;

(2) by striking out the second sentence and inserting in lieu thereof the following: ''They shall follow substantially the forms and procedures provided for those courts and shall provide accused members of the National Guard the rights and protections provided in those courts.''; and

(3) by adding at the end the following:

''(b) Courts-martial of the National Guard not in Federal service do not have jurisdiction over those persons who are subject to the jurisdiction of a court-martial pursuant to section 802 of title 10.

''(c) A court-martial of the National Guard not in Federal service shall have such jurisdiction and powers, consistent with the provisions of this chapter, as may be provided by the law of the State or Territory, Puerto Rico, or District of Columbia in which the court-martial is convened.''.

SEC. 532. GENERAL COURTS-MARTIAL.

(a) CONVENING AUTHORITY.—Subsection (a) of section 327 of title 32, United States Code, is amended by inserting ''or adjutant general'' after ''governor''.

(b) PUNISHMENTS.—Subsection (b) of such section is amended to read as follows:

''(b) A general court-martial may sentence an accused, upon conviction, to any of the following punishments:

''(1) A fine of not more than $500 for a single offense.

''(2) Forfeiture of pay and allowances in an amount of not more than $500 for a single offense or any forfeiture of pay for not more than six months.

''(3) A reprimand.

''(4) Dismissal, bad conduct discharge, or dishonorable discharge.

''(5) In the case of an enlisted member, reduction to a lower grade.

''(6) Confinement for not more than 180 days.

''(7) Any combination of the punishments specified in paragraphs (1) through (6).''.

(c) LIMITATION ON PUNITIVE DISCHARGES.—Such section is further amended by adding at the end the following new subsection:

''(c)(1) A dismissal or bad conduct or dishonorable discharge may not be adjudged unless counsel was detailed to represent the accused and a military judge was detailed to the trial.

''(2) In a case in which the sentence adjudged includes dismissal or a bad conduct or dishonorable discharge, a verbatim record of the proceedings shall be made.''.

SEC. 533. SPECIAL COURTS-MARTIAL.

(a) CONVENING AUTHORITY.—Subsection (a) of section 328 of title 32, United States Code, is amended by inserting '', if a National Guard officer,'' after ''the commanding officer''.

(b) PUNISHMENTS.—Subsection (b) of such section is amended to read as follows:

''(b) A special court-martial may sentence an accused, upon conviction, to any of the following punishments:

''(1) A fine of not more than $300 for a single offense.

''(2) Forfeiture of pay and allowances in an amount of not more than $300 for a single offense, but adjudged forfeiture of pay may not exceed two-thirds pay per month and forfeitures may not extend for more than six months.

''(3) A reprimand.

''(4) Bad conduct discharge.

''(5) In the case of an enlisted member, reduction to a lower grade.

''(6) Confinement for not more than 100 days.

''(7) Any combination of the punishments specified in paragraphs (1) through (6).''.

(c) LIMITATION ON BAD CONDUCT DISCHARGES.—Subsection (c) of such section is amended to read as follows:

''(c)(1) A bad conduct discharge may not be adjudged unless counsel was detailed to represent the accused and a military judge was detailed to the trial.

''(2) In a case in which the sentence adjudged includes a bad conduct discharge, a verbatim record of the proceedings shall be made.''.

SEC. 534. SUMMARY COURTS-MARTIAL.

(a) CONVENING AUTHORITY.—Subsection (a) of section 329 of title 32, United States Code, is amended—

(1) by inserting '', if a National Guard officer,'' after ''the commanding officer''; and

(2) by inserting after the first sentence the following new sentence: ''Summary courts-martial may also be convened by superior authority.''.

(b) JURISDICTION.—Subsection (a) of such section is further amended—

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

(2) by adding at the end the following:

''(2) A summary court-martial may not try a commissioned officer.''.

(c) PUNISHMENTS.—Subsection (b) of such section is amended to read as follows:

''(b) A summary court-martial may sentence an accused, upon conviction, to any of the following punishments:

''(1) A fine of not more than $200 for a single offense.

''(2) Forfeiture of pay and allowances in an amount of not more than $200 for a single offense, but not to exceed two-thirds of one month's pay.

''(3) Reduction to a lower grade.

''(4) Any combination of the punishments specified in paragraphs (1) through (3).''.

(d) CONSENT OF ACCUSED FOR SUMMARY COURT-MARTIAL.—Such section is further amended by adding at the end the following new subsection:

''(c) An accused with respect to whom summary courts-martial have jurisdiction may not be brought to trial before a summary court-martial if the accused objects thereto. If an accused so objects to trial by summary court-martial, the convening authority may order trial by special or general court-martial, as may be appropriate.''.

SEC. 535. REPEAL OF AUTHORITY FOR CONFINEMENT IN LIEU OF FINE.

Section 330 of title 32, United States Code, is repealed.

SEC. 536. APPROVAL OF SENTENCE OF BAD CONDUCT DISCHARGE OR CONFINEMENT.

(a) IN GENERAL.—Section 331 of title 32, United States Code, is amended by striking out ''or dishonorable discharge'' and inserting in lieu thereof '', bad conduct discharge, dishonorable discharge, or confinement for three months or more''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 331. Sentences requiring approval of governor''.

SEC. 537. AUTHORITY OF MILITARY JUDGES.

Section 332 of title 32, United States Code, is amended by inserting ''or military judge'' after ''the president''.

SEC. 538. STATUTORY REORGANIZATION.

(a) NEW TITLE 32 CHAPTER.—(1) Title 32, United States Code, is amended by inserting after section 325 the following:

''CHAPTER 4—COURTS-MARTIAL FOR THE NATIONAL GUARD WHEN NOT IN FEDERAL SERVICE

''Sec.

''401. Courts-martial: composition, jurisdiction, and procedures.

''402. General courts-martial.

''403. Special courts-martial.

''404. Summary courts-martial.

''405. Sentences requiring approval of governor.

''406. Compelling attendance of accused and witnesses.

''407. Execution of process and sentence.''.

(2) The table of chapters at the beginning of such title is amended by inserting after the item relating to chapter 3 the following new item:

''4. Courts-Martial for the National Guard When not in Federal Service 401''.

(3) The table of sections at the beginning of chapter 3 of such title is amended by striking out the items relating to sections 326 through 333.

(b) REDESIGNATION OF SECTIONS.—The following sections of title 32, United States Code (as amended by this subtitle), are redesignated as follows:

Section	Redesignated section
326	401
327	402
328	403
329	404
331	405
332	406
333	407

(c) SECTION HEADINGS.—The headings for sections 401, 402, 403, and 404 of title 32, United States Code, as redesignated by subsection (b), are amended by striking out ''**of National Guard not in Federal service**''.

SEC. 539. EFFECTIVE DATE.

The amendments made by this subtitle shall take effect on the date of the enactment of this Act, except that for an offense committed before that date the maximum punishment shall be the maximum punishment in effect at the time of the commission of the offense.

SEC. 540. CONFORMING AMENDMENTS TO UNIFORM CODE OF MILITARY JUSTICE.

(a) ARTICLE 20.—Section 820 of title 10, United States Code, is amended—

(1) by inserting ''(a)'' before ''Subject to'';

(2) by striking out the second and third sentences and inserting in lieu thereof the following:

''(b) An accused with respect to whom summary courts-martial have jurisdiction may not be brought to trial before a summary court-martial if the accused objects thereto. If an accused so objects to trial by summary court-martial, the convening authority may order trial by special or general court-martial, as may be appropriate.''; and

(3) by designating as subsection (c) the sentence beginning ''Summary courts-martial may,''.

(b) ARTICLE 54.—Section 854(c)(1) of such title is amended by striking out ''complete record of the proceedings and testimony'' and inserting in lieu thereof ''verbatim record of the proceedings''.

Subtitle D—Education and Training Programs

SEC. 551. EXTENSION OF MAXIMUM AGE FOR APPOINTMENT AS A CADET OR MIDSHIPMAN IN THE SENIOR RESERVE OFFICERS' TRAINING CORPS AND THE SERVICE ACADEMIES.

(a) SENIOR RESERVE OFFICERS' TRAINING CORPS.—Sections 2107(a) and 2107a(a) of title 10, United States Code, are amended—

(1) by striking out ''25 years of age'' and inserting in lieu thereof ''27 years of age''; and

(2) by striking out ''29 years of age'' and inserting in lieu thereof ''30 years of age''.

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

SEC. 552. OVERSIGHT AND MANAGEMENT OF SENIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

(a) ENROLLMENT PRIORITY TO BE CONSISTENT WITH PURPOSE OF PROGRAM.—(1) Section 2103 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e) An educational institution at which a unit of the program has been established shall give priority for enrollment in the program to students who are eligible for advanced training under section 2104 of this title.''.

(2) Section 2109 of such title is amended by adding at the end the following new subsection:

''(c)(1) A person who is not qualified for, and (as determined by the Secretary concerned) will not be able to become qualified for, advanced training by reason of one or more of the requirements prescribed in paragraphs (1) through (3) of section 2104(b) of this title shall not be permitted to participate in—

''(A) field training or a practice cruise under section 2106(b)(6) of this title; or

''(B) practical military training under subsection (a).

''(2) The Secretary of the military department concerned may waive the limitation in paragraph (1) under procedures prescribed by the Secretary.''.

(b) WEAR OF THE MILITARY UNIFORM.—Section 772(h) of such title is amended by inserting before the period at the end the following: ''if the wear of such uniform is specifically authorized under regulations prescribed by the Secretary of the military department concerned''.

SEC. 553. ROTC SCHOLARSHIP STUDENT PARTICIPATION IN SIMULTANEOUS MEMBERSHIP PROGRAM.

Section 2103 of title 10, United States Code, is amended by adding after subsection (e), as added by section 552, the following new subsection:

''(f) The Secretary of Defense shall ensure that, in carrying out the program, the Secretaries of the military departments permit any person who is receiving financial assistance under section 2107 of this title simultaneously to be a member of the Selected Reserve.''.

SEC. 554. EXPANSION OF ROTC ADVANCED TRAINING PROGRAM TO INCLUDE GRADUATE STUDENTS.

(a) IN GENERAL.—Section 2107(c) of title 10, United States Code, is amended by inserting before the last sentence the following new sentence: ''The Secretary of the military department concerned may provide similar financial assistance to a student enrolled in an advanced education program beyond the baccalaureate degree level if the student also is a cadet or midshipman in an advanced training program.''.

(b) DEFINITIONAL CHANGE.—Paragraph (3) of section 2101 of title 10, United States Code, is amended by inserting ''students enrolled in an advanced education program beyond the baccalaureate degree level or to'' after 'instruction offered in the Senior Reserve Officers' Training Corps to''.

SEC. 555. RESERVE CREDIT FOR MEMBERS OF ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

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

(1) by striking out ''Service performed'' and inserting in lieu thereof ''(a) GENERAL RULE AGAINST PROVISION OF SERVICE CREDIT.—Except as provided in subsection (b), service performed''; and

(2) by adding at the end the following:

''(b) SERVICE CREDIT FOR CERTAIN PURPOSES.—(1) This subsection applies with respect to a member of the Selected Reserve who—

''(A) completed a course of study under this subchapter as a member of the program;

''(B) completed 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) Upon satisfactory completion of a year of service in the Selected Reserve by a member of the Selected Reserve described in paragraph (1), the Secretary concerned may credit the member with a maximum of 50 points creditable toward the computation of the member's years of service under section 12732(a)(2) of this title for one year of participation in a course of study under this subchapter. Not more than four years of participation in a course of study under this subchapter may be considered under this paragraph.

''(3) In the case of a member of the Selected Reserve described in paragraph (1), the Secretary concerned may also credit the service of the member while pursuing a course of study under this subchapter, but not to exceed a total of four years, for purposes of computing years of service creditable under section 205 of title 37.

''(c) LIMITATIONS.—(1) A member of the Selected Reserve relieved of any portion of the minimum active duty obligation imposed under section 2123(a) of this title may not receive any point or service credit under subsection (b).

''(2) A member of the Selected Reserve awarded points or service credit under subsection (b) shall not be considered to have been in an active status, by reason of the award of the points or credit, while pursuing a course of study under this subchapter for purposes of any provision of law other than section 12732(a)(2) of this title and section 205 of title 37.''.

(b) RETROACTIVITY BARRED.—A member of the Selected Reserve is not entitled to any retroactive award or increase in pay or allowances as a result of the amendments made by subsection (a).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals receiving financial assistance under section 2107 of title 10, United States Code, after September 30, 1996.

SEC. 556. EXPANSION OF ELIGIBILITY FOR EDUCATION BENEFITS TO INCLUDE CERTAIN RESERVE OFFICERS' TRAINING CORPS (ROTC) PARTICIPANTS.

(a) ACTIVE DUTY SERVICE.—Section 3011(c) of title 38, United States Code, is amended—

(1) by striking out ''or upon completion of a program of educational assistance under section 2107 of title 10'' in paragraph (2); and

(2) by adding at the end the following:

''(3) An individual who after December 31, 1976, receives a commission as an officer in the Armed Forces upon completion of a program of educational assistance under section 2107 of title 10 is not eligible for educational assistance under this section if the individual enters on active duty—

''(A) before October 1, 1996; or

''(B) after September 30, 1996, and while participating in such program received more than $2,000 for each year of such participation.''.

(b) SELECTED RESERVE.—Section 3012(d) of title 38, United States Code, is amended—

(1) by striking out ''or upon completion of a program of educational assistance under section 2107 of title 10'' in paragraph (2); and

(2) by adding at the end the following:

''(3) An individual who after December 31, 1976, receives a commission as an officer in the Armed Forces upon completion of a program of educational assistance under section 2107 of title 10 is not eligible for educational assistance under this section if the individual enters on active duty—

''(A) before October 1, 1996; or

''(B) after September 30, 1996, and while participating in such program received more than $2,000 for each year of such participation.''.

SEC. 557. COMPTROLLER GENERAL REPORT ON COST AND POLICY IMPLICATIONS OF PERMITTING UP TO FIVE PERCENT OF SERVICE ACADEMY GRADUATES TO BE ASSIGNED DIRECTLY TO RESERVE DUTY UPON GRADUATION.

(a) REPORT REQUIRED.—The Comptroller General of the United States shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report providing an analysis of the cost implications, and the policy implications, of permitting up to 5 percent of each graduating class of each of the service academies to be placed, upon graduation and commissioning, in an active status in the appropriate reserve component (without a minimum period of obligated active duty service), with a corresponding increase in the number of ROTC graduates each year who are permitted to serve on active duty upon commissioning.

(b) INFORMATION ON CURRENT ACADEMY GRADUATES IN RESERVE COMPONENTS.—The Comptroller General shall include in the report information (shown in the aggregate and separately for each of the Armed Forces and for graduates of each service academy) on—

(1) the number of academy graduates who at the time of the report are serving in an active status in a reserve component; and

(2) within the number under paragraph (1), the number for each reserve component and, of those, the number within each reserve component who are on active duty under section 12301(d) of title 10, United States Code, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components.

(c) SUBMISSION OF REPORT.—The report shall be submitted not later than six months after the date of the enactment of this Act.

(d) SERVICE ACADEMIES.—For purposes of this section, the term ''service academies'' means—

(1) the United States Military Academy;

(2) the United States Naval Academy; and

(3) the United States Air Force Academy.

Subtitle E—Other Matters

SEC. 561. HATE CRIMES IN THE MILITARY.

(a) HUMAN RELATIONS TRAINING.—(1) The Secretary of Defense shall ensure that the Secretary of each military department conducts ongoing programs for human relations training for all members of the Armed Forces under the jurisdiction of the Secretary. Matters to be covered by such training include race relations, equal opportunity, opposition to gender discrimination, and sensitivity to ''hate group'' activity. Such training shall be provided during basic training (or other initial military training) and on a regular basis thereafter.

(2) The Secretary of Defense shall also ensure that unit commanders are aware of their responsibilities in ensuring that impermissible activity based upon discriminatory motives does not occur in units under their command.

(b) INFORMATION TO BE PROVIDED TO PROSPECTIVE RECRUITS.—The Secretary of Defense shall ensure that each individual preparing to enter an officer accession program or to execute an original enlistment agreement is provided information concerning the meaning of the oath of office or oath of enlistment for service in the Armed Forces in terms of the equal protection and civil liberties guarantees of the Constitution, and each such individual shall be informed that if supporting those guarantees is not possible personally for that individual, then that individual should decline to enter the Armed Forces.

(c) ANNUAL SURVEY.—(1) Section 451 of title 10, United States Code, is amended to read as follows:

''§451. Race relations, gender discrimination, and hate group activity: annual survey and report

''(a) ANNUAL SURVEY.—The Secretary of Defense shall carry out an annual survey to measure the state of racial, ethnic, and gender issues and discrimination among members of the armed forces serving on active duty and the extent (if any) of activity among such members that may be seen as so-called 'hate group' activity. The survey shall solicit information on the race relations and gender relations climate in the armed forces, including—

''(1) indicators of positive and negative trends of relations among all racial and ethnic groups and between the sexes;

''(2) the effectiveness of Department of Defense policies designed to improve race, ethnic, and gender relations; and

''(3) the effectiveness of current processes for complaints on and investigations into racial, ethnic, and gender discrimination.

''(b) IMPLEMENTING ENTITY.—The Secretary shall carry out each annual survey through the entity in the Department of Defense known as the Armed Forces Survey on Race/Ethnic Issues.

''(c) REPORTS TO CONGRESS.—Upon completion of biennial survey under subsection (a), the Secretary shall submit to Congress a report containing the results of the survey.''.

(2) The item relating to such section in the table of sections at the beginning of chapter 22 of such title is amended to read as follows:

''451. Race relations, gender discrimination, and hate group activity: annual survey and report.''.

SEC. 562. AUTHORITY OF A RESERVE JUDGE ADVOCATE TO ACT AS A NOTARY PUBLIC.

(a) NOTARY PUBLIC AUTHORITY TO INCLUDE RESERVE LAWYERS OF THE ARMED FORCES.—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 training'' and inserting in lieu thereof '', including reserve judge advocates not on active duty'';

(2) in paragraph (3), by striking out ''adjutants on active duty or performing inactive-duty training'' and inserting in lieu thereof ''adjutants, including reserve members not on active duty''; 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 reserve members not on active duty,''.

(b) RATIFICATION OF PRIOR NOTARIAL ACTS.—Any notarial act performed before the enactment of this Act, the validity of which has not been challenged or negated in a case pending before or decided by a court or administrative agency of competent jurisdiction, on or before the date of the enactment of this Act, is hereby confirmed, ratified, and approved with full effect as if such act was performed after the enactment of this Act.

SEC. 563. AUTHORITY TO PROVIDE LEGAL ASSISTANCE TO PUBLIC HEALTH SERVICE OFFICERS.

(a) LEGAL ASSISTANCE AVAILABLE.—Subsection (a) of section 1044 of title 10, United States Code, is amended by striking out paragraph (3) and inserting in lieu thereof the following:

''(3) Officers of the commissioned corps of the Public Health Service who are on active duty or entitled to retired or equivalent pay.

''(4) Dependents of members and former members described in paragraphs (1), (2), and (3).''.

(b) LIMITATION ON ASSISTANCE.—Subsection (c) of such section is amended—

(1) by striking out ''armed forces'' and inserting in lieu thereof ''uniformed services described in subsection (a)''; and

(2) by inserting ''such'' after ''dependent of''.

(c) CLARIFYING AMENDMENTS.—Subsection (a) of such section is further amended by striking out ''under his jurisdiction'' in paragraphs (1) and (2).

(d) STYLISTIC AMENDMENTS.—Subsection (a) of such section is further amended—

(1) in the matter preceding paragraph (1), by striking out ''to—'' and inserting in lieu thereof ''to the following persons:'';

(2) by capitalizing the first letter of the first word of paragraphs (1) and (2);

(3) by striking out the semicolon at the end of paragraph (1) and inserting in lieu thereof a period; and

(4) by striking out ''; and'' at the end of paragraph (2) and inserting in lieu thereof a period.

SEC. 564. EXCEPTED APPOINTMENT OF CERTAIN JUDICIAL NON-ATTORNEY STAFF IN THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.

Section 943(c) of title 10, United States Code, is amended—

(1) in the heading for the subsection, by inserting ''AND CERTAIN OTHER'' after ''ATTORNEY''; and

(2) in paragraph (1), by inserting ''and non-attorney positions on the personal staff of a judge'' after ''Court of Appeals for the Armed Forces''.

SEC. 565. REPLACEMENT OF CERTAIN AMERICAN THEATER CAMPAIGN RIBBONS.

(a) REPLACEMENT RIBBONS.—The Secretary of the Army, pursuant to section 3751 of title 10, United States Code, may replace any World War II decoration known as the American Theater Campaign Ribbon that was awarded to a person listed in the order described in subsection (b).

(b) RIBBONS PROPERLY AWARDED.—Any person listed in the document titled ''General Order Number 1'', issued by the Third Auxiliary Surgical Group, APO 647, United States Army, dated February 1, 1943, shall be considered to have been properly awarded the American Theater Campaign Ribbon for service during World War II.

SEC. 566. RESTORATION OF REGULATIONS PROHIBITING SERVICE OF HOMOSEXUALS IN THE ARMED FORCES.

(a) TERMINATION OF EXISTING ADMINISTRATIVE POLICY.—Effective on the date of the enactment of this Act, the following measures of the executive branch are rescinded and shall cease to be effective:

(1) The memorandum of the Secretary of Defense to the Secretaries of the military departments and the Chairman of the Joint Chiefs of Staff dated July 19, 1993, that stated its subject to be: ''Policy on Homsexual Conduct in the Armed Forces''.

(2) The four-page document entitled ''Policy Guidelines on Homsexual Conduct in the Armed Forces'' that was issued by the Secretary of Defense as an attachment to the memorandum referred to in paragraph (1).

(3) The revisions to Department of Defense directives 1332.30, 1332.14, and 1304.26 that were directed to be made by the General Counsel of the Department of Defense by memorandum dated February 28, 1994, to the Director of Administration and Management of the Department of Defense.

(b) REINSTATEMENT OF FORMER REGULATIONS.—Immediately upon the enactment of this Act and effective as of the date of the enactment of this Act—

(1) the Secretary of Defense shall reinstate the regulations (including Department of Defense directives) of the Department of Defense regarding service of homosexuals in the Armed Forces that were in effect on January 19, 1993; and

(2) the Secretary of each military department shall reinstate the regulations of that military department regarding service of homosexuals in the Armed Forces that were in effect on January 19, 1993.

(c) REVISION PROHIBITED.—The regulations (including Department of Defense directives) reinstated pursuant to subsection (b), insofar as they relate to the service of homosexuals in the Armed Forces, may not be revised except as specifically provided by a law enacted after the enactment of this Act.

(d) RULE OF CONSTRUCTION.—In the case of a conflict between the regulations required to be prescribed by subsection (b) and the provisions of section 654 of title 10, United States Code, or any other provision of law, the requirements of such provision of law shall be given effect.

(e) RESTORATION OF QUESTIONING OF NEW ENTRANTS INTO MILITARY SERVICE.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue instructions for the resumption of questioning of potential new entrants into the Armed Forces as to homosexuality in accordance with the policy and practices of the Department of Defense as of January 19, 1993 (as reinstated pursuant to subsection (b)).

(2) Section 571(d) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1673; 10 U.S.C. 654 note) is repealed.

SEC. 567. REENACTMENT AND MODIFICATION OF MANDATORY SEPARATION FROM SERVICE FOR MEMBERS DIAGNOSED WITH HIV–1 VIRUS.

(a) REENACTMENT AND MODIFICATION.—(1) Chapter 59 of title 10, United States Code, is amended by inserting after section 1176 the following:

''§ 1177. Members infected with HIV–1 virus: mandatory discharge or retirement

''(a) MANDATORY SEPARATION.—(1) A member of the Army, Navy, Air Force, or Marine Corps who is HIV-positive and who on the date on which the medical determination is made that the member is HIV-positive has less than 15 years of creditable service shall be separated. Such separation shall be made on a date determined by the Secretary concerned, which shall be as soon as practicable after the date on which the medical determination is made that the member is HIV-positive and not later than the last day of the second month beginning after such date.

''(2) In determining the years of creditable service of a member for purposes of paragraph (1)—

''(A) in the case of a member on active duty or full-time National Guard duty, the member's years of creditable service are the number of years of service of the member as computed for the purpose of determining the member's eligibility for retirement under any provision of law (other than chapter 61 or 1223 of this title); and

''(B) in the case of a member in an active status, the member's years of creditable service are the number of years of service creditable to the member under section 12732 of this title.

''(b) FORM OF SEPARATION.—The characterization of the service of the member shall be determined without regard to the determination that the member is HIV-positive.

''(c) SEPARATION TO BE CONSIDERED INVOLUNTARY.—A separation under this section shall be considered to be an involuntary separation for purposes of any other provision of law.

''(d) COUNSELING ABOUT AVAILABLE MEDICAL CARE.—A member to be separated under this section shall be provided information, in writing, before such separation of the available medical care (through the Department of Veterans Affairs and otherwise) to treat the member's condition. Such information shall include identification of specific medical locations near the member's home of record or point of discharge at which the member may seek necessary medical care.

''(e) HIV-POSITIVE MEMBERS.—A member shall be considered to be HIV-positive for purposes of this section if there is serologic evidence that the member is infected with the virus known as Human Immunodeficiency Virus–1 (HIV–1), the virus most commonly associated with the acquired immune deficiency syndrome (AIDS) in the United States. Such serologic evidence shall be considered to exist if there is a reactive result given by an enzyme-linked immunosorbent assay (ELISA) serologic test that is confirmed by a reactive and diagnostic immunoelectrophoresis test (Western blot) on two separate samples. Any such serologic test must be one that is approved by the Food and Drug Administration.''.

(2) The table of sections at the beginning of chapter 59 of such title is amended by inserting after the item relating to section 1176 the following new item:

''1177. Members infected with HIV–1 virus: mandatory discharge or retirement.''.

(b) EFFECTIVE DATE.—Section 1177 of title 10, United States Code, as added by subsection (a), applies with respect to members of the Army, Navy, Air Force, and Marine Corps determined to be HIV-positive before, on, or after the date of the enactment of this Act. In the case of a member of the Army, Navy, Air Force, or Marine Corps determined to be HIV-positive before such date, the deadline for separation of the member under subsection (a) of such section shall be determined from the date of the enactment of this Act (rather than from the date of such determination), except that no such member shall be separated by reason of such section (without the consent of the member) before October 1, 1996.

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 on January 1, 1997, the rates of basic pay and basic allowance for subsistence of members of the uniformed services are increased by 3 percent.

(c) INCREASE IN BAQ.—Effective on January 1, 1997, the rates of basic allowance for quarters of members of the uniformed services are increased by 4.6 percent.

SEC. 602. AVAILABILITY OF BASIC ALLOWANCE FOR QUARTERS FOR CERTAIN MEMBERS WITHOUT DEPENDENTS WHO SERVE ON SEA DUTY.

(a) AVAILABILITY OF ALLOWANCE.—Section 403(c)(2) of title 37, United States Code, is amended—

(1) by striking out ''A member'' in the first sentence and inserting in lieu thereof ''(A) Except as provided in subparagraph (B) or (C), a member'';

(2) by striking out the second sentence; and

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

''(B) Under regulations prescribed by the Secretary concerned, the Secretary may authorize the payment of a basic allowance for quarters to a member of a uniformed service under the jurisdiction of the Secretary when the member is without dependents, is serving in pay grade E–5, and is assigned to sea duty. In prescribing regulations under this subparagraph, the Secretary concerned shall consider the availability of quarters for members serving in pay grade E–5.

''(C) Notwithstanding section 421 of this title, two members of the uniformed services in a pay grade below pay grade E–5 who are married to each other, have no other dependents, and are simultaneously assigned to sea duty are entitled to a single basic allowance for quarters during the period of such simultaneous sea duty. The amount of the allowance shall be based on the without dependents rate for the pay grade of the senior member.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on July 1, 1997.

SEC. 603. ESTABLISHMENT OF MINIMUM MONTHLY AMOUNT OF VARIABLE HOUSING ALLOWANCE FOR HIGH HOUSING COST AREAS.

(a) MINIMUM MONTHLY AMOUNT OF ALLOWANCE.—Subsection (c) of section 403a of title 37, United States Code, is amended by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

''(1) The monthly amount of a variable housing allowance under this section for a member of a uniformed service with respect to an area is equal to the greater of the following amounts:

''(A) An amount equal to the difference between—

''(i) the median monthly cost of housing in that area for members of the uniformed services serving in the same pay grade and with the same dependency status as that member; and

''(ii) 80 percent of the median monthly cost of housing in the United States for members of the uniformed services serving in the same pay grade and with the same dependency status as that member.

''(B) An amount equal to the difference between—

''(i) the adequate housing allowance floor determined by the Secretary of Defense for all members of the uniformed services in that area entitled to a variable housing allowance under this section; and

''(ii) the monthly basic allowance for quarters for members of the uniformed services serving in the same pay grade and with the same dependency status as that member.''.

(b) ADEQUATE HOUSING ALLOWANCE FLOOR.—Such subsection is further amended by adding at the end the following new paragraph:

''(7)(A) For purposes of paragraph (1)(B)(i), the Secretary of Defense shall establish an adequate housing allowance floor for members of the uniformed services in an area as a selected percentage, not to exceed 85 percent, of the cost of adequate housing in that area based on an index of housing costs selected by the Secretary of Defense from among the following:

''(i) The fair market rentals established annually by the Secretary of Housing and Urban Development under section 8(c)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(1)).

''(ii) An index developed in the private sector that the Secretary of Defense determines is comparable to the fair market rentals referred to in clause (i) and is appropriate for use to determine the adequate housing allowance floor.

''(B) The Secretary of Defense shall carry out this paragraph in consultation with the Secretary of Transportation, the Secretary of Commerce, and the Secretary of Health and Human Services.''.

(c) EFFECT ON TOTAL AMOUNT AVAILABLE FOR ALLOWANCE.—Subsection (d)(3) of such section is amended in the second sentence by striking out ''the second sentence of subsection (c)(3)'' and inserting in lieu thereof ''paragraph (1)(B) of subsection (c) and the second sentence of paragraph (3) of that subsection''.

(d) CONFORMING AMENDMENTS.—Subsection (c) of such section is further amended—

(1) in paragraph (3), by striking out ''this subsection'' in the first sentence and inserting lieu thereof ''paragraph (1)(A) or the minimum amount of a variable housing allowance under paragraph (1)(B)''; and

(2) in paragraph (5), by inserting ''or minimum amount of a variable housing allowance'' after ''costs of housing''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1997, except that the Secretary of Defense may delay implementation of the requirements imposed by the amendments to such later date as the Secretary considers appropriate upon publication of notice to that effect in the Federal Register.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUSES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1998''.

(b) 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''.

(c) 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''.

(d) 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''.

(e) 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) SPECIAL PAY FOR HEALTH CARE PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE IN CRITICALLY SHORT WARTIME SPECIALTIES.—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''.

(c) 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''.

(d) 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''.

(e) 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''.

(f) 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''.

(g) 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''.

(h) 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''.

(i) 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. SPECIAL INCENTIVES TO RECRUIT AND RETAIN DENTAL OFFICERS.

(a) VARIABLE, ADDITIONAL, AND BOARD CERTIFIED SPECIAL PAYS FOR ACTIVE DUTY DENTAL

OFFICERS.—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 striking out subparagraphs (A), (B), and (C) and inserting in lieu thereof the following:

''(A) $4,000 per year, if the officer has less than three years of creditable service.

''(B) $6,000 per year, if the officer has at least three but less than 14 years of creditable service.

''(C) $8,000 per year, if the officer has at least 14 but less than 18 years of creditable service.

''(D) $10,000 per year, if the officer has at least 18 or more years of creditable service.''; and

(3) in paragraph (5), by striking out subparagraphs (A), (B), and (C) and inserting in lieu thereof the following:

''(A) $2,500 per year, if the officer has less than 10 years of creditable service.

''(B) $3,500 per year, if the officer has at least 10 but less than 12 years of creditable service.

''(C) $4,000 per year, if the officer has at least 12 but less than 14 years of creditable service.

''(D) $5,000 per year, if the officer has at least 14 but less than 18 years of creditable service.

''(E) $6,000 per year, if the officer has 18 or more years of creditable service.''.

(b) RESERVE DENTAL OFFICERS SPECIAL PAY.—Section 302b of title 37, United States Code, is amended by adding at the end the following new subsection:

''(h) RESERVE DENTAL OFFICERS SPECIAL PAY.—(1) A reserve dental officer described in paragraph (2) is entitled to special pay at the rate of $350 a month for each month of active duty, including active duty in the form of annual training, active duty for training, and active duty for special work.

''(2) A reserve dental officer referred to in paragraph (1) is a reserve officer who—

''(A) is an officer of the Dental Corps of the Army or the Navy or an officer of the Air Force designated as a dental officer; and

''(B) is on active duty under a call or order to active duty for a period of less than one year.''.

(c) ACCESSION BONUS FOR DENTAL SCHOOL GRADUATES WHO ENTER THE ARMED FORCES.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 302g the following new section:

''§302h. Special pay: accession bonus for dental officers

''(a) ACCESSION BONUS AUTHORIZED.—(1) A person who is a graduate of an accredited dental school and who, during the period beginning on the date of the enactment of this section, and ending on September 30, 2002, executes a written agreement described in subsection (c) to accept a commission as an officer of the armed forces and remain on active duty for a period of not less than four years may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

''(2) The amount of an accession bonus under paragraph (1) may not exceed $30,000.

''(b) LIMITATION ON ELIGIBILITY FOR BONUS.—A person may not be paid a bonus under subsection (a) if—

''(1) the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a course of study in dentistry; or

''(2) the Secretary concerned determines that the person is not qualified to become and remain certified and licensed as a dentist.

''(c) AGREEMENT.—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the armed service concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of the Dental Corps of the Army or the Navy or an officer of the Air Force designated as a dental officer.

''(d) REPAYMENT.—(1) An officer who receives a payment under subsection (a) and who fails to become and remain certified or licensed as a dentist during the period for which the payment is made shall refund to the United States an amount equal to the full amount of such payment.

''(2) An officer who voluntarily terminates service on active duty before the end of the period agreed to be served under subsection (a) shall refund to the United States an amount that bears the same ratio to the amount paid to the officer as the unserved part of such period bears to the total period agreed to be served.

''(3) An obligation to reimburse the United States imposed under paragraph (1) or (2) is for all purposes a debt owed to the United States.

''(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or this subsection. This paragraph applies to any case commenced under title 11 after the date of the enactment of this section.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302g the following new item:

''302h. Special pay: accession bonus for dental officers.''.

(3) Section 303a of title 37, United States Code, is amended by striking out ''302g'' each place it appears and inserting in lieu thereof ''302h''.

(d) REPORT ON ADDITIONAL ACTIVITIES TO INCREASE RECRUITMENT OF DENTISTS.—Not later than April 1, 1997, the Secretary of Defense shall submit to Congress a report describing the feasibility of increasing the number of persons enrolled in the Armed Forces Health Professions Scholarship and Financial Assistance program who are pursuing a course of study in dentistry in anticipation of service as an officer of the Dental Corps of the Army or the Navy or an officer of the Air Force designated as a dental officer.

(e) STYLISTIC AMENDMENTS.—Section 302b of title 37, United States Code, is amended—

(1) in subsection (a), by inserting ''VARIABLE, ADDITIONAL, AND BOARD CERTIFICATION SPECIAL PAY.—'' after ''(a)'';

(2) in subsection (b), by inserting ''ACTIVE-DUTY AGREEMENT.—'' after ''(b)'';

(3) in subsection (c), by inserting ''REGULATIONS.—'' after ''(c)'';

(4) in subsection (d), by inserting ''FREQUENCY OF PAYMENTS.—'' after ''(d)'';

(5) in subsection (e), by inserting ''REFUND FOR PERIOD OF UNSERVED OBLIGATED SERVICE.—'' after ''(e)'';

(6) in subsection (f), by inserting ''EFFECT OF DISCHARGE IN BANKRUPTCY.—'' after ''(f)''; and

(7) in subsection (g), by inserting ''DETERMINATION OF CREDITABLE SERVICE.—'' after ''(g)''.

Subtitle C—Travel and Transportation Allowances

SEC. 621. TEMPORARY LODGING EXPENSES OF MEMBER IN CONNECTION WITH FIRST PERMANENT CHANGE OF STATION.

(a) PAYMENT OR REIMBURSEMENT AUTHORIZED.—Section 404a(a) of title 37, United States Code, is amended—

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

(2) in paragraph (2), by inserting ''or'' after ''Alaska;''; and

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

''(3) from home of record or initial technical school to first duty station;''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 1997.

SEC. 622. ALLOWANCE IN CONNECTION WITH SHIPPING MOTOR VEHICLE AT GOVERNMENT EXPENSE.

(a) ALLOWANCE AUTHORIZED.—Section 406(b)(1)(B) of title 37, United States Code, is amended by adding at the end the following: ''If clause (i)(I) applies to the transportation by the member of a motor vehicle from the old duty station, the monetary allowance under this subparagraph shall also cover return travel to the old duty station by the member or other person transporting the vehicle. In the case of transportation described in clause (ii), the monetary allowance shall also cover travel from the new duty station to the port of debarkation to pick up the vehicle.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 1997.

SEC. 623. DISLOCATION ALLOWANCE AT A RATE EQUAL TO TWO AND ONE-HALF MONTHS BASIC ALLOWANCE FOR QUARTERS.

(a) Section 407(a) of title 37, United States Code, is amended in the matter preceding the paragraphs by striking out ''two months'' and inserting in lieu thereof ''two and one-half months''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 1997.

SEC. 624. ALLOWANCE FOR TRAVEL PERFORMED IN CONNECTION WITH LEAVE BETWEEN CONSECUTIVE OVERSEAS TOURS.

(a) ADDITIONAL DEFERRAL.—Section 411b(a)(2) of title 37, United States Code, is amended by adding at the end the following: ''If the member is unable to undertake the travel before the end of such one-year period as a result of the participation of the member in a critical operational mission, as determined by the Secretary concerned, the member may defer the travel, under the regulations referred to in paragraph (1), for a period not to exceed one year after the date on which the member's participation in the critical operational mission ends.''.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply to members of the uniformed services participating, on or after November 1, 1995, in critical operational missions designated by the Secretary of Defense.

Subtitle D—Retired Pay, Survivior Benefits, and Related Matters

SEC. 631. INCREASE IN ANNUAL LIMIT ON DAYS OF INACTIVE DUTY TRAINING CREDITABLE TOWARDS RESERVE RETIREMENT.

(a) INCREASE IN LIMIT.—Section 12733(3) is amended by inserting before the period at the end the following: ''before the year in which the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997 occurs and not more than 75 days in any subsequent year''.

(b) TRACKING SYSTEM FOR AWARD OF RETIREMENT POINTS.—To better enable the Secretary of Defense and Congress to assess the cost and the effect on readiness of the amendment made by subsection (a) and of other potential changes to the Reserve retirement system under chapter 1223 of title 10, United States Code, the Secretary of Defense shall require the Secretary of each military department to implement a system to monitor the award of retirement points for purposes of that chapter by categories in accordance with the recommendation set forth in the August 1988 report of the Sixth Quadrennial Review of Military Compensation.

(c) RECOMMENDATIONS TO CONGRESS.—The Secretary shall submit to Congress, not later than one year after the date of the enactment of

this Act, the recommendations of the Secretary with regard to the adoption of the following Reserve retirement initiatives recommended in the August 1988 report of the Sixth Quadrennial Review of Military Compensation:

(1) Elimination of membership points under subparagraph (C) of section 12732(a)(2) of title 10, United States Code, in conjunction with a decrease from 50 to 35 in the number of points required for a satisfactory year under that section.

(2) Limitation to 60 in any year on the number of points that may be credited under subparagraph (B) of section 12732(a)(2) of such title at two points per day.

(3) Limitation to 360 in any year on the total number of retirement points countable for purposes of section 12733 of such title.

SEC. 632. AUTHORITY FOR RETIREMENT IN GRADE IN WHICH A MEMBER HAS BEEN SELECTED FOR PROMOTION WHEN A PHYSICAL DISABILITY INTERVENES.

Section 1372 of title 10, United States Code, is amended by striking out ''his physical examination for promotion'' in paragraphs (3) and (4) and inserting in lieu thereof ''a physical examination''.

SEC. 633. ELIGIBILITY FOR RESERVE DISABILITY RETIREMENT FOR RESERVES INJURED WHILE AWAY FROM HOME OVERNIGHT FOR INACTIVE-DUTY TRAINING.

Section 1204(2) of title 10, United States Code, is amended by inserting before the semicolon at the end the following: ''or is incurred in line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance from the member's residence''.

SEC. 634. RETIREMENT OF RESERVE ENLISTED MEMBERS WHO QUALIFY FOR ACTIVE DUTY RETIREMENT AFTER ADMINISTRATIVE REDUCTION IN ENLISTED GRADE.

(a) ARMY.—(1) Chapter 369 of title 10, United States Code, is amended by inserting after section 3962 the following new section:

''§ 3963. Highest grade held satisfactorily: Reserve enlisted members reduced in grade not as a result of the member's misconduct

''(a) A Reserve enlisted member of the Army described in subsection (b) who is retired under section 3914 of this title shall be retired in the highest enlisted grade in which the member served on active duty satisfactorily (or, in the case of a member of the National Guard, in which the member served on full-time duty satisfactorily), as determined by the Secretary of the Army.

''(b) This section applies to a Reserve enlisted member who—

''(1) at the time of retirement is serving on active duty (or, in the case of a member of the National Guard, on full-time National Guard duty) in a grade lower than the highest enlisted grade held by the member while on active duty (or full-time National Guard duty); and

''(2) was previously administratively reduced in grade not as a result of the member's own misconduct, as determined by the Secretary of the Army.

''(c) This section applies with respect to Reserve enlisted members who are retired under section 3914 of this title after September 30, 1996.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3962 the following new item:

''3963. Highest grade held satisfactorily: Reserve enlisted members reduced in grade not as a result of the member's misconduct.''.

(b) NAVY AND MARINE CORPS.—(1) Chapter 571 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 6336. Highest grade held satisfactorily: Reserve enlisted members reduced in grade not as a result of the member's misconduct

''(a) A member of the Naval Reserve or Marine Corps Reserve described in subsection (b) who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve under section 6330 of this title shall be transferred in the highest enlisted grade in which the member served on active duty satisfactorily, as determined by the Secretary of the Navy.

''(b) This section applies to a Reserve enlisted member who—

''(1) at the time of transfer to the Fleet Reserve or Fleet Marine Corps Reserve is serving on active duty in a grade lower than the highest enlisted grade held by the member while on active duty; and

''(2) was previously administratively reduced in grade not as a result of the member's own misconduct, as determined by the Secretary of the Navy.

''(c) This section applies with respect to enlisted members of the Naval Reserve and Marine Corps Reserve who are transferred to the Fleet Reserve or the Fleet Marine Corps Reserve after September 30, 1996.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''6336. Highest grade held satisfactorily: Reserve enlisted members reduced in grade not as a result of the member's misconduct.''.

(c) AIR FORCE.—(1) Chapter 869 of title 10, United States Code, is amended by inserting after section 8962 the following new section:

''§ 8963. Highest grade held satisfactorily: Reserve enlisted members reduced in grade not as a result of the member's misconduct

''(a) A Reserve enlisted member of the Air Force described in subsection (b) who is retired under section 8914 of this title shall be retired in the highest enlisted grade in which the member served on active duty satisfactorily (or, in the case of a member of the National Guard, in which the member served on full-time duty satisfactorily), as determined by the Secretary of the Air Force.

''(b) This section applies to a Reserve enlisted member who—

''(1) at the time of retirement is serving on active duty (or, in the case of a member of the National Guard, on full-time National Guard duty) in a grade lower than the highest enlisted grade held by the member while on active duty (or full-time National Guard duty); and

''(2) was previously administratively reduced in grade not as a result of the member's own misconduct, as determined by the Secretary of the Air Force.

''(c) This section applies with respect to Reserve enlisted members who are retired under section 8914 of this title after September 30, 1996.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8962 the following new item:

''8963. Highest grade held satisfactorily: Reserve enlisted members reduced in grade not as a result of the member's misconduct.''.

(d) COMPUTATION OF RETIRED AND RETAINER PAY BASED UPON RETIRED GRADE.—(1) Section 3991 of such title is amended by adding at the end the following new subsection:

''(c) SPECIAL RULE FOR RETIRED RESERVE ENLISTED MEMBERS COVERED BY SECTION 3963.—In the case of a Reserve enlisted member retired under section 3914 of this title whose retired grade is determined under section 3963 of this title and who first became a member of a uniformed service before October 1, 1980, the retired pay base of the member (notwithstanding section 1406(a)(1) of this title) is the amount of the monthly basic pay of the member's retired grade (determined based upon the rates of basic pay applicable on the date of the member's retirement), and that amount shall be used for the purposes of subsection (a)(1)(A) rather than the amount computed under section 1406(c) of this title.''.

(2) Section 6333 of such title is amended by adding at the end the following new subsection:

''(c) In the case of a Reserve enlisted member whose grade upon transfer to the Fleet Reserve or Fleet Marine Corps Reserve is determined under section 6336 of this title and who first became a member of a uniformed service before October 1, 1980, the retainer pay base of the member (notwithstanding section 1406(a)(1) of this title) is the amount of the monthly basic pay of the grade in which the member is so transferred (determined based upon the rates of basic pay applicable on the date of the member's transfer), and that amount shall be used for the purposes of the table in subsection (a) rather than the amount computed under section 1406(d) of this title.''.

(3) Section 8991 of such title is amended by adding at the end the following new subsection:

''(c) SPECIAL RULE FOR RETIRED RESERVE ENLISTED MEMBERS COVERED BY SECTION 8963.—In the case of a Reserve enlisted member retired under section 8914 of this title whose retired grade is determined under section 8963 of this title and who first became a member of a uniformed service before October 1, 1980, the retired pay base of the member (notwithstanding section 1406(a)(1) of this title) is the amount of the monthly basic pay of the member's retired grade (determined based upon the rates of basic pay applicable on the date of the member's retirement), and that amount shall be used for the purposes of subsection (a)(1)(A) rather than the amount computed under section 1406(e) of this title.''.

SEC. 635. CLARIFICATION OF INITIAL COMPUTATION OF RETIREE COLAS AFTER RETIREMENT.

(a) IN GENERAL.—Section 1401a of title 10, United States Code, is amended by striking out subsections (c) and (d) and inserting in lieu thereof the following new subsections:

''(c) FIRST COLA ADJUSTMENT FOR MEMBERS WITH RETIRED PAY COMPUTED USING FINAL BASIC PAY.—

''(1) FIRST ADJUSTMENT WITH INTERVENING INCREASE IN BASIC PAY.—Notwithstanding subsection (b), if a person described in paragraph (3) becomes entitled to retired pay based on rates of monthly basic pay that became effective after the last day of the calendar quarter of the base index, the retired pay of the member or former member shall be increased on the effective date of the next adjustment of retired pay under subsection (b) only by the percent (adjusted to the nearest one-tenth of 1 percent) by which—

''(A) the price index for the base quarter of that year, exceeds

''(B) the price index for the calendar quarter immediately before the calendar quarter in which the rates of monthly basic pay on which the retired pay is based became effective.

''(2) FIRST ADJUSTMENT WITH NO INTERVENING INCREASE IN BASIC PAY.—If a person described in paragraph (3) becomes entitled to retired pay on or after the effective date of an adjustment in retired pay under subsection (b) but before the effective date of the next increase in the rates of monthly basic pay, the retired pay of the member or former member shall be increased, effective on the date the member becomes entitled to that pay, by the percent (adjusted to the nearest one-tenth of 1 percent) by which—

''(A) the base index, exceeds

''(B) the price index for the calendar quarter immediately before the calendar quarter in which the rates of monthly basic pay on which the retired pay is based became effective.

''(3) MEMBERS COVERED.—Paragraphs (1) and (2) apply to a member or former member of an armed force who first became a member of a uniformed service before August 1, 1986, and whose

retired pay base is determined under section 1406 of this title.

''(d) FIRST COLA ADJUSTMENT FOR MEMBERS WITH RETIRED PAY COMPUTED USING HIGH-THREE.—Notwithstanding subsection (b), the retired pay of a member or former member of an armed force who first became a member of a uniformed service before August 1, 1986, and whose retired pay base is determined under section 1407 of this title shall be increased on the effective date of the first adjustment of retired pay under subsection (b) after the member or former member becomes entitled to retired pay by the percent (adjusted to the nearest one-tenth of 1 percent) equal to the difference between the percent by which—

''(1) the price index for the base quarter of that year, exceeds

''(2) the price index for the calendar quarter immediately before the calendar quarter during which the member became entitled to retired pay.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply only to adjustments of retired and retainer pay effective after the date of the enactment of this Act.

SEC. 636. TECHNICAL CORRECTION TO PRIOR AUTHORITY FOR PAYMENT OF BACK PAY TO CERTAIN PERSONS.

Section 634 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 366) is amended—

(1) in subsection (b)(1), by striking out ''Island of Bataan'' and inserting in lieu thereof ''peninsula of Bataan or island of Corregidor''; and

(2) in subsection (c), by inserting after the first sentence the following: ''For the purposes of this subsection, the Secretary of War shall be deemed to have determined that conditions in the Philippines during the specified period justified payment under applicable regulations of quarters and subsistence allowances at the maximum special rate for duty where emergency conditions existed.''.

SEC. 637. AMENDMENTS TO THE UNIFORMED SERVICES FORMER SPOUSES' PROTECTION ACT.

(a) MANNER OF SERVICE OF PROCESS.—Subsection (b)(1)(A) of section 1408 of title 10, United States Code, is amended by striking out ''certified or registered mail, return receipt requested'' and inserting in lieu thereof ''facsimile or electronic transmission or by mail''.

(b) SUBSEQUENT COURT ORDER FROM ANOTHER STATE.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

''(6)(A) The Secretary concerned may not accept service of a court order that is an out-of State modification, or comply with the provisions of such a court order, unless the court issuing that order has jurisdiction in the manner specified in subsection (c)(4) over both the member and the spouse or former spouse involved.

''(B) A court order shall be considered to be an out-of-State modification for purposes of this paragraph if the order—

''(i) modifies a previous court order under this section upon which payments under this subsection are based; and

''(ii) is issued by a court of a State other than the State of the court that issued the previous court order.''.

SEC. 638. ADMINISTRATION OF BENEFITS FOR SO-CALLED MINIMUM INCOME WIDOWS.

(a) PAYMENTS TO BE MADE BY SECRETARY OF VETERANS AFFAIRS.—Section 4 of Public Law 92–425 (10 U.S.C. 1448 note) is amended by adding at the end the following new subsection:

''(e)(1) Payment of annuities under this section shall be made by the Secretary of Veterans Affairs. If appropriate for administrative convenience (or otherwise determined appropriate by the Secretary of Veterans Affairs), that Secretary may combine a payment to any person for any month under this section with any other payment for that month under laws administered by the Secretary so as to provide that person with a single payment for that month.

''(2) The Secretary concerned shall annually transfer to the Secretary of Veterans Affairs such amounts as may be necessary for payments by the Secretary of Veterans Affairs under this section and for costs of the Secretary of Veterans Affairs in administering this section. Such transfers shall be made from amounts that would otherwise be used for payment of annuities by the Secretary concerned under this section. The authority to make such a transfer is in addition to any other authority of the Secretary concerned to transfer funds for a purpose other than the purpose for which the funds were originally made available. In the case of a transfer by the Secretary of a military department, the provisions of section 2215 of this title do not apply.

''(3) The Secretary concerned shall promptly notify the Secretary of Veterans Affairs of any change in beneficiaries under this section.''.

(b) EFFECTIVE DATE.—Subsection (e) of section 4 of Public Law 92–425, as added by subsection (a), shall apply with respect to payments of benefits for any month after June 1997.

SEC. 639. NONSUBSTANTIVE RESTATEMENT OF SURVIVOR BENEFIT PLAN STATUTE.

Subchapter II of chapter 73 of title 10, United States Code, is amended to read as follows:

''SUBCHAPTER II—SURVIVOR BENEFIT PLAN

''Sec.
''1447. Definitions.
''1448. Application of Plan.
''1449. Mental incompetency of member.
''1450. Payment of annuity: beneficiaries.
''1451. Amount of annuity.
''1452. Reduction in retired pay.
''1453. Recovery of amounts erroneously paid.
''1454. Correction of administrative errors.
''1455. Regulations.

''§ 1447. Definitions

''In this subchapter:

''(1) PLAN.—The term 'Plan' means the Survivor Benefit Plan established by this subchapter.

''(2) STANDARD ANNUITY.—The term 'standard annuity' means an annuity provided by virtue of eligibility under section 1448(a)(1)(A) of this title.

''(3) RESERVE-COMPONENT ANNUITY.—The term 'reserve-component annuity' means an annuity provided by virtue of eligibility under section 1448(a)(1)(B) of this title.

''(4) RETIRED PAY.—The term 'retired pay' includes retainer pay paid under section 6330 of this title.

''(5) RESERVE-COMPONENT RETIRED PAY.—The term 'reserve-component retired pay' means retired pay under chapter 1223 of this title (or under chapter 67 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act).

''(6) BASE AMOUNT.—The term 'base amount' means the following:

''(A) FULL AMOUNT UNDER STANDARD ANNUITY.—In the case of a person who dies after becoming entitled to retired pay, such term means the amount of monthly retired pay (determined without regard to any reduction under section 1409(b)(2) of this title) to which the person—

''(i) was entitled when he became eligible for that pay; or

''(ii) later became entitled by being advanced on the retired list, performing active duty, or being transferred from the temporary disability retired list to the permanent disability retired list.

''(B) FULL AMOUNT UNDER RESERVE-COMPONENT ANNUITY.—In the case of a person who would have become eligible for reserve-component retired pay but for the fact that he died before becoming 60 years of age, such term means the amount of monthly retired pay for which the person would have been eligible—

''(i) if he had been 60 years of age on the date of his death, for purposes of an annuity to become effective on the day after his death in accordance with a designation made under section 1448(e) of this title.

''(ii) upon becoming 60 years of age (if he had lived to that age), for purposes of an annuity to become effective on the 60th anniversary of his birth in accordance with a designation made under section 1448(e) of this title.

''(C) REDUCED AMOUNT.—Such term means any amount less than the amount otherwise applicable under subparagraph (A) or (B) with respect to an annuity provided under the Plan but which is not less than $300 and which is designated by the person (with the concurrence of the person's spouse, if required under section 1448(a)(3) of this title) providing the annuity on or before—

''(i) the first day for which he becomes eligible for retired pay, in the case of a person providing a standard annuity, or

''(ii) the end of the 90-day period beginning on the date on which he receives the notification required by section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay, in the case of a person providing a reserve-component annuity.

''(7) WIDOW.—The term 'widow' means the surviving wife of a person who, if not married to the person at the time he became eligible for retired pay—

''(A) was married to the person for at least one year immediately before the person's death; or

''(B) is the mother of issue by that marriage.

''(8) WIDOWER.—The term 'widower' means the surviving husband of a person who, if not married to the person at the time she became eligible for retired pay—

''(A) was married to her for at least one year immediately before her death; or

''(B) is the father of issue by that marriage.

''(9) SURVIVING SPOUSE.—The term 'surviving spouse' means a widow or widower.

''(10) FORMER SPOUSE.—The term 'former spouse' means the surviving former husband or wife of a person who is eligible to participate in the Plan.

''(11) DEPENDENT CHILD.—

''(A) IN GENERAL.—The term 'dependent child' means a person who—

''(i) is unmarried;

''(ii) is (I) under 18 years of age, (II) at least 18, but under 22, years of age and pursuing a full-time course of study or training in a high school, trade school, technical or vocational institute, junior college, college, university, or comparable recognized educational institution, or (III) incapable of self support because of a mental or physical incapacity existing before the person's eighteenth birthday or incurred on or after that birthday, but before the person's twenty-second birthday, while pursuing such a full-time course of study or training; and

''(iii) is the child of a person to whom the Plan applies, including (I) an adopted child, and (II) a stepchild, foster child, or recognized natural child who lived with that person in a regular parent-child relationship.

''(B) SPECIAL RULES FOR COLLEGE STUDENTS.—For the purpose of subparagraph (A), a child whose twenty-second birthday occurs before July 1 or after August 31 of a calendar year, and while regularly pursuing such a course of study or training, is considered to have become 22 years of age on the first day of July after that birthday. A child who is a student is considered not to have ceased to be a student during an interim between school years if the interim is not more than 150 days and if the child shows to the satisfaction of the Secretary of Defense that the child has a bona fide intention of continuing to pursue a course of study or training in the same or a different school during the school semester (or other period into which the school year is divided) immediately after the interim.

''(C) FOSTER CHILDREN.—A foster child, to qualify under this paragraph as the dependent

child of a person to whom the Plan applies, must, at the time of the death of that person, also reside with, and receive over one-half of his support from, that person, and not be cared for under a social agency contract. The temporary absence of a foster child from the residence of that person, while a student as described in this paragraph, shall not be considered to affect the residence of such a foster child.

''(12) COURT.—The term 'court' has the meaning given that term by section 1408(a)(1) of this title.

''(13) COURT ORDER.—

''(A) IN GENERAL.—The term 'court order' means a court's final decree of divorce, dissolution, or annulment or a court ordered, ratified, or approved property settlement incident to such a decree (including a final decree modifying the terms of a previously issued decree of divorce, dissolution, annulment, or legal separation, or of a court ordered, ratified, or approved property settlement agreement incident to such previously issued decree).

''(B) FINAL DECREE.—The term 'final decree' means a decree from which no appeal may be taken or from which no appeal has been taken within the time allowed for the taking of such appeals under the laws applicable to such appeals, or a decree from which timely appeal has been taken and such appeal has been finally decided under the laws applicable to such appeals.

''(C) REGULAR ON ITS FACE.—The term 'regular on its face', when used in connection with a court order, means a court order that meets the conditions prescribed in section 1408(b)(2) of this title.

''§ 1448. Application of plan

''(a) GENERAL RULES FOR PARTICIPATION IN THE PLAN.—

''(1) NAME OF PLAN; ELIGIBLE PARTICIPANTS.—The program established by this subchapter shall be known as the Survivor Benefit Plan. The following persons are eligible to participate in the Plan:

''(A) Persons entitled to retired pay.

''(B) Persons who would be eligible for reserve-component retired pay but for the fact that they are under 60 years of age.

''(2) PARTICIPANTS IN THE PLAN.—The Plan applies to the following persons, who shall be participants in the Plan:

''(A) STANDARD ANNUITY PARTICIPANTS.—A person who is eligible to participate in the Plan under paragraph (1)(A) and who is married or has a dependent child when he becomes entitled to retired pay, unless he elects (with his spouse's concurrence, if required under paragraph (3)) not to participate in the Plan before the first day for which he is eligible for that pay.

''(B) RESERVE-COMPONENT ANNUITY PARTICIPANTS.—A person who (i) is eligible to participate in the Plan under paragraph (1)(B), (ii) is married or has a dependent child when he is notified under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay, and (iii) elects to participate in the Plan (and makes a designation under subsection (e)) before the end of the 90-day period beginning on the date he receives such notification.

A person described in clauses (i) and (ii) of subparagraph (B) who does not elect to participate in the Plan before the end of the 90-day period referred to in that clause remains eligible, upon reaching 60 years of age and otherwise becoming entitled to retired pay, to participate in the Plan in accordance with eligibility under paragraph (1)(A).

''(3) ELECTIONS.—

''(A) SPOUSAL CONSENT FOR CERTAIN ELECTIONS RESPECTING STANDARD ANNUITY.—A married person who is eligible to provide a standard annuity may not without the concurrence of the person's spouse elect—

''(i) not to participate in the Plan;

''(ii) to provide an annuity for the person's spouse at less than the maximum level; or

''(iii) to provide an annuity for a dependent child but not for the person's spouse.

''(B) SPOUSAL CONSENT FOR CERTAIN ELECTIONS RESPECTING RESERVE-COMPONENT ANNUITY.—A married person who elects to provide a reserve-component annuity may not without the concurrence of the person's spouse elect—

''(i) to provide an annuity for the person's spouse at less than the maximum level; or

''(ii) to provide an annuity for a dependent child but not for the person's spouse.

''(C) EXCEPTION WHEN SPOUSE UNAVAILABLE.—A person may make an election described in subparagraph (A) or (B) without the concurrence of the person's spouse if the person establishes to the satisfaction of the Secretary concerned—

''(i) that the spouse's whereabouts cannot be determined; or

''(ii) that, due to exceptional circumstances, requiring the person to seek the spouse's consent would otherwise be inappropriate.

''(D) CONSTRUCTION WITH FORMER SPOUSE ELECTION PROVISIONS.—This paragraph does not affect any right or obligation to elect to provide an annuity for a former spouse (or for a former spouse and dependent child) under subsection (b)(2).

''(E) NOTICE TO SPOUSE OF ELECTION TO PROVIDE FORMER SPOUSE ANNUITY.—If a married person who is eligible to provide a standard annuity elects to provide an annuity for a former spouse (or for a former spouse and dependent child) under subsection (b)(2), that person's spouse shall be notified of that election.

''(4) IRREVOCABILITY OF ELECTIONS.—

''(A) STANDARD ANNUITY.—An election under paragraph (2)(A) not to participate in the Plan is irrevocable if not revoked before the date on which the person first becomes entitled to retired pay.

''(B) RESERVE-COMPONENT ANNUITY.—An election under paragraph (2)(B) to participate in the Plan is irrevocable if not revoked before the end of the 90-day period referred to in that paragraph.

''(5) PARTICIPATION BY PERSON MARRYING AFTER RETIREMENT, ETC.—

''(A) ELECTION TO PARTICIPATE IN PLAN.—A person who is not married and has no dependent child upon becoming eligible to participate in the Plan but who later marries or acquires a dependent child may elect to participate in the Plan.

''(B) MANNER AND TIME OF ELECTION.—Such an election must be written, signed by the person making the election, and received by the Secretary concerned within one year after the date on which that person marries or acquires that dependent child.

''(C) LIMITATION ON REVOCATION OF ELECTION.—Such an election may not be revoked except in accordance with subsection (b)(3).

''(D) EFFECTIVE DATE OF ELECTION.—The election is effective as of the first day of the first calendar month following the month in which the election is received by the Secretary concerned.

''(E) DESIGNATION IF RCSBP ELECTION.—In the case of a person providing a reserve-component annuity, such an election shall include a designation under subsection (e).

''(6) ELECTION OUT OF PLAN BY PERSON WITH SPOUSE COVERAGE WHO REMARRIES.—

''(A) GENERAL RULE.—A person—

''(i) who is a participant in the Plan and is providing coverage under the Plan for a spouse (or a spouse and child);

''(ii) who does not have an eligible spouse beneficiary under the Plan; and

''(iii) who remarries,

may elect not to provide coverage under the Plan for the person's spouse.

''(B) EFFECT OF ELECTION ON RETIRED PAY.—If such an election is made, reductions in the retired pay of that person under section 1452 of this title shall not be made.

''(C) TERMS AND CONDITIONS OF ELECTION.—An election under this paragraph—

''(i) is irrevocable;

''(ii) shall be made within one year after the person's remarriage; and

''(iii) shall be made in such form and manner as may be prescribed in regulations under section 1455 of this title.

''(D) NOTICE TO SPOUSE.—If a person makes an election under this paragraph—

''(i) not to participate in the Plan;

''(ii) to provide an annuity for the person's spouse at less than the maximum level; or

''(iii) to provide an annuity for a dependent child but not for the person's spouse,

the person's spouse shall be notified of that election.

''(E) CONSTRUCTION WITH FORMER SPOUSE ELECTION PROVISIONS.—This paragraph does not affect any right or obligation to elect to provide an annuity to a former spouse under subsection (b).

''(b) INSURABLE INTEREST AND FORMER SPOUSE COVERAGE.—

''(1) COVERAGE FOR PERSON WITH INSURABLE INTEREST.—

''(A) GENERAL RULE.—A person who is not married and does not have a dependent child upon becoming eligible to participate in the Plan may elect to provide an annuity under the Plan to a natural person with an insurable interest in that person. In the case of a person providing a reserve-component annuity, such an election shall include a designation under subsection (e).

''(B) TERMINATION OF COVERAGE.—An election under subparagraph (A) for a beneficiary who is not the former spouse of the person providing the annuity may be terminated. Any such termination shall be made by a participant by the submission to the Secretary concerned of a request to discontinue participation in the Plan, and such participation in the Plan shall be discontinued effective on the first day of the first month following the month in which the request is received by the Secretary concerned. Effective on such date, the Secretary concerned shall discontinue the reduction being made in such person's retired pay on account of participation in the Plan or, in the case of a person who has been required to make deposits in the Treasury on account of participation in the Plan, such person may discontinue making such deposits effective on such date.

''(C) FORM FOR DISCONTINUATION.—A request under subparagraph (B) to discontinue participation in the Plan shall be in such form and shall contain such information as may be required under regulations prescribed by the Secretary of Defense.

''(D) WITHDRAWAL OF REQUEST FOR DISCONTINUATION.—The Secretary concerned shall furnish promptly to each person who submits a request under subparagraph (B) to discontinue participation in the Plan a written statement of the advantages and disadvantages of participating in the Plan and the possible disadvantages of discontinuing participation. A person may withdraw the request to discontinue participation if withdrawn within 30 days after having been submitted to the Secretary concerned.

''(E) CONSEQUENCES OF DISCONTINUATION.—Once participation is discontinued, benefits may not be paid in conjunction with the earlier participation in the Plan and premiums paid may not be refunded. Participation in the Plan may not later be resumed except through a qualified election under paragraph (5) of subsection (a).

''(2) FORMER SPOUSE COVERAGE UPON BECOMING A PARTICIPANT IN THE PLAN.—

''(A) GENERAL RULE.—A person who has a former spouse upon becoming eligible to participate in the Plan may elect to provide an annuity to that former spouse.

''(B) EFFECT OF FORMER SPOUSE ELECTION ON SPOUSE OR DEPENDENT CHILD.—In the case of a person with a spouse or a dependent child, such an election prevents payment of an annuity to that spouse or child (other than a child who is

a beneficiary under an election under paragraph (4)), including payment under subsection (d).

''(C) DESIGNATION IF MORE THAN ONE FORMER SPOUSE.—If there is more than one former spouse, the person shall designate which former spouse is to be provided the annuity.

''(D) DESIGNATION IF RCSBP ELECTION.—In the case of a person providing a reserve-component annuity, such an election shall include a designation under subsection (e).

''(3) FORMER SPOUSE COVERAGE BY PERSONS ALREADY PARTICIPATING IN PLAN.—

''(A) ELECTION OF COVERAGE.—

''(i) AUTHORITY FOR ELECTION.—A person—

''(I) who is a participant in the Plan and is providing coverage for a spouse or a spouse and child (even though there is no beneficiary currently eligible for such coverage), and

''(II) who has a former spouse who was not that person's former spouse when that person became eligible to participate in the Plan,

may (subject to subparagraph (B)) elect to provide an annuity to that former spouse.

''(ii) TERMINATION OF PREVIOUS COVERAGE.—Any such election terminates any previous coverage under the Plan.

''(iii) MANNER AND TIME OF ELECTION.—Any such election must be written, signed by the person making the election, and received by the Secretary concerned within one year after the date of the decree of divorce, dissolution, or annulment.

''(B) LIMITATION ON ELECTION.—A person may not make an election under subparagraph (A) to provide an annuity to a former spouse who that person married after becoming eligible for retired pay unless—

''(i) the person was married to that former spouse for at least one year, or

''(ii) that former spouse is the parent of issue by that marriage.

''(C) IRREVOCABILITY, EFFECTIVE DATE, ETC.—An election under this paragraph may not be revoked except in accordance with section 1450(f) of this title. Such an election is effective as of the first day of the first calendar month following the month in which it is received by the Secretary concerned. This paragraph does not provide the authority to change a designation previously made under subsection (e).

''(D) NOTICE TO SPOUSE.—If a person who is married makes an election to provide an annuity to a former spouse under this paragraph, that person's spouse shall be notified of the election.

''(4) FORMER SPOUSE AND CHILD COVERAGE.—A person who elects to provide an annuity for a former spouse under paragraph (2) or (3) may, at the time of the election, elect to provide coverage under that annuity for both the former spouse and a dependent child, if the child resulted from the person's marriage to that former spouse.

''(5) DISCLOSURE OF WHETHER ELECTION OF FORMER SPOUSE COVERAGE IS REQUIRED.—A person who elects to provide an annuity to a former spouse under paragraph (2) or (3) shall, at the time of making the election, provide the Secretary concerned with a written statement (in a form to be prescribed by that Secretary and signed by such person and the former spouse) setting forth—

''(A) whether the election is being made pursuant to the requirements of a court order; or

''(B) whether the election is being made pursuant to a written agreement previously entered into voluntarily by such person as a part of, or incident to, a proceeding of divorce, dissolution, or annulment and (if so) whether such voluntary written agreement has been incorporated in, or ratified or approved by, a court order.

''(c) PERSONS ON TEMPORARY DISABILITY RETIRED LIST.—The application of the Plan to a person whose name is on the temporary disability retired list terminates when his name is removed from that list and he is no longer entitled to disability retired pay.

''(d) COVERAGE FOR SURVIVORS OF RETIREMENT-ELIGIBLE MEMBERS WHO DIE ON ACTIVE DUTY.—

''(1) SURVIVING SPOUSE ANNUITY.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of a member who dies on active duty after—

''(A) becoming eligible to receive retired pay;

''(B) qualifying for retired pay except that he has not applied for or been granted that pay; or

''(C) completing 20 years of active service but before he is eligible to retire as a commissioned officer because he has not completed 10 years of active commissioned service.

''(2) DEPENDENT CHILD ANNUITY.—The Secretary concerned shall pay an annuity under this subchapter to the dependent child of a member described in paragraph (1) if there is no surviving spouse or if the member's surviving spouse subsequently dies.

''(3) MANDATORY FORMER SPOUSE ANNUITY.—If a member described in paragraph (1) is required under a court order or spousal agreement to provide an annuity to a former spouse upon becoming eligible to be a participant in the Plan or has made an election under subsection (b) to provide an annuity to a former spouse, the Secretary—

''(A) may not pay an annuity under paragraph (1) or (2); but

''(B) shall pay an annuity to that former spouse as if the member had been a participant in the Plan and had made an election under subsection (b) to provide an annuity to the former spouse, or in accordance with that election, as the case may be, if the Secretary receives a written request from the former spouse concerned that the election be deemed to have been made in the same manner as provided in section 1450(f)(3) of this title.

''(4) PRIORITY.—An annuity that may be provided under this subsection shall be provided in preference to an annuity that may be provided under any other provision of this subchapter on account of service of the same member.

''(5) COMPUTATION.—The amount of an annuity under this subsection is computed under section 1451(c) of this title.

''(e) DESIGNATION FOR COMMENCEMENT OF RESERVE-COMPONENT ANNUITY.—In any case in which a person electing to participate in the Plan is required to make a designation under this subsection, the person making such election shall designate whether, in the event he dies before becoming 60 years of age, the annuity provided shall become effective on—

''(1) the day after the date of his death; or

''(2) the 60th anniversary of his birth.

''(f) COVERAGE OF SURVIVORS OF PERSONS DYING WHEN ELIGIBLE TO ELECT RESERVE-COMPONENT ANNUITY.—

''(1) SURVIVING SPOUSE ANNUITY.—The Secretary concerned shall pay an annuity under this subchapter to the surviving spouse of a person who is eligible to provide a reserve-component annuity and who dies—

''(A) before being notified under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay; or

''(B) during the 90-day period beginning on the date he receives notification under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay if he had not made an election under subsection (a)(2)(B) to participate in the Plan.

''(2) DEPENDENT CHILD ANNUITY.—The Secretary concerned shall pay an annuity under this subchapter to the dependent child of a person described in paragraph (1) if there is no surviving spouse or if the person's surviving spouse subsequently dies.

''(3) MANDATORY FORMER SPOUSE ANNUITY.—If a person described in paragraph (1) is required under a court order or spousal agreement to provide an annuity to a former spouse upon becoming eligible to be a participant in the Plan or has made an election under subsection (b) to provide an annuity to a former spouse, the Secretary—

''(A) may not pay an annuity under paragraph (1) or (2); but

''(B) shall pay an annuity to that former spouse as if the person had been a participant in the Plan and had made an election under subsection (b) to provide an annuity to the former spouse, or in accordance with that election, as the case may be, if the Secretary receives a written request from the former spouse concerned that the election be deemed to have been made in the same manner as provided in section 1450(f)(3) of this title.

''(4) COMPUTATION.—The amount of an annuity under this subsection is computed under section 1451(c) of this title.

''(g) ELECTION TO INCREASE COVERAGE UPON REMARRIAGE.—

''(1) ELECTION.—A person—

''(A) who is a participant in the Plan and is providing coverage under subsection (a) for a spouse or a spouse and child, but at less than the maximum level; and

''(B) who remarries,

may elect, within one year of such remarriage, to increase the level of coverage provided under the Plan to a level not in excess of the current retired pay of that person.

''(2) PAYMENT REQUIRED.—Such an election shall be contingent on the person paying to the United States the amount determined under paragraph (3) plus interest on such amount at a rate determined under regulations prescribed by the Secretary of Defense.

''(3) AMOUNT TO BE PAID.—The amount referred to in paragraph (2) is the amount equal to the difference between—

''(A) the amount that would have been withheld from such person's retired pay under section 1452 of this title if the higher level of coverage had been in effect from the time the person became a participant in the Plan; and

''(B) the amount of such person's retired pay actually withheld.

''(4) MANNER OF MAKING ELECTION.—An election under paragraph (1) shall be made in such manner as the Secretary shall prescribe and shall become effective upon receipt of the payment required by paragraph (2).

''(5) DISPOSITION OF PAYMENTS.—A payment received under this subsection by the Secretary of Defense shall be deposited into the Department of Defense Military Retirement Fund. Any other payment received under this subsection shall be deposited in the Treasury as miscellaneous receipts.

''§ 1449. Mental incompetency of member

''(a) ELECTION BY SECRETARY CONCERNED ON BEHALF OF MENTALLY INCOMPETENT MEMBER.—If a person to whom section 1448 of this title applies is determined to be mentally incompetent by medical officers of the armed force concerned or of the Department of Veterans Affairs, or by a court of competent jurisdiction, an election described in subsection (a)(2) or (b) of section 1448 of this title may be made on behalf of that person by the Secretary concerned.

''(b) REVOCATION OF ELECTION BY MEMBER.—

''(1) AUTHORITY UPON SUBSEQUENT DETERMINATION OF MENTAL COMPETENCE.—If a person for whom the Secretary has made an election under subsection (a) is later determined to be mentally competent by an authority named in that subsection, that person may, within 180 days after that determination, revoke that election.

''(2) DEDUCTIONS FROM RETIRED PAY NOT TO BE REFUNDED.—Any deduction made from retired pay by reason of such an election may not be refunded.

''§ 1450. Payment of annuity: beneficiaries

''(a) IN GENERAL.—Effective as of the first day after the death of a person to whom section 1448 of this title applies (or on such other day as that

person may provide under subsection (j)), a monthly annuity under section 1451 of this title shall be paid to the person's beneficiaries under the Plan, as follows:

''(1) SURVIVING SPOUSE OR FORMER SPOUSE.—The eligible surviving spouse or the eligible former spouse.

''(2) SURVIVING CHILDREN.—The surviving dependent children in equal shares, if the eligible surviving spouse or the eligible former spouse is dead, dies, or otherwise becomes ineligible under this section.

''(3) DEPENDENT CHILDREN.—The dependent children in equal shares if the person to whom section 1448 of this title applies (with the concurrence of the person's spouse, if required under section 1448(a)(3) of this title) elected to provide an annuity for dependent children but not for the spouse or former spouse.

''(4) NATURAL PERSON DESIGNATED UNDER 'INSURABLE INTEREST' COVERAGE.—The natural person designated under section 1448(b)(1) of this title, unless the election to provide an annuity to the natural person has been changed as provided in subsection (f).

''(b) TERMINATION OF ANNUITY FOR DEATH, REMARRIAGE BEFORE AGE 55, ETC.—

''(1) GENERAL RULE.—An annuity payable to the beneficiary terminates effective as of the first day of the month in which eligibility is lost.

''(2) TERMINATION OF SPOUSE ANNUITY UPON DEATH OR REMARRIAGE BEFORE AGE 55.—An annuity for a surviving spouse or former spouse shall be paid to the surviving spouse or former spouse while the surviving spouse or former spouse is living or, if the surviving spouse or former spouse remarries before reaching age 55, until the surviving spouse or former spouse remarries.

''(3) EFFECT OF TERMINATION OF SUBSEQUENT MARRIAGE BEFORE AGE 55.—If the surviving spouse or former spouse remarries before reaching age 55 and that marriage is terminated by death, annulment, or divorce, payment of the annuity shall be resumed effective as of the first day of the month in which the marriage is so terminated. However, if the surviving spouse or former spouse is also entitled to an annuity under the Plan based upon the marriage so terminated, the surviving spouse or former spouse may not receive both annuities but must elect which to receive.

''(c) OFFSET FOR AMOUNT OF DEPENDENCY AND INDEMNITY COMPENSATION.—

''(1) REQUIRED OFFSET.—If, upon the death of a person to whom section 1448 of this title applies, the surviving spouse or former spouse of that person is also entitled to dependency and indemnity compensation under section 1311(a) of title 38, the surviving spouse or former spouse may be paid an annuity under this section, but only in the amount that the annuity otherwise payable under this section would exceed that compensation.

''(2) EFFECTIVE DATE OF OFFSET.—A reduction in an annuity under this section required by paragraph (1) shall be effective on the date of the commencement of the period of payment of such dependency and indemnity compensation under title 38.

''(d) LIMITATION ON PAYMENT OF ANNUITIES WHEN COVERAGE UNDER CIVIL SERVICE RETIREMENT ELECTED.—If, upon the death of a person to whom section 1448 of this title applies, that person had in effect a waiver of that person's retired pay for the purposes of subchapter III of chapter 83 of title 5, an annuity under this section shall not be payable unless, in accordance with section 8339(j) of title 5, that person notified the Office of Personnel Management that he did not desire any spouse surviving him to receive an annuity under section 8341(b) of that title.

''(e) REFUND OF AMOUNTS DEDUCTED FROM RETIRED PAY WHEN DIC OFFSET IS APPLICABLE.—

''(1) FULL REFUND WHEN DIC GREATER THAN SBP ANNUITY.—If an annuity under this section is not payable because of subsection (c), any amount deducted from the retired pay of the deceased under section 1452 of this title shall be refunded to the surviving spouse or former spouse.

''(2) PARTIAL REFUND WHEN SBP ANNUITY REDUCED BY DIC.—If, because of subsection (c), the annuity payable is less than the amount established under section 1451 of this title, the annuity payable shall be recalculated under that section. The amount of the reduction in the retired pay required to provide that recalculated annuity shall be computed under section 1452 of this title, and the difference between the amount deducted before the computation of that recalculated annuity and the amount that would have been deducted on the basis of that recalculated annuity shall be refunded to the surviving spouse or former spouse.

''(f) CHANGE IN ELECTION OF INSURABLE INTEREST OR FORMER SPOUSE BENEFICIARY.—

''(1) AUTHORIZED CHANGES.—

''(A) ELECTION IN FAVOR OF SPOUSE OR CHILD.—A person who elects to provide an annuity to a person designated by him under section 1448(b) of this title may, subject to paragraph (2), change that election and provide an annuity to his spouse or dependent child.

''(B) NOTICE.—The Secretary concerned shall notify the former spouse or other natural person previously designated under section 1448(b) of this title of any change of election under subparagraph (A).

''(C) PROCEDURES, EFFECTIVE DATE, ETC.—Any such change of election is subject to the same rules with respect to execution, revocation, and effectiveness as are set forth in section 1448(a)(5) of this title (without regard to the eligibility of the person making the change of election to make such an election under that section).

''(2) LIMITATION ON CHANGE IN BENEFICIARY WHEN FORMER SPOUSE COVERAGE IN EFFECT.—A person who, incident to a proceeding of divorce, dissolution, or annulment, is required by a court order to elect under section 1448(b) of this title to provide an annuity to a former spouse (or to both a former spouse and child), or who enters into a written agreement (whether voluntary or required by a court order) to make such an election, and who makes an election pursuant to such order or agreement, may not change that election under paragraph (1) unless, of the following requirements, whichever are applicable in a particular case are satisfied:

''(A) In a case in which the election is required by a court order, or in which an agreement to make the election has been incorporated in or ratified or approved by a court order, the person—

''(i) furnishes to the Secretary concerned a certified copy of a court order which is regular on its face and which modifies the provisions of all previous court orders relating to such election, or the agreement to make such election, so as to permit the person to change the election; and

''(ii) certifies to the Secretary concerned that the court order is valid and in effect.

''(B) In a case of a written agreement that has not been incorporated in or ratified or approved by a court order, the person—

''(i) furnishes to the Secretary concerned a statement, in such form as the Secretary concerned may prescribe, signed by the former spouse and evidencing the former spouse's agreement to a change in the election under paragraph (1); and

''(ii) certifies to the Secretary concerned that the statement is current and in effect.

''(3) REQUIRED FORMER SPOUSE ELECTION TO BE DEEMED TO HAVE BEEN MADE.—

''(A) DEEMED ELECTION UPON REQUEST BY FORMER SPOUSE.—If a person described in paragraph (2) or (3) of section 1448(b) of this title is required (as described in subparagraph (B)) to elect under section 1448(b) of this title to provide an annuity to a former spouse and such person then fails or refuses to make such an election, such person shall be deemed to have made such an election if the Secretary concerned receives the following:

''(i) REQUEST FROM FORMER SPOUSE.—A written request, in such manner as the Secretary shall prescribe, from the former spouse concerned requesting that such an election be deemed to have been made.

''(ii) COPY OF COURT ORDER OR OTHER OFFICIAL STATEMENT.—Either—

''(I) a copy of the court order, regular on its face, which requires such election or incorporates, ratifies, or approves the written agreement of such person; or

''(II) a statement from the clerk of the court (or other appropriate official) that such agreement has been filed with the court in accordance with applicable State law.

''(B) PERSONS REQUIRED TO MAKE ELECTION.—A person shall be considered for purposes of subparagraph (A) to be required to elect under section 1448(b) of this title to provide an annuity to a former spouse if—

''(i) the person enters, incident to a proceeding of divorce, dissolution, or annulment, into a written agreement to make such an election and the agreement (I) has been incorporated in or ratified or approved by a court order, or (II) has been filed with the court of appropriate jurisdiction in accordance with applicable State law; or

''(ii) the person is required by a court order to make such an election.

''(C) TIME LIMIT FOR REQUEST BY FORMER SPOUSE.—An election may not be deemed to have been made under subparagraph (A) in the case of any person unless the Secretary concerned receives a request from the former spouse of the person within one year of the date of the court order or filing involved.

''(D) EFFECTIVE DATE OF DEEMED ELECTION.—An election deemed to have been made under subparagraph (A) shall become effective on the first day of the first month which begins after the date of the court order or filing involved.

''(4) FORMER SPOUSE COVERAGE MAY BE REQUIRED BY COURT ORDER.—A court order may require a person to elect (or to enter into an agreement to elect) under section 1448(b) of this title to provide an annuity to a former spouse (or to both a former spouse and child).

''(g) LIMITATION ON CHANGING OR REVOKING ELECTIONS.—

''(1) IN GENERAL.—An election under this section may not be changed or revoked.

''(2) EXCEPTIONS.—Paragraph (1) does not apply to—

''(A) a revocation of an election under section 1449(b) of this title; or

''(B) a change in an election under subsection (f).

''(h) TREATMENT OF ANNUITIES UNDER OTHER LAWS.—Except as provided in section 1451 of this title, an annuity under this section is in addition to any other payment to which a person is entitled under any other provision of law. Such annuity shall be considered as income under laws administered by the Secretary of Veterans Affairs.

''(i) ANNUITIES EXEMPT FROM CERTAIN LEGAL PROCESS.—Except as provided in subsection (l)(3)(B), an annuity under this section is not assignable or subject to execution, levy, attachment, garnishment, or other legal process.

''(j) EFFECTIVE DATE OF RESERVE-COMPONENT ANNUITIES.—

''(1) PERSONS MAKING SECTION 1448(e) DESIGNATION.—An annuity elected by a person providing a reserve-component annuity shall be effective in accordance with the designation made by such person under section 1448(e) of this title.

''(2) PERSONS DYING BEFORE MAKING SECTION 1448(e) DESIGNATION.—An annuity payable under section 1448(f) of this title shall be effective on the day after the date of the death of the person upon whose service the right to the annuity is based.

''(k) ADJUSTMENT OF SPOUSE OR FORMER SPOUSE ANNUITY UPON LOSS OF DEPENDENCY AND INDEMNITY COMPENSATION.—

''(1) READJUSTMENT IF BENEFICIARY 55 YEARS OF AGE OR MORE.—If a surviving spouse or former spouse whose annuity has been adjusted under subsection (c) subsequently loses entitlement to dependency and indemnity compensation under section 1311(a) of title 38 because of the remarriage of the surviving spouse, or former spouse, and if at the time of such remarriage the surviving spouse or former spouse is 55 years of age or more, the amount of the annuity of the surviving spouse or former spouse shall be readjusted, effective on the effective date of such loss of dependency and indemnity compensation, to the amount of the annuity which would be in effect with respect to the surviving spouse or former spouse if the adjustment under subsection (c) had never been made.

''(2) REPAYMENT OF AMOUNTS PREVIOUSLY REFUNDED.—

''(A) GENERAL RULE.—A surviving spouse or former spouse whose annuity is readjusted under paragraph (1) shall repay any amount refunded under subsection (e) by reason of the adjustment under subsection (c).

''(B) INTEREST REQUIRED IF REPAYMENT NOT A LUMP SUM.—If the repayment is not made in a lump sum, the surviving spouse or former spouse shall pay interest on the amount to be repaid. Such interest shall commence on the date on which the first such payment is due and shall be applied over the period during which any part of the repayment remains to be paid.

''(C) MANNER OF REPAYMENT; RATE OF INTEREST.—The manner in which such repayment shall be made, and the rate of any such interest, shall be prescribed in regulations under section 1455 of this title.

''(D) DEPOSIT OF AMOUNTS REPAID.—An amount repaid under this paragraph (including any such interest) received by the Secretary of Defense shall be deposited into the Department of Defense Military Retirement Fund. Any other amount repaid under this paragraph shall be deposited into the Treasury as miscellaneous receipts.

''(l) PARTICIPANTS IN THE PLAN WHO ARE MISSING.—

''(1) AUTHORITY TO PRESUME DEATH OF MISSING PARTICIPANT.—

''(A) IN GENERAL.—Upon application of the beneficiary of a participant in the Plan who is missing, the Secretary concerned may determine for purposes of this subchapter that the participant is presumed dead.

''(B) PARTICIPANT WHO IS MISSING.—A participant in the Plan is considered to be missing for purposes of this subsection if—

''(i) the retired pay of the participant has been suspended on the basis that the participant is missing; or

''(ii) in the case of a participant in the Plan who would be eligible for reserve-component retired pay but for the fact that he is under 60 years of age, his retired pay, if he were entitled to retired pay, would be suspended on the basis that he is missing.

''(C) REQUIREMENTS APPLICABLE TO PRESUMPTION OF DEATH.—Any such determination shall be made in accordance with regulations prescribed under section 1455 of this title. The Secretary concerned may not make a determination for purposes of this subchapter that a participant who is missing is presumed dead unless the Secretary finds that—

''(i) the participant has been missing for at least 30 days; and

''(ii) the circumstances under which the participant is missing would lead a reasonably prudent person to conclude that the participant is dead.

''(2) COMMENCEMENT OF ANNUITY.—Upon a determination under paragraph (1) with respect to a participant in the Plan, an annuity otherwise payable under this subchapter shall be paid as if the participant died on the date as of which the retired pay of the participant was suspended.

''(3) EFFECT OF PERSON NOT BEING DEAD.—

''(A) TERMINATION OF ANNUITY.—If, after a determination under paragraph (1), the Secretary concerned determines that the participant is alive—

''(i) any annuity being paid under this subchapter by reason of this subsection shall be terminated; and

''(ii) the total amount of any annuity payments made by reason of this subsection shall constitute a debt to the United States.

''(B) COLLECTION FROM PARTICIPANT OF ANNUITY AMOUNTS ERRONEOUSLY PAID.—A debt under subparagraph (A)(ii) may be collected or offset—

''(i) from any retired pay otherwise payable to the participant;

''(ii) if the participant is entitled to compensation under chapter 11 of title 38, from that compensation; or

''(iii) if the participant is entitled to any other payment from the United States, from that payment.

''(C) COLLECTION FROM BENEFICIARY.—If the participant dies before the full recovery of the amount of annuity payments described in subparagraph (A)(ii) has been made by the United States, the remaining amount of such annuity payments may be collected from the participant's beneficiary under the Plan if that beneficiary was the recipient of the annuity payments made by reason of this subsection.

''§ 1451. Amount of annuity

''(a) COMPUTATION OF ANNUITY FOR A SPOUSE, FORMER SPOUSE, OR CHILD.—

''(1) STANDARD ANNUITY.—In the case of a standard annuity provided to a beneficiary under section 1450(a) of this title (other than under section 1450(a)(4)), the monthly annuity payable to the beneficiary shall be determined as follows:

''(A) BENEFICIARY UNDER 62 YEARS OF AGE.—If the beneficiary is under 62 years of age or is a dependent child when becoming entitled to the annuity, the monthly annuity shall be the amount equal to 55 percent of the base amount.

''(B) BENEFICIARY 62 YEARS OF AGE OR OLDER.—

''(i) GENERAL RULE.—If the beneficiary (other than a dependent child) is 62 years of age or older when becoming entitled to the annuity, the monthly annuity shall be the amount equal to 35 percent of the base amount.

''(ii) RULE IF BENEFICIARY ELIGIBLE FOR SOCIAL SECURITY OFFSET COMPUTATION.—If the beneficiary is eligible to have the annuity computed under subsection (e) and if, at the time the beneficiary becomes entitled to the annuity, computation of the annuity under that subsection is more favorable to the beneficiary than computation under clause (i), the annuity shall be computed under that subsection rather than under clause (i).

''(2) RESERVE-COMPONENT ANNUITY—In the case of a reserve-component annuity provided to a beneficiary under section 1450(a) of this title (other than under section 1450(a)(4)), the monthly annuity payable to the beneficiary shall be determined as follows:

''(A) BENEFICIARY UNDER 62 YEARS OF AGE.—If the beneficiary is under 62 years of age or is a dependent child when becoming entitled to the annuity, the monthly annuity shall be the amount equal to a percentage of the base amount that—

''(i) is less than 55 percent; and

''(ii) is determined under subsection (f).

''(B) BENEFICIARY 62 YEARS OF AGE OR OLDER.—

''(i) GENERAL RULE.—If the beneficiary (other than a dependent child) is 62 years of age or older when becoming entitled to the annuity, the monthly annuity shall be the amount equal to a percentage of the base amount that—

''(I) is less than 35 percent; and

''(II) is determined under subsection (f).

''(ii) RULE IF BENEFICIARY ELIGIBLE FOR SOCIAL SECURITY OFFSET COMPUTATION.—If the beneficiary is eligible to have the annuity computed under subsection (e) and if, at the time the beneficiary becomes entitled to the annuity, computation of the annuity under that subsection is more favorable to the beneficiary than computation under clause (i), the annuity shall be computed under that subsection rather than under clause (i).

''(b) INSURABLE INTEREST BENEFICIARY.—

''(1) STANDARD ANNUITY.—In the case of a standard annuity provided to a beneficiary under section 1450(a)(4) of this title, the monthly annuity payable to the beneficiary shall be the amount equal to 55 percent of the retired pay of the person who elected to provide the annuity after the reduction in that pay in accordance with section 1452(c) of this title.

''(2) RESERVE-COMPONENT ANNUITY.—In the case of a reserve-component annuity provided to a beneficiary under section 1450(a)(4) of this title, the monthly annuity payable to the beneficiary shall be the amount equal to a percentage of the retired pay of the person who elected to provide the annuity after the reduction in such pay in accordance with section 1452(c) of this title that—

''(A) is less than 55 percent; and

''(B) is determined under subsection (f).

''(3) COMPUTATION OF RESERVE-COMPONENT ANNUITY WHEN PARTICIPANT DIES BEFORE AGE 60.—For the purposes of paragraph (2), a person—

''(A) who provides an annuity that is determined in accordance with that paragraph;

''(B) who dies before becoming 60 years of age; and

''(C) who at the time of death is otherwise entitled to retired pay,

shall be considered to have been entitled to retired pay at the time of death. The retired pay of such person for the purposes of such paragraph shall be computed on the basis of the rates of basic pay in effect on the date on which the annuity provided by such person is to become effective in accordance with the designation of such person under section 1448(e) of this title.

''(c) ANNUITIES FOR SURVIVORS OF CERTAIN PERSONS DYING DURING A PERIOD OF SPECIAL ELIGIBILITY FOR SBP.—

''(1) IN GENERAL.—In the case of an annuity provided under section 1448(d) or 1448(f) of this title, the amount of the annuity shall be determined as follows:

''(A) BENEFICIARY UNDER 62 YEARS OF AGE.—If the person receiving the annuity is under 62 years of age or is a dependent child when the member or former member dies, the monthly annuity shall be the amount equal to 55 percent of the retired pay to which the member or former member would have been entitled if the member or former member had been entitled to that pay based upon his years of active service when he died.

''(B) BENEFICIARY 62 YEARS OF AGE OR OLDER.—

''(i) GENERAL RULE.—If the person receiving the annuity (other than a dependent child) is 62 years of age or older when the member or former member dies, the monthly annuity shall be the amount equal to 35 percent of the retired pay to which the member or former member would have been entitled if the member or former member had been entitled to that pay based upon his years of active service when he died.

''(ii) RULE IF BENEFICIARY ELIGIBLE FOR SOCIAL SECURITY OFFSET COMPUTATION.—If the beneficiary is eligible to have the annuity computed under subsection (e) and if, at the time the beneficiary becomes entitled to the annuity, computation of the annuity under that subsection is more favorable to the beneficiary than computation under clause (i), the annuity shall be computed under that subsection rather than under clause (i).

''(2) DIC OFFSET.—An annuity computed under paragraph (1) that is paid to a surviving spouse shall be reduced by the amount of dependency and indemnity compensation to which

the surviving spouse is entitled under section 1311(a) of title 38. Any such reduction shall be effective on the date of the commencement of the period of payment of such compensation under title 38.

''(3) OFFICER WITH ENLISTED SERVICE WHO IS NOT YET ELIGIBLE TO RETIRE AS AN OFFICER.—In the case of an annuity provided by reason of the service of a member described in section 1448(d)(1)(B) or 1448(d)(1)(C) of this title who first became a member of a uniformed service before September 8, 1980, the retired pay to which the member would have been entitled when he died shall be determined for purposes of paragraph (1) based upon the rate of basic pay in effect at the time of death for the grade in which the member was serving at the time of death, unless (as determined by the Secretary concerned) the member would have been entitled to be retired in a higher grade.

''(4) RATE OF PAY TO BE USED IN COMPUTING ANNUITY.—In the case of an annuity paid under section 1448(f) of this title by reason of the service of a person who first became a member of a uniformed service before September 8, 1980, the retired pay of the person providing the annuity shall for the purposes of paragraph (1) be computed on the basis of the rates of basic pay in effect on the effective date of the annuity.

''(d) REDUCTION OF ANNUITIES AT AGE 62.—

''(1) REDUCTION REQUIRED.—The annuity of a person whose annuity is computed under subparagraph (A) of subsection (a)(1), (a)(2), or (c)(1) shall be reduced on the first day of the month after the month in which the person becomes 62 years of age.

''(2) AMOUNT OF ANNUITY AS REDUCED.—

''(A) 35 PERCENT ANNUITY.—Except as provided in subparagraph (B), the reduced amount of the annuity shall be the amount of the annuity that the person would be receiving on that date if the annuity had initially been computed under subparagraph (B) of that subsection.

''(B) SAVINGS PROVISION FOR BENEFICIARIES ELIGIBLE FOR SOCIAL SECURITY OFFSET COMPUTATION.—In the case of a person eligible to have an annuity computed under subsection (e) and for whom, at the time the person becomes 62 years of age, the annuity computed with a reduction under subsection (e)(3) is more favorable than the annuity with a reduction described in subparagraph (A), the reduction in the annuity shall be computed in the same manner as a reduction under subsection (e)(3).

''(e) SAVINGS PROVISION FOR CERTAIN BENEFICIARIES.—

''(1) PERSONS COVERED.—The following beneficiaries under the Plan are eligible to have an annuity under the Plan computed under this subsection:

''(A) A beneficiary receiving an annuity under the Plan on October 1, 1985, as the surviving spouse or former spouse of the person providing the annuity.

''(B) A spouse or former spouse beneficiary of a person who on October 1, 1985—

''(i) was a participant in the Plan;

''(ii) was entitled to retired pay or was qualified for that pay except that he had not applied for and been granted that pay; or

''(iii) would have been eligible for reserve-component retired pay but for the fact that he was under 60 years of age.

''(2) AMOUNT OF ANNUITY.—Subject to paragraph (3), an annuity computed under this subsection is determined as follows:

''(A) STANDARD ANNUITY.—In the case of the beneficiary of a standard annuity, the annuity shall be the amount equal to 55 percent of the base amount.

''(B) RESERVE COMPONENT ANNUITY.—In the case of the beneficiary of a reserve-component annuity, the annuity shall be the percentage of the base amount that—

''(i) is less than 55 percent; and

''(ii) is determined under subsection (f).

''(C) BENEFICIARIES OF PERSONS DYING DURING A PERIOD OF SPECIAL ELIGIBILITY FOR SBP.—In the case of the beneficiary of an annuity under section 1448(d) or 1448(f) of this title, the annuity shall be the amount equal to 55 percent of the retired pay of the person providing the annuity (as that pay is determined under subsection (c)).

''(3) SOCIAL SECURITY OFFSET.—An annuity computed under this subsection shall be reduced by the lesser of the following:

''(A) SOCIAL SECURITY COMPUTATION.—The amount of the survivor benefit, if any, to which the surviving spouse (or the former spouse, in the case of a former spouse beneficiary who became a former spouse under a divorce that became final after November 29, 1989) would be entitled under title II of the Social Security Act (42 U.S.C. 401 et seq.) based solely upon service by the person concerned as described in section 210(l)(1) of such Act (42 U.S.C. 410(l)(1)) and calculated assuming that the person concerned lives to age 65.

''(B) MAXIMUM AMOUNT OF REDUCTION.—40 percent of the amount of the monthly annuity as determined under paragraph (2).

''(4) SPECIAL RULES FOR SOCIAL SECURITY OFFSET COMPUTATION.—

''(A) TREATMENT OF DEDUCTIONS MADE ON ACCOUNT OF WORK.—For the purpose of paragraph (3), a surviving spouse (or a former spouse, in the case of a person who becomes a former spouse under a divorce that becomes final after November 29, 1989) shall not be considered as entitled to a benefit under title II of the Social Security Act (42 U.S.C. 401 et seq.) to the extent that such benefit has been offset by deductions under section 203 of such Act (42 U.S.C. 403) on account of work.

''(B) TREATMENT OF CERTAIN PERIODS FOR WHICH SOCIAL SECURITY REFUNDS ARE MADE.—In the computation of any reduction made under paragraph (3), there shall be excluded any period of service described in section 210(l)(1) of the Social Security Act (42 U.S.C. 410(l)(1))—

''(i) which was performed after December 1, 1980; and

''(ii) which involved periods of service of less than 30 continuous days for which the person concerned is entitled to receive a refund under section 6413(c) of the Internal Revenue Code of 1986 of the social security tax which the person had paid.

''(f) DETERMINATION OF PERCENTAGES APPLICABLE TO COMPUTATION OF RESERVE-COMPONENT ANNUITIES.—The percentage to be applied in determining the amount of an annuity computed under subsection (a)(2), (b)(2), or (e)(2)(B) shall be determined under regulations prescribed by the Secretary of Defense. Such regulations shall be prescribed taking into consideration the following:

''(1) The age of the person electing to provide the annuity at the time of such election.

''(2) The difference in age between such person and the beneficiary of the annuity.

''(3) Whether such person provided for the annuity to become effective (in the event he died before becoming 60 years of age) on the day after his death or on the 60th anniversary of his birth.

''(4) Appropriate group annuity tables.

''(5) Such other factors as the Secretary considers relevant.

''(g) ADJUSTMENTS TO ANNUITIES.—

''(1) PERIODIC ADJUSTMENTS FOR COST-OF-LIVING.—

''(A) INCREASES IN ANNUITIES WHEN RETIRED PAY INCREASED.—Whenever retired pay is increased under section 1401a of this title (or any other provision of law), each annuity that is payable under the Plan shall be increased at the same time.

''(B) PERCENTAGE OF INCREASE.—The increase shall, in the case of any annuity, be by the same percent as the percent by which the retired pay of the person providing the annuity would have been increased at such time if the person were alive (and otherwise entitled to such pay).

''(C) CERTAIN REDUCTIONS TO BE DISREGARDED.—The amount of the increase shall be based on the monthly annuity payable before any reduction under section 1450(c) of this title or under subsection (c)(2).

''(2) ROUNDING DOWN.—The monthly amount of an annuity payable under this subchapter, if not a multiple of $1, shall be rounded to the next lower multiple of $1.

''(h) ADJUSTMENTS TO BASE AMOUNT.—

''(1) PERIODIC ADJUSTMENTS FOR COST-OF-LIVING.—

''(A) INCREASES IN BASE AMOUNT WHEN RETIRED PAY INCREASED.—Whenever retired pay is increased under section 1401a of this title (or any other provision of law), the base amount applicable to each participant in the Plan shall be increased at the same time.

''(B) PERCENTAGE OF INCREASE.—The increase shall be by the same percent as the percent by which the retired pay of the participant is so increased.

''(2) RECOMPUTATION AT AGE 62.—When the retired pay of a person who first became a member of a uniformed service on or after August 1, 1986, and who is a participant in the Plan is recomputed under section 1410 of this title upon the person's becoming 62 years of age, the base amount applicable to that person shall be recomputed (effective on the effective date of the recomputation of such retired pay under section 1410 of this title) so as to be the amount equal to the amount of the base amount that would be in effect on that date if increases in such base amount under paragraph (1) had been computed as provided in paragraph (2) of section 1401a(b) of this title (rather than under paragraph (3) of that section).

''(3) DISREGARDING OF RETIRED PAY REDUCTIONS FOR RETIREMENT BEFORE 30 YEARS OF SERVICE.—Computation of a member's retired pay for purposes of this section shall be made without regard to any reduction under section 1409(b)(2) of this title.

''(i) RECOMPUTATION OF ANNUITY FOR CERTAIN BENEFICIARIES.—In the case of an annuity under the Plan which is computed on the basis of the retired pay of a person who would have been entitled to have that retired pay recomputed under section 1410 of this title upon attaining 62 years of age, but who dies before attaining that age, the annuity shall be recomputed, effective on the first day of the first month beginning after the date on which the member or former member would have attained 62 years of age, so as to be the amount equal to the amount of the annuity that would be in effect on that date if increases under subsection (h)(1) in the base amount applicable to that annuity to the time of the death of the member or former member, and increases in such annuity under subsection (g)(1), had been computed as provided in paragraph (2) of section 1401a(b) of this title (rather than under paragraph (3) of that section).

''§ 1452. Reduction in retired pay

''(a) SPOUSE AND FORMER SPOUSE ANNUITIES.—

''(1) REQUIRED REDUCTION IN RETIRED PAY.—Except as provided in subsection (b), the retired pay of a participant in the Plan who is providing spouse coverage (as described in paragraph (5)) shall be reduced as follows:

''(A) STANDARD ANNUITY.—If the annuity coverage being providing is a standard annuity, the reduction shall be as follows:

''(i) DISABILITY AND NONREGULAR SERVICE RETIREES.—In the case of a person who is entitled to retired pay under chapter 61 or chapter 1223 of this title, the reduction shall be in whichever of the alternative reduction amounts is more favorable to that person.

''(ii) MEMBERS AS OF ENACTMENT OF FLAT-RATE REDUCTION.—In the case of a person who first became a member of a uniformed service before March 1, 1990, the reduction shall be in whichever of the alternative reduction amounts is more favorable to that person.

''(iii) NEW ENTRANTS AFTER ENACTMENT OF FLAT-RATE REDUCTION.—In the case of a person

who first becomes a member of a uniformed service on or after March 1, 1990, and who is entitled to retired pay under a provision of law other than chapter 61 or chapter 1223 of this title, the reduction shall be in an amount equal to 6½ percent of the base amount.

''(iv) ALTERNATIVE REDUCTION AMOUNTS.—For purposes of clauses (i) and (ii), the alternative reduction amounts are the following:

''(I) FLAT-RATE REDUCTION.—An amount equal to 6½ percent of the base amount.

''(II) AMOUNT UNDER PRE-FLAT-RATE REDUCTION.—An amount equal to 2½ percent of the first $421 (as adjusted under paragraph (4)) of the base amount plus 10 percent of the remainder of the base amount.

''(B) RESERVE-COMPONENT ANNUITY.—If the annuity coverage being provided is a reserve-component annuity, the reduction shall be in whichever of the following amounts is more favorable to that person:

''(i) FLAT-RATE REDUCTION.—An amount equal to 6½ percent of the base amount plus an amount determined in accordance with regulations prescribed by the Secretary of Defense as a premium for the additional coverage provided through reserve-component annuity coverage under the Plan.

''(ii) AMOUNT UNDER PRE-FLAT-RATE REDUCTION.—An amount equal to 2½ percent of the first $421 (as adjusted under paragraph (4)) of the base amount plus 10 percent of the remainder of the base amount plus an amount determined in accordance with regulations prescribed by the Secretary of Defense as a premium for the additional coverage provided through reserve-component annuity coverage under the Plan.

''(2) ADDITIONAL REDUCTION FOR CHILD COVERAGE.—If there is a dependent child as well as a spouse or former spouse, the amount prescribed under paragraph (1) shall be increased by an amount prescribed under regulations of the Secretary of Defense.

''(3) NO REDUCTION WHEN NO BENEFICIARY.—The reduction in retired pay prescribed by paragraph (1) shall not be applicable during any month in which there is no eligible spouse or former spouse beneficiary.

''(4) PERIODIC ADJUSTMENTS.—

''(A) ADJUSTMENTS FOR INCREASES IN RATES OF BASIC PAY.—Whenever there is an increase in the rates of basic pay of members of the uniformed services effective after January 1, 1996, the amounts under paragraph (1) with respect to which the percentage factor of 2½ is applied shall be increased by the overall percentage of such increase in the rates of basic pay. The increase under the preceding sentence shall apply only with respect to persons whose retired pay is computed based on the rates of basic pay in effect on or after the date of such increase in rates of basic pay.

''(B) ADJUSTMENTS FOR RETIRED PAY COLAS.—In addition to the increase under subparagraph (A), the amounts under paragraph (1) with respect to which the percentage factor of 2½ is applied shall be further increased at the same time and by the same percentage as an increase in retired pay under section 1401a of this title effective after January 1, 1996. Such increase under the preceding sentence shall apply only with respect to a person who initially participates in the Plan on a date which is after both the effective date of such increase under section 1401a and the effective date of the rates of basic pay upon which that person's retired pay is computed.

''(5) SPOUSE COVERAGE DESCRIBED.—For the purposes of paragraph (1), a participant in the Plan who is providing spouse coverage is a participant who—

''(A) has (i) a spouse or former spouse, or (ii) a spouse or former spouse and a dependent child; and

''(B) has not elected to provide an annuity to a person designated by him under section 1448(b)(1) of this title or, having made such an election, has changed his election in favor of his spouse under section 1450(f) of this title.

''(b) CHILD-ONLY ANNUITIES.—

''(1) REQUIRED REDUCTION IN RETIRED PAY.—The retired pay of a participant in the Plan who is providing child-only coverage (as described in paragraph (4)) shall be reduced by an amount prescribed under regulations by the Secretary of Defense.

''(2) NO REDUCTION WHEN NO CHILD.—There shall be no reduction in retired pay under paragraph (1) for any month during which the participant has no eligible dependent child.

''(3) SPECIAL RULE FOR CERTAIN RCSBP PARTICIPANTS.—In the case of a participant in the Plan who is participating in the Plan under an election under section 1448(a)(2)(B) of this title and who provided child-only coverage during a period before the participant becomes entitled to receive retired pay, the retired pay of the participant shall be reduced by an amount prescribed under regulations by the Secretary of Defense to reflect the coverage provided under the Plan during the period before the participant became entitled to receive retired pay. A reduction under this paragraph is in addition to any reduction under paragraph (1) and is made without regard to whether there is an eligible dependent child during a month for which the reduction is made.

''(4) CHILD-ONLY COVERAGE DEFINED.—For the purposes of this subsection, a participant in the Plan who is providing child-only coverage is a participant who has a dependent child and who—

''(A) does not have an eligible spouse or former spouse; or

''(B) has a spouse or former spouse but has elected to provide an annuity for dependent children only.

''(c) REDUCTION FOR INSURABLE INTEREST COVERAGE.—

''(1) REQUIRED REDUCTION IN RETIRED PAY.—The retired pay of a person who has elected to provide an annuity to a person designated by him under section 1450(a)(4) of this title shall be reduced as follows:

''(A) STANDARD ANNUITY.—In the case of a person providing a standard annuity, the reduction shall be by 10 percent plus 5 percent for each full five years the individual designated is younger than that person.

''(B) RESERVE COMPONENT ANNUITY.—In the case of a person providing a reserve-component annuity, the reduction shall be by an amount prescribed under regulations of the Secretary of Defense.

''(2) LIMITATION ON TOTAL REDUCTION.—The total reduction under paragraph (1) may not exceed 40 percent.

''(3) DURATION OF REDUCTION.—The reduction in retired pay prescribed by this subsection shall continue during the lifetime of the person designated under section 1450(a)(4) of this title or until the person receiving retired pay changes his election under section 1450(f) of this title.

''(4) RULE FOR COMPUTATION.—Computation of a member's retired pay for purposes of this subsection shall be made without regard to any reduction under section 1409(b)(2) of this title.

''(d) DEPOSITS TO COVER PERIODS WHEN RETIRED PAY NOT PAID.—

''(1) REQUIRED DEPOSITS.—If a person who has elected to participate in the Plan has been awarded retired pay and is not entitled to that pay for any period, that person must deposit in the Treasury the amount that would otherwise have been deducted from his pay for that period.

''(2) DEPOSITS NOT REQUIRED WHEN PARTICIPANT ON ACTIVE DUTY.—Paragraph (1) does not apply to a person with respect to any period when that person is on active duty under a call or order to active duty for a period of more than 30 days.

''(e) DEPOSITS NOT REQUIRED FOR CERTAIN PARTICIPANTS IN CSRS.—When a person who has elected to participate in the Plan waives that person's retired pay for the purposes of subchapter III of chapter 83 of title 5, that person shall not be required to make the deposit otherwise required by subsection (d) as long as that waiver is in effect unless, in accordance with section 8339(i) of title 5, that person has notified the Office of Personnel Management that he does not desire a spouse surviving him to receive an annuity under section 8331(b) of title 5.

''(f) REFUNDS OF DEDUCTIONS NOT ALLOWED.—

''(1) GENERAL RULE.—A person is not entitled to refund of any amount deducted from retired pay under this section.

''(2) EXCEPTIONS.—Paragraph (1) does not apply—

''(A) in the case of a refund authorized by section 1450(e) of this title; or

''(B) in case of a deduction made through administrative error.

''(g) DISCONTINUATION OF PARTICIPATION BY PARTICIPANTS WHOSE SURVIVING SPOUSES WILL BE ENTITLED TO DIC.—

''(1) DISCONTINUATION.—

''(A) CONDITIONS.—Notwithstanding any other provision of this subchapter but subject to paragraphs (2) and (3), a person who has elected to participate in the Plan and who is suffering from a service-connected disability rated by the Secretary of Veterans Affairs as totally disabling and has suffered from such disability while so rated for a continuous period of 10 or more years (or, if so rated for a lesser period, has suffered from such disability while so rated for a continuous period of not less than 5 years from the date of such person's last discharge or release from active duty) may discontinue participation in the Plan by submitting to the Secretary concerned a request to discontinue participation in the Plan.

''(B) EFFECTIVE DATE.—Participation in the Plan of a person who submits a request under subparagraph (A) shall be discontinued effective on the first day of the first month following the month in which the request under subparagraph (A) is received by the Secretary concerned. Effective on such date, the Secretary concerned shall discontinue the reduction being made in such person's retired pay on account of participation in the Plan or, in the case of a person who has been required to make deposits in the Treasury on account of participation in the Plan, such person may discontinue making such deposits effective on such date.

''(C) FORM FOR REQUEST FOR DISCONTINUATION.—Any request under this paragraph to discontinue participation in the Plan shall be in such form and shall contain such information as the Secretary concerned may require by regulation.

''(2) CONSENT OF BENEFICIARIES REQUIRED.—A person described in paragraph (1) may not discontinue participation in the Plan under such paragraph without the written consent of the beneficiary or beneficiaries of such person under the Plan.

''(3) INFORMATION ON PLAN TO BE PROVIDED BY SECRETARY CONCERNED.—

''(A) INFORMATION TO BE PROVIDED PROMPTLY TO PARTICIPANT.—The Secretary concerned shall furnish promptly to each person who files a request under paragraph (1) to discontinue participation in the Plan a written statement of the advantages of participating in the Plan and the possible disadvantages of discontinuing participation.

''(B) RIGHT TO WITHDRAW DISCONTINUATION REQUEST.—A person may withdraw a request made under paragraph (1) if it is withdrawn within 30 days after having been submitted to the Secretary concerned.

''(4) REFUND OF DEDUCTIONS FROM RETIRED PAY.—Upon the death of a person described in paragraph (1) who discontinued participation in the Plan in accordance with this subsection, any amount deducted from the retired pay of that person under this section shall be refunded to the person's surviving spouse.

''(5) RESUMPTION OF PARTICIPATION IN PLAN.—

''(A) CONDITIONS FOR RESUMPTION.—A person described in paragraph (1) who discontinued participation in the Plan may elect to participate again in the Plan if—

''(i) after having discontinued participation in the Plan the Secretary of Veterans Affairs reduces that person's service-connected disability rating to a rating of less than total; and

''(ii) that person applies to the Secretary concerned, within such period of time after the reduction in such person's service-connected disability rating has been made as the Secretary concerned may prescribe, to again participate in the Plan and includes in such application such information as the Secretary concerned may require.

''(B) EFFECTIVE DATE OF RESUMED COVERAGE.—Such person's participation in the Plan under this paragraph is effective beginning on the first day of the month after the month in which the Secretary concerned receives the application for resumption of participation in the Plan.

''(C) RESUMPTION OF CONTRIBUTIONS.—When a person elects to participate in the Plan under this paragraph, the Secretary concerned shall begin making reductions in that person's retired pay, or require such person to make deposits in the Treasury under subsection (d), as appropriate, effective on the effective date of such participation under subparagraph (B).

''(h) INCREASES IN REDUCTION WITH INCREASES IN RETIRED PAY.—Whenever retired pay is increased under section 1401a of this title (or any other provision of law), the amount of the reduction to be made under subsection (a) or (b) in the retired pay of any person shall be increased at the same time and by the same percentage as such retired pay is so increased.

''(i) RECOMPUTATION OF REDUCTION UPON RECOMPUTATION OF RETIRED PAY.—When the retired pay of a person who first became a member of a uniformed service on or after August 1, 1986, and who is a participant in the Plan is recomputed under section 1410 of this title upon the person's becoming 62 years of age, the amount of the reduction in such retired pay under this section shall be recomputed (effective on the effective date of the recomputation of such retired pay under section 1410 of this title) so as to be the amount equal to the amount of such reduction that would be in effect on that date if increases in such retired pay under section 1401a(b) of this title, and increases in reductions in such retired pay under subsection (h), had been computed as provided in paragraph (2) of section 1401a(b) of this title (rather than under paragraph (3) of that section).

''§ 1453. Recovery of amounts erroneously paid

''(a) RECOVERY.—In addition to any other method of recovery provided by law, the Secretary concerned may authorize the recovery of any amount erroneously paid to a person under this subchapter by deduction from later payments to that person.

''(b) AUTHORITY TO WAIVE RECOVERY.—Recovery of an amount erroneously paid to a person under this subchapter is not required if, in the judgment of the Secretary concerned and the Comptroller General—

''(1) there has been no fault by the person to whom the amount was erroneously paid; and

''(2) recovery of such amount would be contrary to the purposes of this subchapter or against equity and good conscience.

''§ 1454. Correction of administrative errors

''(a) AUTHORITY.—The Secretary concerned may, under regulations prescribed under section 1455 of this title, correct or revoke any election under this subchapter when the Secretary considers it necessary to correct an administrative error.

''(b) FINALITY.—Except when procured by fraud, a correction or revocation under this section is final and conclusive on all officers of the United States.

''§ 1455. Regulations

''(a) IN GENERAL.—The President shall prescribe regulations to carry out this subchapter. Those regulations shall, so far as practicable, be uniform for the uniformed services.

''(b) NOTICE OF ELECTIONS.—Regulations prescribed under this section shall provide that before the date on which a member becomes entitled to retired pay—

''(1) if the member is married, the member and the member's spouse shall be informed of the elections available under section 1448(a) of this title and the effects of such elections; and

''(2) if the notification referred to in section 1448(a)(3)(E) of this title is required, any former spouse of the member shall be informed of the elections available and the effects of such elections.

''(c) PROCEDURE FOR DEPOSITING CERTAIN RECEIPTS.—Regulations prescribed under this section shall establish procedures for depositing the amounts referred to in sections 1448(g), 1450(k)(2), and 1452(d) of this title.

''(d) PAYMENTS TO GUARDIANS AND FIDUCIARIES.—

''(1) IN GENERAL.—Regulations prescribed under this section shall provide procedures for the payment of an annuity under this subchapter in the case of—

''(A) a person for whom a guardian or other fiduciary has been appointed; and

''(B) a minor, mentally incompetent, or otherwise legally disabled person for whom a guardian or other fiduciary has not been appointed.

''(2) AUTHORIZED PROCEDURES.—The regulations under paragraph (1) may include provisions for the following:

''(A) In the case of an annuitant referred to in paragraph (1)(A), payment of the annuity to the appointed guardian or other fiduciary.

''(B) In the case of an annuitant referred to in paragraph (1)(B), payment of the annuity to any person who, in the judgment of the Secretary concerned, is responsible for the care of the annuitant.

''(C) Subject to subparagraphs (D) and (E), a requirement for the payee of an annuity to spend or invest the amounts paid on behalf of the annuitant solely for benefit of the annuitant.

''(D) Authority for the Secretary concerned to permit the payee to withhold from the annuity payment such amount, not in excess of 4 percent of the annuity, as the Secretary concerned considers a reasonable fee for the fiduciary services of the payee when a court appointment order provides for payment of such a fee to the payee for such services or the Secretary concerned determines that payment of a fee to such payee is necessary in order to obtain the fiduciary services of the payee.

''(E) Authority for the Secretary concerned to require the payee to provide a surety bond in an amount sufficient to protect the interests of the annuitant and to pay for such bond out of the annuity.

''(F) A requirement for the payee of an annuity to maintain and, upon request, to provide to the Secretary concerned an accounting of expenditures and investments of amounts paid to the payee.

''(G) In the case of an annuitant referred to in paragraph (1)(B)—

''(i) procedures for determining incompetency and for selecting a payee to represent the annuitant for the purposes of this section, including provisions for notifying the annuitant of the actions being taken to make such a determination and to select a representative payee, an opportunity for the annuitant to review the evidence being considered, and an opportunity for the annuitant to submit additional evidence before the determination is made; and

''(ii) standards for determining incompetency, including standards for determining the sufficiency of medical evidence and other evidence.

''(H) Provisions for any other matter that the President considers appropriate in connection with the payment of an annuity in the case of a person referred to in paragraph (1).

''(3) LEGAL EFFECT OF PAYMENT TO GUARDIAN OR FIDUCIARY.—An annuity paid to a person on behalf of an annuitant in accordance with the regulations prescribed pursuant to paragraph (1) discharges the obligation of the United States for payment to the annuitant of the amount of the annuity so paid.''.

Subtitle E—Other Matters

SEC. 651. TECHNICAL CORRECTION CLARIFYING ABILITY OF CERTAIN MEMBERS TO ELECT NOT TO OCCUPY GOVERNMENT QUARTERS.

Effective July 1, 1996, 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. 652. TECHNICAL CORRECTION CLARIFYING LIMITATION ON FURNISHING CLOTHING OR ALLOWANCES FOR 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''.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

SEC. 701. MEDICAL AND DENTAL CARE FOR RESERVE COMPONENT MEMBERS IN A DUTY STATUS.

(a) AVAILABILITY OF MEDICAL AND DENTAL CARE.—(1) Section 1074a of title 10, United States Code, is amended to read as follows:

''§ 1074a. Medical and dental care: reserve component members in a duty status

''(a) HEALTH CARE DESCRIBED.—A person described in subsection (b) is entitled to the medical and dental care appropriate for the treatment of the injury, illness, or disease of the person until the person completes treatment and is physically able to resume the military duties of the person or has completed processing in accordance with chapter 61 of this title.

''(b) MEMBERS ENTITLED TO CARE.—Under joint regulations prescribed by the administering Secretaries, the following persons are entitled to the benefits described in this section:

''(1) Each member of a reserve component who incurs or aggravates an injury, illness, or disease in the line of duty while performing—

''(A) active duty, including active duty for training and annual training duty, or full-time National Guard duty; or

''(B) inactive-duty training, regardless of whether the member is in a pay or nonpay status.

''(2) Each member of a reserve component who incurs or aggravates an injury, illness, or disease while traveling directly to or from the place at which that member is to perform or has performed—

''(A) active duty, including active duty for training and annual training duty, or full-time National Guard duty, or

''(B) inactive-duty training, regardless of whether the member is in a pay or nonpay status.

''(3) Each member of a reserve component who incurs or aggravates an injury, illness, or disease in the line of duty while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site of inactive-duty training is outside reasonable commuting distance from the member's residence.

''(c) ADDITIONAL BENEFITS.—(1) At the request of a person described in paragraph (1)(A) or (2)(A) of subsection (b), the person may continue on active duty or full-time National Guard duty during any period of hospitalization resulting from the injury, illness, or disease.

''(2) A person described in subsection (b) is entitled to the pay and allowances authorized in

accordance with subsections (g) and (h) of section 204 of title 37.

''(d) LIMITATION.—A person described in subsection (b) is not entitled to benefits under this section if the injury, illness, or disease, or aggravation of the injury, illness, or disease, is the result of the gross negligence or misconduct of the person.''.

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of title 10, United States Code, is amended to read as follows:

''1074a. Medical and dental care: reserve component members in a duty status.''.

(b) ANNUAL MEDICAL AND DENTAL SCREENINGS AND CARE FOR CERTAIN SELECTED RESERVE MEMBERS.—Section 10206 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) The Secretary of the Army shall provide to members of the Selected Reserve of the Army who are assigned to units scheduled for deployment within 75 days after mobilization the following medical and dental services:

''(A) An annual medical screening.

''(B) For members who are over 40 years of age, a full physical examination not less often than once every two years.

''(C) An annual dental screening.

''(D) The dental care identified in an annual dental screening as required to ensure that a member meets the dental standards required for deployment in the event of mobilization.

''(2) The services provided under this subsection shall be provided at no cost to the member.''.

Subtitle B—TRICARE Program

SEC. 711. DEFINITION OF TRICARE PROGRAM.

For purposes of this subtitle, the term ''TRICARE program'' means the managed health care program that is established by the Secretary of Defense under the authority of chapter 55 of title 10, United States Code, principally section 1097 of such title, and includes the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.

SEC. 712. CHAMPUS PAYMENT LIMITS FOR TRICARE PRIME ENROLLEES.

Section 1079(h)(4) of title 10, United States Code, is amended in the second sentence by striking ''emergency''.

SEC. 713. IMPROVED INFORMATION EXCHANGE BETWEEN MILITARY TREATMENT FACILITIES AND TRICARE PROGRAM CONTRACTORS.

(a) UNIFORM INTERFACES.—With respect to the automated medical information system being developed by the Department of Defense and known as the Composite Health Care System, the Secretary of Defense shall ensure that the Composite Health Care System provides for uniform interfaces between information systems of military treatment facilities and private contractors under managed care programs of the TRICARE program. The uniform interface shall provide for a full electronic two-way exchange of health care information between the military treatment facilities and contractor information systems, including enrollment information, information regarding eligibility determinations, provider network information, appointment information, and information regarding the existence of third-party payers.

(b) AMENDMENT OF EXISTING CONTRACTS.—To assure a single consistent source of information throughout the health care delivery system of the uniformed services, the Secretary of Defense shall amend each TRICARE program contract, with the consent of the TRICARE program contractor and notwithstanding any requirement for competition, to require the contractor—

(1) to use software furnished under the Composite Health Care System to record military treatment facility provider appointments; and

(2) to record TRICARE program enrollment through direct use of the Composite Health Care System software or through the uniform two-way interface between the contractor and military treatment facilities systems, where applicable.

(c) PHASED IMPLEMENTATION.—The Secretary of Defense shall test the uniform version of the Composite Health Care System required under subsection (a) in one region of the TRICARE program for six months before deploying the information system throughout the health care delivery system of the uniformed services.

Subtitle C—Uniformed Services Treatment Facilities

SEC. 721. DEFINITIONS.

In this subtitle:

(1) The term ''administering Secretaries'' means the Secretary of Defense, the Secretary of Transportation, and the Secretary of Health and Human Services.

(2) The term ''agreement'' means the agreement required under section 722(b) between the Secretary of Defense and a designated provider.

(3) The term ''capitation payment'' means an actuarially sound payment for a defined set of health care services that is established on a per enrollee per month basis.

(4) The term ''covered beneficiary'' means a beneficiary under chapter 55 of title 10, United States Code, other than a beneficiary under section 1074(a) of such title.

(5) The term ''designated provider'' means a public or nonprofit private entity that was a transferee of a Public Health Service hospital or other station under section 987 of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97–35; 95 Stat. 603) and that, before the date of the enactment of this Act, was deemed to be a facility of the uniformed services for the purposes of chapter 55 of title 10, United States Code. The term includes any legal successor in interest of the transferee.

(6) The term ''enrollee'' means a covered beneficiary who enrolls with a designated provider.

(7) The term ''health care services'' means the health care services provided under the health plan known as the TRICARE PRIME option under the TRICARE program.

(8) The term ''Secretary'' means the Secretary of Defense.

(9) 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. 722. INCLUSION OF DESIGNATED PROVIDERS IN UNIFORMED SERVICES HEALTH CARE DELIVERY SYSTEM.

(a) INCLUSION IN SYSTEM.—The health care delivery system of the uniformed services shall include the designated providers.

(b) AGREEMENTS TO PROVIDE MANAGED HEALTH CARE SERVICES.—(1) After consultation with the other administering Secretaries, the Secretary of Defense shall negotiate and enter into an agreement with each designated provider, under which the designated provider will provide managed health care services to covered beneficiaries who enroll with the designated provider.

(2) The agreement shall be entered into on a sole source basis. The Federal Acquisition Regulation, except for those requirements regarding competition, issued pursuant to section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)) shall apply to the agreements as acquisitions of commercial items.

(3) The implementation of an agreement is subject to availability of funds for such purpose.

(c) EFFECTIVE DATE OF AGREEMENTS.—(1) Unless an earlier effective date is agreed upon by the Secretary and the designated provider, the agreement shall take effect upon the later of the following:

(A) The date on which a managed care support contract under the TRICARE program is implemented in the service area of the designated provider.

(B) October 1, 1997.

(2) Notwithstanding paragraph (1), the designated provider whose service area includes Seattle, Washington, shall implement its agreement as soon as the agreement permits.

(d) TEMPORARY CONTINUATION OF EXISTING PARTICIPATION AGREEMENTS.—The Secretary shall extend the participation agreement of a designated provider in effect immediately before the date of the enactment of this Act under section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1587) until the agreement required by this section takes effect under subsection (c).

(e) SERVICE AREA.—The Secretary may not reduce the size of the service area of a designated provider below the size of the service area in effect as of September 30, 1996.

(f) COMPLIANCE WITH ADMINISTRATIVE REQUIREMENTS.—(1) Unless otherwise agreed upon by the Secretary and a designated provider, the designated provider shall comply with necessary and appropriate administrative requirements established by the Secretary for other providers of health care services and requirements established by the Secretary of Health and Human Services for risk-sharing contractors under section 1876 of the Social Security Act (42 U.S.C. 1395mm). The Secretary and the designated provider shall determine and apply only such administrative requirements as are minimally necessary and appropriate. A designated provider shall not be required to comply with a law or regulation of a State government requiring licensure as a health insurer or health maintenance organization.

(2) A designated provider may not contract out more than five percent of its primary care enrollment without the approval of the Secretary, except in the case of primary care contracts between a designated provider and a primary care contractor in force on the date of the enactment of this Act.

SEC. 723. PROVISION OF UNIFORM BENEFIT BY DESIGNATED PROVIDERS.

(a) UNIFORM BENEFIT REQUIRED.—A designated provider shall offer to enrollees the health benefit option prescribed and implemented by the Secretary under section 731 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 1073 note), including accompanying cost-sharing requirements.

(b) TIME FOR IMPLEMENTATION OF BENEFIT.—A designated provider shall offer the health benefit option described in subsection (a) to enrollees upon the later of the following:

(1) The date on which health care services within the health care delivery system of the uniformed services are rendered through the TRICARE program in the region in which the designated provider operates.

(2) October 1, 1996.

(c) ADJUSTMENTS.—The Secretary may establish a later date under subsection (b)(2) or prescribe reduced cost-sharing requirements for enrollees.

SEC. 724. ENROLLMENT OF COVERED BENEFICIARIES.

(a) FISCAL YEAR 1997 LIMITATION.—(1) During fiscal year 1997, the number of covered beneficiaries who are enrolled in managed care plans offered by designated providers may not exceed the number of such enrollees as of October 1, 1995.

(2) The Secretary may waive the limitation under paragraph (1) if the Secretary determines that additional enrollment authority for a designated provider is required to accommodate covered beneficiaries who are dependents of members of the uniformed services entitled to health care under section 1074(a) of title 10, United States Code.

(b) PERMANENT LIMITATION.—For each fiscal year after fiscal year 1997, the number of enrollees in managed care plans offered by designated providers may not exceed 110 percent of the number of such enrollees as of the first day of the immediately preceding fiscal year. The Secretary may waive this limitation as provided in subsection (a)(2).

(c) RETENTION OF CURRENT ENROLLEES.—An enrollee in the managed care program of a designated provider as of September 30, 1997, or such earlier date as the designated provider and the Secretary may agree upon, shall continue receiving services from the designated provider pursuant to the agreement entered into under section 722 unless the enrollee disenrolls from the designated provider. Except as provided in subsection (e), the administering Secretaries may not disenroll such an enrollee unless the disenrollment is agreed to by the Secretary and the designated provider.

(d) ADDITIONAL ENROLLMENT AUTHORITY.—Other covered beneficiaries may also receive health care services from a designated provider, except that the designated provider may market such services to, and enroll, only those covered beneficiaries who—

(1) do not have other primary health insurance coverage (other than medicare coverage) covering basic primary care and inpatient and outpatient services; or

(2) are enrolled in the direct care system under the TRICARE program, regardless of whether the covered beneficiaries were users of the health care delivery system of the uniformed services in prior years.

(e) SPECIAL RULE FOR MEDICARE-ELIGIBLE BENEFICIARIES.—If a covered beneficiary who desires to enroll in the managed care program of a designated provider is also entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.), the covered beneficiary shall elect whether to receive health care services as an enrollee or under part A of title XVIII of the Social Security Act. The Secretary may disenroll an enrollee who subsequently violates the election made under this subsection and receives benefits under part A of title XVIII of the Social Security Act.

(f) INFORMATION REGARDING ELIGIBLE COVERED BENEFICIARIES.—The Secretary shall provide, in a timely manner, a designated provider with an accurate list of covered beneficiaries within the marketing area of the designated provider to whom the designated provider may offer enrollment.

SEC. 725. APPLICATION OF CHAMPUS PAYMENT RULES.

(a) APPLICATION OF PAYMENT RULES.—Subject to subsection (b), the Secretary shall require a private facility or health care provider that is a health care provider under the Civilian Health and Medical Program of the Uniformed Services to apply the payment rules described in section 1074(c) of title 10, United States Code, in imposing charges for health care that the private facility or provider provides to enrollees of a designated provider.

(b) AUTHORIZED ADJUSTMENTS.—The payment rules imposed under subsection (a) shall be subject to such modifications as the Secretary considers appropriate. The Secretary may authorize a lower rate than the maximum rate that would otherwise apply under subsection (a) if the lower rate is agreed to by the designated provider and the private facility or health care provider.

(c) REGULATIONS.—The Secretary shall prescribe regulations to implement this section after consultation with the other administering Secretaries.

(d) CONFORMING AMENDMENT.—Section 1074 of title 10, United States Code, is amended by striking out subsection (d).

SEC. 726. PAYMENTS FOR SERVICES.

(a) FORM OF PAYMENT.—Unless otherwise agreed to by the Secretary and a designated provider, the form of payment for services provided by a designated provider shall be full risk capitation. The capitation payments shall be negotiated and agreed upon by the Secretary and the designated provider. In addition to such other factors as the parties may agree to apply, the capitation payments shall be based on the utilization experience of enrollees and competitive market rates for equivalent health care services for a comparable population to such enrollees in the area in which the designated provider is located.

(b) LIMITATION ON TOTAL PAYMENTS.—Total capitation payments to a designated provider shall not exceed an amount equal to the cost that would have been incurred by the Government if the enrollees had received their care through a military treatment facility, the TRICARE program, or the medicare program, as the case may be.

(c) ESTABLISHMENT OF PAYMENT RATES ON ANNUAL BASIS.—The Secretary and a designated provider shall establish capitation payments on an annual basis, subject to periodic review for actuarial soundness and to adjustment for any adverse or favorable selection reasonably anticipated to result from the design of the program.

(d) ALTERNATIVE BASIS FOR CALCULATING PAYMENTS.—After September 30, 1999, the Secretary and a designated provider may mutually agree upon a new basis for calculating capitation payments.

SEC. 727. REPEAL OF SUPERSEDED AUTHORITIES.

(a) REPEALS.—The following provisions of law are repealed:

(1) Section 911 of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c).

(2) Section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d).

(3) Section 718(c) of the National Defense Authorization Act for Fiscal year 1991 (Public Law 101–510; 42 U.S.C. 248c note).

(4) Section 726 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 42 U.S.C. 248c note).

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1997.

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

SEC. 731. AUTHORITY TO WAIVE CHAMPUS EXCLUSION REGARDING NONMEDICALLY NECESSARY TREATMENT IN CONNECTION WITH CERTAIN CLINICAL TRIALS.

(a) WAIVER AUTHORITY.—Paragraph (13) of section 1079(a) of title 10, United States Code, is amended—

(1) by striking out ''any service'' and inserting in lieu thereof ''Any service'';

(2) by striking out the semicolon at the end and inserting in lieu thereof a period; and

(3) by adding at the end the following: ''Pursuant to an agreement with the Secretary of Health and Human Services and under such regulations as the Secretary of Defense may prescribe, the Secretary of Defense may waive the operation of this paragraph in connection with clinical trials sponsored or approved by the National Institutes of Health if the Secretary of Defense determines that such a waiver will promote access by covered beneficiaries to promising new treatments and contribute to the development of such treatments.''.

(b) CLERICAL AMENDMENTS.—Such section is further amended—

(1) in the matter preceding paragraph (1), by striking out ''except that—'' and inserting in lieu thereof ''except as follows:'';

(2) by capitalizing the first letter of the first word of each of paragraphs (1) through (17);

(3) by striking out the semicolon at the end of each of paragraphs (1) through (15) and inserting in lieu thereof a period; and

(4) in paragraph (16), by striking out ''; and'' and inserting in lieu thereof a period.

SEC. 732. AUTHORITY TO WAIVE OR REDUCE CHAMPUS DEDUCTIBLE AMOUNTS FOR RESERVISTS CALLED TO ACTIVE DUTY IN SUPPORT OF CONTINGENCY OPERATIONS.

Section 1079(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

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

(3) in subparagraph (B), as so redesignated, by striking out ''clause (3)'' and inserting in lieu thereof ''subparagraph (C)'';

(4) in subparagraph (D), as so redesignated—

(A) by striking out ''this clause'' and inserting in lieu thereof ''this subparagraph''; and

(B) by striking out ''clauses (2) and (3)'' and inserting in lieu thereof ''subparagraphs (B) and (C)''; and

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

''(2) The Secretary of Defense may waive or reduce the deductible amounts required by subparagraphs (B) and (C) of paragraph (1) in the case of the dependents of a member of a reserve component of the uniformed services who serves on active duty in support of a contingency operation under a call or order to active duty of less than one year.''.

SEC. 733. EXCEPTION TO MAXIMUM ALLOWABLE PAYMENTS TO INDIVIDUAL HEALTH-CARE PROVIDERS UNDER CHAMPUS.

Section 1079(h) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

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

''(5) Except in an area in which the Secretary of Defense has entered into an at-risk contract for the provision of health care services, the Secretary may authorize the commander of a facility of the uniformed services, the lead agent (if other than the commander), and the health care contractor to modify the payment limitations under paragraph (1) for certain health care providers when necessary to ensure both the availability of certain services for covered beneficiaries and costs lower than standard CHAMPUS for the required services.''.

SEC. 734. CODIFICATION OF ANNUAL AUTHORITY TO CREDIT CHAMPUS REFUNDS TO CURRENT YEAR APPROPRIATION.

(a) CODIFICATION.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1079 the following new section:

''§ 1079a. CHAMPUS: treatment of refunds and other amounts collected

''All refunds and other amounts collected in the administration of the Civilian Health and Medical Program of the Uniformed Services shall be credited to the appropriation supporting the program in the year in which the amount is collected.''.

(2) 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. CHAMPUS: treatment of refunds and other amounts collected.''.

(b) CONFORMING REPEAL.—Section 8094 of the Department of Defense Appropriations Act, 1996 (Public Law 104–61; 109 Stat. 671), is repealed.

SEC. 735. EXCEPTIONS TO REQUIREMENTS REGARDING OBTAINING NONAVAILABILITY-OF-HEALTH-CARE STATEMENTS.

(a) REFERENCE TO INPATIENT MEDICAL CARE.—(1) Section 1080(a) of title 10, United States Code, is amended by inserting ''inpatient'' before ''medical care'' in the first sentence.

(2) Section 1086(e) of such title is amended in the first sentence by striking out ''benefits'' and inserting in lieu thereof ''inpatient medical care''.

(b) WAIVERS AND EXCEPTIONS TO REQUIREMENTS.—(1) Section 1080 of such title is amended by adding at the end the following new subsection:

''(c) WAIVERS AND EXCEPTIONS TO REQUIREMENTS.—(1) A covered beneficiary enrolled in a managed care plan offered pursuant to any contract or agreement under this chapter for the provision of health care services shall not be required to obtain a nonavailability-of-health-care statement as a condition for the receipt of health care.

''(2) The Secretary of Defense may waive the requirement to obtain nonavailability-of-health-care statements following an evaluation of the effectiveness of such statements in optimizing the use of facilities of the uniformed services.''.

(2) Section 1086(e) of such title is amended in the last sentence by striking out ''section 1080(b)'' and inserting in lieu thereof ''subsections (b) and (c) of section 1080''.

(c) CONFORMING AMENDMENT.—Section 1080(b) of such title is amended—

(1) by striking out ''NONAVAILABILITY OF HEALTH CARE STATEMENTS'' and inserting in lieu thereof ''NONAVAILABILITY-OF-HEALTH-CARE STATEMENTS; and

(2) by striking out ''nonavailability of health care statement'' and inserting in lieu thereof ''nonavailability of health care statement''.

SEC. 736. EXPANSION OF COLLECTION AUTHORITIES FROM THIRD-PARTY PAYERS.

(a) EXPANSION OF COLLECTION AUTHORITIES.—Section 1095 of title 10, United States Code, is amended—

(1) in subsection (g)(1), by inserting ''or through'' after ''provided at'';

(2) in subsection (h)(1), by inserting before the period at the end of the first sentence the following: ''and a workers' compensation program or plan''; and

(3) in subsection (h)(2)—

(A) by striking ''organization and'' and inserting in lieu thereof ''organization,''; and

(B) by inserting before the period at the end the following: '', and personal injury protection or medical payments benefits in cases involving personal injuries resulting from operation of a motor vehicle''.

(b) INCLUSION OF THIRD PARTY PAYER IN COLLECTION EFFORTS.—Section 1079(j)(1) of such title is amended by inserting after ''or health plan'' the following: ''(including any plan offered by a third-party payer (as defined in section 1095(h)(1) of this title))''.

Subtitle E—Other Matters

SEC. 741. ALTERNATIVES TO ACTIVE DUTY SERVICE OBLIGATION UNDER ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM AND UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.—Subsection (e) of section 2123 of title 10, United States Code, is amended to read as follows:

''(e)(1) A member of the program who is relieved of the member's active duty obligation under this subchapter before the completion of that active duty obligation may be given, with or without the consent of the member, any of the following alternative obligations, as determined by the Secretary of the military department concerned:

''(A) A service obligation in a component of the Selected Reserve for a period not less than twice as long as the member's remaining active duty service obligation.

''(B) A service obligation as a civilian employee employed as a health care professional in a facility of the uniformed services for a period of time equal to the member's remaining active duty service obligation.

''(C) With the concurrence of the Secretary of Health and Human Services, transfer of the active duty service obligation to an obligation equal in time in the National Health Service Corps under section 338C of the Public Health Service Act (42 U.S.C. 254m) and subject to all requirements and procedures applicable to obligated members of the National Health Service Corps.

''(D) Repayment to the Secretary of Defense of a percentage of the total cost incurred by the Secretary under this subchapter on behalf of the member equal to the percentage of the member's total active duty service obligation being relieved, plus interest.

''(2) The Secretary of Defense shall prescribe regulations describing the manner in which an alternative obligation may be given under paragraph (1).''.

(b) UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.—Section 2114 of title 10, United States Code is amended by adding at the end the following new subsection:

''(h) A graduate of the University who is relieved of the graduate's active-duty service obligation under subsection (b) before the completion of that active-duty service obligation may be given, with or without the consent of the graduate, an alternative obligation comparable to the alternative obligations authorized in subparagraphs (A) and (B) of section 2123(e)(1) of this title for members of the Armed Forces Health Professions Scholarship and Financial Assistance program.''.

(c) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to individuals who first become members of the Armed Forces Health Professions Scholarship and Financial Assistance program or students of the Uniformed Services University of the Health Sciences on or after October 1, 1996.

(d) TRANSITION PROVISION.—(1) In the case of any member of the Armed Forces Health Professions Scholarship and Financial Assistance program who, as of October 1, 1996, is serving an active duty obligation under the program or is incurring an active duty obligation as a participant in the program, and who is subsequently relieved of the active duty obligation before the completion of the obligation, the alternative obligations authorized by the amendment made by subsection (a) may be used by the Secretary of the military department concerned with the agreement of the member.

(2) In the case of any person who, as of October 1, 1996, is serving an active-duty service obligation as a graduate of the Uniformed Services University of the Health Sciences or is incurring an active-duty service obligation as a student of the University, and who is subsequently relieved of the active-duty service obligation before the completion of the obligation, the alternative obligations authorized by the amendment made by subsection (b) may be implemented by the Secretary of Defense with the agreement of the person.

SEC. 742. EXCEPTION TO STRENGTH LIMITATIONS FOR PUBLIC HEALTH SERVICE OFFICERS ASSIGNED TO DEPARTMENT OF DEFENSE.

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

''(f) In computing the maximum number of commissioned officers of the Public Health Service authorized by law or administrative determination to serve on active duty, there may be excluded from such computation officers who are assigned to duty in the Department of Defense.''.

SEC. 743. CONTINUED OPERATION OF UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) CLOSURE PROHIBITED.—In light of the important role of the Uniformed Services University of the Health Sciences in providing trained health care providers for the uniformed services, Congress reaffirms the requirement contained in section 922 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat 2829) that the Uniformed Services University of the Health Sciences may not be closed.

(b) BUDGETARY COMMITMENT TO CONTINUATION.—It is the sense of Congress that the Secretary of Defense should budget for the operation of the Uniformed Services University of the Health Sciences during fiscal year 1998 at a level at least equal to the level of operations conducted at the University during fiscal year 1995.

SEC. 744. SENSE OF CONGRESS REGARDING TAX TREATMENT OF ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

It is the sense of Congress that the Secretary of Defense should work with the Secretary of the Treasury to interpret section 117 of the Internal Revenue Code of 1986 so that the limitation on the amount of a qualified scholarship or qualified tuition reduction excluded from gross income does not apply to any portion of a scholarship or financial assistance provided by the Secretary of Defense to a person enrolled in the Armed Forces Health Professions Scholarship and Financial Assistance program under subchapter I of chapter 105 of title 10, United States Code.

SEC. 745. REPORT REGARDING SPECIALIZED TREATMENT FACILITY PROGRAM.

Not later than April 1, 1997, the Secretary of Defense shall submit to Congress a report evaluating the impact on the military health care system of limiting the service area of a facility designated as part of the specialized treatment facility program under section 1105 of title 10, United States Code, to not more than 100 miles from the facility.

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

Subtitle A—Acquisition Management

SEC. 801. AUTHORITY TO WAIVE CERTAIN REQUIREMENTS FOR DEFENSE ACQUISITION PILOT PROGRAMS.

(a) AUTHORITY.—The Secretary of Defense may waive sections 2399, 2403, 2432, and 2433 of title 10, United States Code, in accordance with this section for any defense acquisition program designated by the Secretary of Defense for participation in the defense acquisition pilot program authorized by section 809 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2340 note).

(b) OPERATIONAL TEST AND EVALUATION.—The Secretary of Defense may waive the requirements for operational test and evaluation for such a defense acquisition program as set forth in section 2399 of title 10, United States Code, if the Secretary—

(1) determines (without delegation) that such test would be unreasonably expensive or impractical;

(2) develops a suitable alternate operational test program for the system concerned;

(3) describes in the test and evaluation master plan, as approved by the Director of Operational Test and Evaluation, the method of evaluation that will be used to evaluate whether the system will be effective and suitable for combat; and

(4) submits to the congressional defense committees a report containing the determination that was made under paragraph (1), a justification for that determination, and a copy of the plan required by paragraph (3).

(c) CONTRACTOR GUARANTEES FOR MAJOR WEAPONS SYSTEMS.—The Secretary of Defense may waive the requirements of section 2403 of title 10, United States Code, for such a defense acquisition program if an alternative guarantee is used that ensures high quality weapons systems.

(d) SELECTED ACQUISITION REPORTS.—The Secretary of Defense may waive the requirements of sections 2432 and 2433 of title 10, United States Code, for such a defense acquisition

program if the Secretary provides a single annual report to Congress at the end of each fiscal year that describes the status of the program in relation to the baseline description for the program established under section 2435 of such title.

SEC. 802. EXCLUSION FROM CERTAIN POST-EDUCATION DUTY ASSIGNMENTS FOR MEMBERS OF ACQUISITION CORPS.

Section 663(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) The Secretary of Defense may exclude from the requirements of paragraph (1) or (2) an officer who is a member of an Acquisition Corps established pursuant to 1731 of this title if the officer—

''(A) has graduated from a senior level course of instruction designed for personnel serving in critical acquisition positions; and

''(B) is assigned, upon graduation, to a critical acquisition position designated pursuant to section 1733 of this title.''.

SEC. 803. EXTENSION OF AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

(a) AUTHORITY.—Section 845(a) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1721) is amended by inserting after ''Agency'' the following: '', the Secretary of a military department, or any other official designated by the Secretary of Defense''.

(b) PERIOD OF AUTHORITY.—Section 845(c) of such Act is amended by striking out ''3 years after the date of the enactment of this Act'' and inserting in lieu thereof ''on September 30, 1999''.

(c) CONFORMING AND TECHNICAL AMENDMENTS.—Section 845 of such Act is further amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking out ''(c)(2) and (c)(3) of such section 2371, as redesignated by section 827(b)(1)(B),'' and inserting in lieu thereof ''(e)(2) and (e)(3) of such section 2371''; and

(B) in paragraph (2), by inserting after ''Director'' the following: '', Secretary, or other official''; and

(2) in subsection (c), by striking out ''of the Director''.

SEC. 804. INCREASE IN THRESHOLD AMOUNTS FOR MAJOR SYSTEMS.

Section 2302(5) of title 10, United States Code, is amended—

(1) by striking out ''$75,000,000 (based on fiscal year 1980 constant dollars)'' and inserting in lieu thereof ''$115,000,000 (based on fiscal year 1990 dollars)'';

(2) by striking out ''$300,000,000 (based on fiscal year 1980 constant dollars)'' and inserting in lieu thereof ''$540,000,000 (based on fiscal year 1990 constant dollars)''; and

(3) by adding at the end the following: ''The Secretary of Defense may adjust the amounts and the base fiscal year provided in clause (A) on the basis of Department of Defense escalation rates. An adjustment under this paragraph shall be effective after the Secretary transmits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a written notification of the adjustment.''.

SEC. 805. REVISIONS IN INFORMATION REQUIRED TO BE INCLUDED IN SELECTED ACQUISITION REPORTS.

Section 2432 of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) by striking out ''and'' at the end of subparagraph (B);

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following new subparagraph (C):

''(C) the current procurement unit cost for each major defense acquisition program included in the report and the history of that cost from the date the program was first included in a Selected Acquisition Report to the end of the quarter for which the current report is submitted; and''; and

(2) in subsection (e), by striking out paragraph (8) and redesignating paragraph (9) as paragraph (8).

SEC. 806. INCREASE IN SIMPLIFIED ACQUISITION THRESHOLD FOR HUMANITARIAN OR PEACEKEEPING OPERATIONS.

Section 2302(7) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(7)'';

(2) by inserting after ''contingency operation'' the following: ''or a humanitarian or peacekeeping operation''; and

(3) by adding at the end the following:

''(B) In subparagraph (A), the term 'humanitarian or peacekeeping operation' means a military operation in support of the provision of humanitarian or foreign disaster assistance or in support of a peacekeeping operation under chapter VI or VII of the Charter of the United Nations. The term does not include routine training, force rotation, or stationing.''.

SEC. 807. EXPANSION OF AUDIT RECIPROCITY AMONG FEDERAL AGENCIES TO INCLUDE POST-AWARD AUDITS.

(a) ARMED SERVICES ACQUISITIONS.—Subsection (d) of section 2313 of title 10, United States Code, is amended to read as follows:

''(d) LIMITATION ON AUDITS RELATING TO INDIRECT COSTS.—The head of an agency may not perform an audit of indirect costs under a contract, subcontract, or modification before or after entering into the contract, subcontract, or modification in any case in which the contracting officer determines that the objectives of the audit can reasonably be met by accepting the results of an audit that was conducted by any other department or agency of the Federal Government within one year preceding the date of the contracting officer's determination.''.

(b) CIVILIAN AGENCY ACQUISITIONS.—Subsection (d) of section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) is amended to read as follows:

''(d) LIMITATION ON AUDITS RELATING TO INDIRECT COSTS.—An executive agency may not perform an audit of indirect costs under a contract, subcontract, or modification before or after entering into the contract, subcontract, or modification in any case in which the contracting officer determines that the objectives of the audit can reasonably be met by accepting the results of an audit that was conducted by any other department or agency of the Federal Government within one year preceding the date of the contracting officer's determination.''.

(c) GUIDELINES FOR ACCEPTANCE OF AUDITS BY STATE AND LOCAL GOVERNMENTS RECEIVING FEDERAL ASSISTANCE.—The Director of the Office and Management and Budget shall issue guidelines to ensure that an audit of indirect costs performed by the Federal Government is accepted by State and local governments that receive Federal funds under contracts, grants, or other Federal assistance programs.

SEC. 808. EXTENSION OF PILOT MENTOR-PROTEGE PROGRAM.

Paragraphs (1) and (2) of section 831(j) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note) are each amended by striking out ''1996'' and inserting in lieu thereof ''1997''.

Subtitle B—Other Matters

SEC. 821. AMENDMENT TO DEFINITION OF NATIONAL SECURITY SYSTEM UNDER INFORMATION TECHNOLOGY MANAGEMENT REFORM ACT OF 1995.

Section 5142(a) of the Information Technology Management Reform Act of 1996 (division E of Public Law 104–106; 110 Stat. 689; 40 U.S.C. 1452) is amended—

(1) by striking out ''or'' at the end of paragraph (4);

(2) by striking out the period at the end of paragraph (5) and inserting in lieu thereof ''; or''; and

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

''(6) involves the storage, processing, or forwarding of classified information and is protected at all times by procedures established for the handling of classified information.''.

SEC. 822. PROHIBITION ON RELEASE OF CONTRACTOR PROPOSALS UNDER FREEDOM OF INFORMATION ACT.

(a) ARMED SERVICES ACQUISITIONS.—Section 2305 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) PROHIBITION ON RELEASE OF CONTRACTOR PROPOSALS.—(1) A proposal in the possession or control of the Department of Defense may not be made available to any person under section 552 of title 5.

''(2) In this subsection, the term 'proposal' means any proposal, including a technical, management, or cost proposal, submitted by a contractor in response to the requirements of a solicitation for a competitive proposal.''.

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b) is amended by adding at the end the following new subsection:

''(m) PROHIBITION ON RELEASE OF CONTRACTOR PROPOSALS.—(1) A proposal in the possession or control of an executive agency may not be made available to any person under section 552 of title 5.

''(2) In this subsection, the term 'proposal' means any proposal, including a technical, management, or cost proposal, submitted by a contractor in response to the requirements of a solicitation for a competitive proposal.''.

SEC. 823. REPEAL OF ANNUAL REPORT BY ADVOCATE FOR COMPETITION.

Section 20(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 418(b)) is amended—

(1) by striking out ''and'' at the end of paragraph (3)(B);

(2) by striking out paragraph (4); and

(3) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively.

SEC. 824. REPEAL OF BIANNUAL REPORT ON PROCUREMENT REGULATORY ACTIVITY.

Subsection (g) of section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) is repealed.

SEC. 825. REPEAL OF MULTIYEAR LIMITATION ON CONTRACTS FOR INSPECTION, MAINTENANCE, AND REPAIR.

Paragraph (14) of section 210(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(a)) is amended by striking out ''for periods not exceeding three years''.

SEC. 826. STREAMLINED NOTICE REQUIREMENTS TO CONTRACTORS AND EMPLOYEES REGARDING TERMINATION OR SUBSTANTIAL REDUCTION IN CONTRACTS UNDER MAJOR DEFENSE PROGRAMS.

(a) ELIMINATION OF UNNECESSARY REQUIREMENTS.—Section 4471 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102–484; 10 U.S.C. 2501 note) is amended—

(1) by striking out subsection (a);

(2) by striking out subsection (f), except paragraph (4);

(3) by redesignating subsections (b), (c), (d), (e), and (g) as subsections (a), (b), (c), (d), and (f), respectively; and

(4) by redesignating such paragraph (4) as subsection (e).

(b) NOTICE TO CONTRACTORS.—Subsection (a) of such section, as redesignated by subsection (a)(3), is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

''(1) shall identify each contract (if any) under major defense programs of the Department of Defense that will be terminated or substantially reduced as a result of the funding levels provided in that Act; and

''(2) shall ensure that notice of the termination of, or substantial reduction in, the funding of the contract is provided—

''(A) directly to the prime contractor under the contract; and

''(B) directly to the Secretary of Labor.''.

(c) NOTICE TO SUBCONTRACTORS.—Subsection (b) of such section, as redesignated by subsection (a)(3), is amended—

(1) by striking out ''As soon as'' and all that follows through ''that program,'' in the matter preceding paragraph (1) and inserting in lieu thereof ''Not later than 60 days after the date on which the prime contractor for a contract under a major defense program receives notice under subsection (a),'';

(2) in paragraph (1)—

(A) by striking out ''for that program under a contract'' and inserting in lieu thereof ''for that prime contract for subcontracts''; and

(B) by striking out ''for the program''; and

(3) in paragraph (2)(A), by striking out ''for the program under a contract'' and inserting in lieu thereof ''for subcontracts''.

(d) NOTICE TO EMPLOYEES AND STATE DISLOCATED WORKER UNIT.—Subsection (c) of such section, as redesignated by subsection (a)(3), is amended by striking out ''under subsection (a)(1)'' and all that follows through ''a defense program,'' in the matter preceding paragraph (1) and inserting in lieu thereof ''under subsection (a),''.

(e) CROSS REFERENCES AND CONFORMING AMENDMENTS.—(1) Subsection (d) of such section, as redesignated by subsection (a)(3), is amended—

(A) by striking out ''a major defense program provided under subsection (d)(1)'' and inserting in lieu thereof ''a defense contract provided under subsection (c)(1)''; and

(B) by striking out ''the program'' and inserting in lieu thereof ''the contract''.

(2) Subsection (e) of such section, as redesignated by subsection (a)(4), is amended—

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

(B) by striking out ''under paragraph (3)'' and inserting in lieu thereof ''or cancellation of the termination of, or substantial reduction in, contract funding''.

(3) Subsection (f) of such section, as redesignated by subsection (a)(3), is amended in paragraph (2)—

(A) by inserting ''a defense contract under'' before ''a major defense program''; and

(B) by striking out ''contracts under the program'' and inserting in lieu thereof ''the funds obligated by the contract''.

SEC. 827. REPEAL OF NOTICE REQUIREMENTS FOR SUBSTANTIALLY OR SERIOUSLY AFFECTED PARTIES IN DOWNSIZING EFFORTS.

Sections 4101 and 4201 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1850, 1851; 10 U.S.C. 2391 note) are repealed.

SEC. 828. TESTING OF DEFENSE ACQUISITION PROGRAMS.

(a) IN GENERAL.—Section 2366 of title 10, United States Code, is amended—

(1) by striking out ''survivability'' each place it appears (including in the section heading) and inserting in lieu thereof ''vulnerability''; and

(2) in subsection (b)—

(A) by striking out ''Survivability'' and inserting in lieu thereof ''Vulnerability''; and

(B) by inserting after paragraph (2) the following new paragraph:

''(3) Testing should begin at the component, subsystem, and subassembly level, culminating with tests of the complete system configured for combat.''.

(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 139 of such title is amended to read as follows:

''2366. Major systems and munitions programs: vulnerability testing and lethality testing required before full-scale production.''.

SEC. 829. DEPENDENCY OF NATIONAL TECHNOLOGY AND INDUSTRIAL BASE ON SUPPLIES AVAILABLE ONLY FROM FOREIGN COUNTRIES.

(a) NATIONAL SECURITY OBJECTIVES FOR NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.—Section 2501(a) of title 10, United States Code, is amended by adding at the end the following:

''(5) Providing for the development, manufacture, and supply of items and technologies critical to the production and sustainment of advanced military weapon systems with minimal reliance on items for which the source of supply, manufacture, or technology is outside of the United States and Canada and for which there is no immediately available source in the United States or Canada.''.

(b) ASSESSMENT OF EXTENT OF UNITED STATES DEPENDENCY ON FOREIGN SOURCE ITEMS.—Subsection (c) of section 2505 of such title is amended to read as follows:

''(c) ASSESSMENT OF EXTENT OF DEPENDENCY ON FOREIGN SOURCE ITEMS.—Each assessment under subsection (a) shall include a separate discussion and presentation regarding the extent to which the national technology and industrial base is dependent on items for which the source of supply, manufacture, or technology is outside of the United States and Canada and for which there is no immediately available source in the United States or Canada. The discussion and presentation shall include the following:

''(1) An assessment of the overall degree of dependence by the national technology and industrial base on such foreign items, including a comparison with the degree of dependence identified in the preceding assessment.

''(2) Identification of major systems (as defined in section 2302 of this title) under development or production containing such foreign items, including an identification of all such foreign items for each system.

''(3) An analysis of the production or development risks resulting from the possible disruption of access to such foreign items, including consideration of both peacetime and wartime scenarios.

''(4) An analysis of the importance of retaining domestic production sources for the items specified in section 2534 of this title.

''(5) A discussion of programs and initiatives in place to reduce dependence by the national technology and industrial base on such foreign items.

''(6) A discussion of proposed policy or legislative initiatives recommended to reduce the dependence of the national technology and industrial base on such foreign items.''.

(c) TIME FOR COMPLETION OF NEXT DEFENSE CAPABILITY ASSESSMENT.—Notwithstanding the schedule prescribed by the Secretary of Defense under subsection (d) of section 2505 of title 10, United States Code, the National Defense Technology and Industrial Base Council shall complete the next defense capability assessment required under such section not later than March 1, 1997.

SEC. 830. SENSE OF CONGRESS REGARDING TREATMENT OF DEPARTMENT OF DEFENSE CABLE TELEVISION FRANCHISE AGREEMENTS.

It is the sense of Congress that the United States Court of Federal Claims should transmit to Congress the report required by section 823 of Public Law 104–106 (110 Stat. 399) on or before the date specified in that section.

SEC. 831. EXTENSION OF DOMESTIC SOURCE LIMITATION FOR VALVES AND MACHINE TOOLS.

Subparagraph (C) of section 2534(c)(2) is amended by striking out ''1996'' and inserting in lieu thereof ''2001''.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. ADDITIONAL REQUIRED REDUCTION IN DEFENSE ACQUISITION WORKFORCE.

Section 906(d) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 405) is amended—

(1) in paragraph (1), by striking out ''during fiscal year 1996'' and all that follows and inserting in lieu thereof ''so that—

''(A) the total number of such positions as of October 1, 1996, is less than the baseline number by at least 15,000; and

''(B) the total number of such positions as of October 1, 1997, is less than the baseline number by at least 40,000.''; and

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

''(3) For purposes of this subsection, the term 'baseline number' means the total number of defense acquisition personnel positions as of October 1, 1995.''.

SEC. 902. REDUCTION OF PERSONNEL ASSIGNED TO OFFICE OF THE SECRETARY OF DEFENSE.

(a) PERMANENT LIMITATION ON OSD PERSONNEL.—Effective October 1, 1999, the number of OSD personnel may not exceed 75 percent of the baseline number.

(b) PHASED REDUCTION.—The number of OSD personnel—

(1) as of October 1, 1997, may not exceed 85 percent of the baseline number; and

(2) as of October 1, 1998, may not exceed 80 percent of the baseline number.

(c) BASELINE NUMBER.—For purposes of this section, the term ''baseline number'' means the number of OSD personnel as of October 1, 1994.

(d) OSD PERSONNEL DEFINED.—For purposes of this section, the term ''OSD personnel'' means military and civilian personnel of the Department of Defense who are assigned to, or employed in, functions in the Office of the Secretary of Defense (including Direct Support Activities of that Office and the Washington Headquarters Services of the Department of Defense).

(e) LIMITATION ON REASSIGNMENT OF FUNCTIONS.—In carrying out reductions in the number of personnel assigned to, or employed in, the Office of the Department of Defense in order to comply with this section, the Secretary of Defense may not reassign functions solely in order to evade the requirements contained in this section.

(f) FLEXIBILITY.—If the Secretary of Defense determines, and certifies to Congress, that the limitation in subsection (b) with respect to any fiscal year would adversely affect United States national security, the limitation under that subsection with respect to that fiscal year may be waived. If the Secretary of Defense determines, and certifies to Congress, that the limitation in subsection (a) during fiscal year 1999 would adversely affect United States national security, the limitation under that subsection with respect to that fiscal year may be waived. The authority under this subsection may be used only once, with respect to a single fiscal year.

(g) REPEAL OF PRIOR REQUIREMENT.—Section 901(d) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 410) is repealed.

SEC. 903. REPORT ON MILITARY DEPARTMENT HEADQUARTERS STAFFS.

(a) REVIEW BY SECRETARY OF DEFENSE.—The Secretary of Defense shall conduct a review of the size, mission, organization, and functions of the military department headquarters staffs. This review shall include the following:

(1) An assessment on the adequacy of the present organization structure to efficiently and effectively support the mission of the military departments.

(2) An assessment of options to reduce the number of personnel assigned to the military department headquarters staffs.

(3) An assessment of the extent of unnecessary duplication of functions between the Office of the Secretary of Defense and the military department headquarters staffs.

(4) An assessment of the possible benefits that could be derived from further functional consolidation between the civilian secretariat of the military departments and the staffs of the military service chiefs.

(5) An assessment of the possible benefits that could be derived from reducing the number of civilian officers in the military departments who are appointed by and with the advice and consent of the Senate.

(b) REPORT.—Not later than March 1, 1997, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) the findings and conclusions of the Secretary resulting from the review under subsection (a); and

(2) a plan for implementing resulting recommendations, including proposals for legislation (with supporting rationale) that would be required as result of the review.

(c) REDUCTION IN TOTAL NUMBER OF PERSONNEL ASSIGNED.—In developing the plan under subsection (b)(2), the Secretary shall make every effort to provide for significant reductions in the overall number of military and civilian personnel assigned to or serving in the military department headquarters staffs.

(d) MILITARY DEPARTMENT HEADQUARTERS STAFFS DEFINED.—For the purposes of this section, the term ''military department headquarters staffs'' means the offices, organizations, and other elements of the Department of Defense comprising the following:

(1) The Office of the Secretary of the Army.

(2) The Army Staff.

(3) The Office of the Secretary of the Air Force.

(4) The Air Staff.

(5) The Office of the Secretary of the Navy.

(6) The Office of the Chief of Naval Operations.

(7) Headquarters, Marine Corps.

SEC. 904. EXTENSION OF EFFECTIVE DATE FOR CHARTER FOR JOINT REQUIREMENTS OVERSIGHT COUNCIL.

Section 905(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 404) is amended by striking out ''January 31, 1997'' and inserting in lieu thereof ''January 31, 1998''.

SEC. 905. REMOVAL OF SECRETARY OF THE ARMY FROM MEMBERSHIP ON THE FOREIGN TRADE ZONE BOARD.

The first section of the Act of June 18, 1934 (Public Law Numbered 397, Seventy-third Congress; 48 Stat. 998) (19 U.S.C. 81a), popularly known as the ''Foreign Trade Zones Act'', is amended—

(1) in subsection (b), by striking out ''the Secretary of the Treasury, and the Secretary of War'' and inserting in lieu thereof ''and the Secretary of the Treasury''; and

(2) in subsection (c), by striking out ''Alaska, Hawaii,''.

SEC. 906. MEMBERSHIP OF THE AMMUNITION STORAGE BOARD.

Section 172(a) of title 10, United States Code, is amended by striking out ''a joint board of officers selected by them'' and inserting in lieu thereof ''a joint board selected by them composed of officers, civilian officers and employees of the Department of Defense, or both''.

SEC. 907. DEPARTMENT OF DEFENSE DISBURSING OFFICIAL CHECK CASHING AND EXCHANGE TRANSACTIONS.

Section 3342(b) of title 31, United States Code, is amended—

(1) by striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon;

(2) by striking out ''and'' at the end of paragraph (5);

(3) by striking out the period at the end of paragraph (6) and inserting in lieu thereof ''; or''; and

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

''(7) a Federal credit union that at the request of the Secretary of Defense is operating on a United States military installation in a foreign country, but only if that country does not permit contractor-operated military banking facilities to operate on such installations.''.

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. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on National Security of the House of Representatives to accompany the bill H.R. 3230 of the One Hundred Fourth Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1003. 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. 1004. 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. 1005. FORMAT FOR BUDGET REQUESTS FOR NAVY/MARINE CORPS AND AIR FORCE AMMUNITION ACCOUNTS.

Section 114 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) In each budget submitted by the President to Congress under section 1105 of title 31, amounts requested for procurement of ammunition for the Navy and Marine Corps, and for procurement of ammunition for the Air Force, shall be set forth separately from other amounts requested for procurement.''.

SEC. 1006. FORMAT FOR BUDGET REQUESTS FOR DEFENSE AIRBORNE RECONNAISSANCE PROGRAM.

(a) REQUIREMENT.—The Secretary of Defense shall ensure that in the budget justification documents for any fiscal year there is set forth separately amounts requested for each program, project, or activity within the Defense Airborne Reconnaissance Program, with a unique program element provided for funds requested for research, development, test, and evaluation for each such program, project, or activity and a unique procurement line item provided for funds requested for procurement for each such program, project, or activity.

(b) DEFENSE BUDGET.—For purposes of subsection (a), the term ''budget justification documents'' means the supporting budget documentation submitted to the congressional defense committees in support of the budget of the Department of Defense for a fiscal year as included in the budget of the President submitted under section 1105 of title 31, United States Code, for that fiscal year.

Subtitle B—Reports and Studies

SEC. 1021. ANNUAL REPORT ON OPERATION PROVIDE COMFORT AND OPERATION ENHANCED SOUTHERN WATCH.

(a) ANNUAL REPORT.—Not later than March 1 of each year, the Secretary of Defense shall submit to Congress a report on Operation Provide Comfort and Operation Enhanced Southern Watch.

(b) MATTERS RELATING TO OPERATION PROVIDE COMFORT.—Each report under subsection (a) shall include, with respect to Operation Provide Comfort, the following:

(1) A detailed presentation of the projected costs to be incurred by the Department of Defense for that operation during the fiscal year in which the report is submitted and projected for the following fiscal year, together with a discussion of missions and functions expected to be performed by the Department as part of that operation during each of those fiscal years.

(2) A detailed presentation of the projected costs to be incurred by other departments and agencies of the Federal Government participating in or providing support to that operation during each of those fiscal years.

(3) A discussion of options being pursued to reduce the involvement of the Department of Defense in those aspects of that operation that are not directly related to the military mission of the Department of Defense.

(4) A discussion of the exit strategy for United States involvement in, and support for, that operation.

(5) A description of alternative approaches to accomplishing the mission of that operation that are designed to limit the scope and cost to the Department of Defense of accomplishing that mission while maintaining mission success.

(6) The contributions (both in-kind and actual) by other nations to the costs of conducting that operation.

(7) A detailed presentation of significant Iraqi military activity (including specific violations of the no-fly zone) determined to jeopardize the security of the Kurdish population in northern Iraq.

(c) MATTERS RELATING TO OPERATION ENHANCED SOUTHERN WATCH.—Each report under subsection (a) shall include, with respect to Operation Enhanced Southern Watch, the following:

(1) The expected duration and annual costs of the various elements of that operation.

(2) The political and military objectives associated with that operation.

(3) The contributions (both in-kind and actual) by other nations to the costs of conducting that operation.

(4) A description of alternative approaches to accomplishing the mission of that operation that are designed to limit the scope and cost of accomplishing that mission while maintaining mission success.

(5) A comprehensive discussion of the political and military objectives and initiatives that the Department of Defense has pursued, and intends to pursue, in order to reduce United States involvement in that operation.

(6) A detailed presentation of significant Iraqi military activity (including specific violations of the no-fly zone) determined to jeopardize the security of the Shiite population in southern Iraq.

(d) TERMINATION OF REPORT REQUIREMENT.—The requirement under subsection (a) shall cease to apply with respect to an operation named in that subsection upon the termination of United States involvement in that operation.

(e) DEFINITIONS.—For purposes of this section:

(1) OPERATION ENHANCED SOUTHERN WATCH.—The term ''Operation Enhanced Southern Watch'' means the operation of the Department of Defense that as of October 30, 1995, is designated as Operation Enhanced Southern Watch.

(2) OPERATION PROVIDE COMFORT.—The term ''Operation Provide Comfort'' means the operation of the Department of Defense that as of October 30, 1995, is designated as Operation Provide Comfort.

SEC. 1022. REPORT ON PROTECTION OF NATIONAL INFORMATION INFRASTRUCTURE.

(a) REPORT REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report setting forth the national policy on protecting the national information infrastructure against strategic attacks.

(b) MATTERS TO BE INCLUDED.—The report shall include the following:

(1) A description of the national policy and plans to meet essential Government and civilian needs during a national security emergency associated with a strategic attack on elements of the national infrastructure the functioning of which depend on networked computer systems.

(2) The identification of information infrastructure functions that must be performed during such an emergency.

(3) The assignment of responsibilities to Federal departments and agencies, and a description of the roles of Government and industry, relating to indications and warning of, assessment of, response to, and reconstitution after, potential strategic attacks on the critical national infrastructures described under paragraph (1).

(c) OUTSTANDING ISSUES.—The report shall also identify any outstanding issues in need of further study and resolution, such as technology and funding shortfalls, and legal and regulatory considerations.

SEC. 1023. REPORT ON WITNESS INTERVIEW PROCEDURES FOR DEPARTMENT OF DEFENSE CRIMINAL INVESTIGATIONS.

(a) SURVEY OF MILITARY DEPARTMENT POLICIES AND PRACTICES.—The Comptroller General of the United States shall conduct a survey of the policies and practices of the military criminal investigative organizations with respect to the manner in which interviews of suspects and witnesses are conducted in connection with criminal investigations. The purpose of the survey shall be to ascertain whether or not investigators and agents from those organizations engage in illegal, unnecessary, or inappropriate harassment and intimidation of individuals being interviewed.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate a report concerning the survey under subsection (a). The report shall specifically address the following:

(1) The extent to which investigators of the military criminal investigative organizations engage in illegal or inappropriate practices in connection with interviews of suspects in or witnesses to crimes.

(2) The extent to which the interview policies established by the Department of Defense directive or service regulation are adequate to instruct and guide investigators in the proper conduct of subject and witness interviews.

(3) The desirability and feasibility of requiring the video and audio recording of all interviews.

(4) The desirability and feasibility of making such recordings or written transcriptions of interviews, or both, available on demand to the subject or witness interviewed.

(5) The extent to which existing directives or regulations specify a prohibition against the display by agents of those organizations of weapons during interviews and the extent to which agents conducting interviews inappropriately display weapons during interviews.

(6) The extent to which existing directives or regulations forbid agents of those organizations from making judgmental statements during interviews regarding the guilt of the interviewee or the consequences of failing to cooperate with investigators, and the extent to which agents conducting interviews nevertheless engage in such practices.

(7) Any recommendation for legislation to ensure that investigators and agents of the military criminal investigative organizations use legal and proper tactics during interviews in connection with Department of Defense criminal investigations.

(c) RESULTS OF INTERVIEWS AND SURVEYS.—The Comptroller General shall include in the report under subsection (b) the results of interviews and surveys conducted under subsection (a) with persons who were witnesses or subjects in investigations conducted by military criminal investigative organizations.

(d) DEFINITION.—For the purposes of this section, the term ''military criminal investigative organization'' means any of the following:

(1) The Army Criminal Investigation Command.

(2) The Air Force Office of Special Investigations.

(3) The Naval Criminal Investigative Service.

(4) The Defense Criminal Investigative Service.

Subtitle C—Other Matters

SEC. 1031. INFORMATION SYSTEMS SECURITY PROGRAM.

(a) ALLOCATION.—Of the amounts appropriated for the Department of Defense for the Defense Information Infrastructure for each of fiscal years 1998 through 2001, the Secretary of Defense shall allocate to an information systems security program, under a separate program element, amounts as follows:

(1) For fiscal year 1998, 2.5 percent.

(2) For fiscal year 1999, 3.0 percent.

(3) For fiscal year 2000, 3.5 percent.

(4) For fiscal year 2001, 4.0 percent.

(b) RELATIONSHIP TO OTHER AMOUNTS.—Amounts allocated under subsection (a) are in addition to amounts appropriated to the National Security Agency and the Defense Advanced Research Projects Agency for information security development, acquisition, and operations.

(c) ANNUAL REPORT.—The Secretary of Defense shall submit to the congressional defense committee and congressional intelligence committees a report not later than April 15 of each year from 1998 through 2002 that describes information security objectives of the Department of Defense, the progress made during the previous year in meeting those objectives, and plans of the Secretary with respect to meeting those objectives for the next fiscal year.

SEC. 1032. AVIATION AND VESSEL WAR RISK INSURANCE.

(a) AVIATION RISK INSURANCE.—(1) Chapter 931 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9514. Indemnification of Department of Transportation for losses covered by defense-related aviation insurance

''(a) PROMPT INDEMNIFICATION REQUIRED.—In the event of a loss that is covered by defense-related aviation insurance, the Secretary of Defense shall promptly indemnify the Secretary of Transportation for the amount of the loss. The Secretary of Defense shall make such indemnification—

''(1) in the case of a claim for the loss of an aircraft hull, not later than 30 days following the date of the presentment of the claim to the Secretary of Transportation; and

''(2) in the case of any other claim, not later than 180 days after the date on which the claim is determined by the Secretary of Transportation to be payable.

''(b) SOURCE OF FUNDS FOR PAYMENT OF INDEMNITY.—The Secretary may pay an indemnity described in subsection (a) from any funds available to the Department of Defense for operation and maintenance, and such sums as may be necessary for payment of such indemnity are hereby authorized to be transferred to the Secretary of Transportation for such purpose.

''(c) NOTICE TO CONGRESS.—In the event of a loss that is covered by defense-related aviation insurance in the case of an incident in which the covered loss is (or is expected to be) in an amount in excess of $1,000,000, the Secretary of Defense shall submit to Congress—

''(1) notification of the loss as soon after the occurrence of the loss as possible and in no event more than 30 days after the date of the loss; and

''(2) semiannual reports thereafter updating the information submitted under paragraph (1) and showing with respect to losses arising from such incident the total amount expended to cover such losses, the source of those funds, pending litigation, and estimated total cost to the Government.

''(d) IMPLEMENTING MATTERS.—(1) Payment of indemnification under this section is not subject to section 2214 or 2215 of this title or any other provision of law requiring notification to Congress before funds may be transferred.

''(2) Consolidation of claims arising from the same incident is not required before indemnification of the Secretary of Transportation for

payment of a claim may be made under this section.

''(e) CONSTRUCTION WITH OTHER TRANSFER AUTHORITY.—Authority to transfer funds under this section is in addition to any other authority provided by law to transfer funds (whether enacted before, on, or after the date of the enactment of this section) and is not subject to any dollar limitation or notification requirement contained in any other such authority to transfer funds.

''(f) DEFINITIONS.—In this section:

''(1) DEFENSE-RELATED AVIATION INSURANCE.—The term 'defense-related aviation insurance' means aviation insurance and reinsurance provided through policies issued by the Secretary of Transportation under chapter 443 of title 49 that pursuant to section 44305(b) of that title is provided by that Secretary without premium at the request of the Secretary of Defense and is covered by an indemnity agreement between the Secretary of Transportation and the Secretary of Defense.

''(2) LOSS.—The term 'loss' includes damage to or destruction of property, personal injury or death, and other liabilities and expenses covered by the defense-related aviation insurance.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''9514. Indemnification of Department of Transportation for losses covered by defense-related aviation insurance.''.

(b) VESSEL WAR RISK INSURANCE.—(1) Chapter 157 of title 10, United States Code, is amended by adding after section 2644, as added by section 364(a), the following new section:

''§ 2645. Indemnification of Department of Transportation for losses covered by vessel war risk insurance

''(a) PROMPT INDEMNIFICATION REQUIRED.—In the event of a loss that is covered by vessel war risk insurance, the Secretary of Defense shall promptly indemnify the Secretary of Transportation for the amount of the loss. The Secretary of Defense shall make such indemnification—

''(1) in the case of a claim for a loss to a vessel, not later than 90 days following the date of the adjudication or settlement of the claim by the Secretary of Transportation; and

''(2) in the case of any other claim, not later than 180 days after the date on which the claim is determined by the Secretary of Transportation to be payable.

''(b) SOURCE OF FUNDS FOR PAYMENT OF INDEMNITY.—The Secretary may pay an indemnity described in subsection (a) from any funds available to the Department of Defense for operation and maintenance, and such sums as may be necessary for payment of such indemnity are hereby authorized to be transferred to the Secretary of Transportation for such purpose.

''(c) DEPOSIT OF FUNDS.—(1) Any amount transferred to the Secretary of Transportation under this section shall be deposited in, and merged with amounts in, the Vessel War Risk Insurance Fund as provided in the second sentence of section 1208(a) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1288(a)).

''(2) In this subsection, the term 'Vessel War Risk Insurance Fund' means the insurance fund referred to in the first sentence of section 1208(a) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1288(a)).

''(d) NOTICE TO CONGRESS.—In the event of a loss that is covered by vessel war risk insurance in the case of an incident in which the covered loss is (or is expected to be) in an amount in excess of $1,000,000, the Secretary of Defense shall submit to Congress—

''(1) notification of the loss as soon after the occurrence of the loss as possible and in no event more than 30 days after the date of the loss; and

''(2) semiannual reports thereafter updating the information submitted under paragraph (1) and showing with respect to losses arising from such incident the total amount expended to cover such losses, the source of such funds, pending litigation, and estimated total cost to the Government.

''(e) IMPLEMENTING MATTERS.—(1) Payment of indemnification under this section is not subject to section 2214 or 2215 of this title or any other provision of law requiring notification to Congress before funds may be transferred.

''(2) Consolidation of claims arising from the same incident is not required before indemnification of the Secretary of Transportation for payment of a claim may be made under this section.

''(f) CONSTRUCTION WITH OTHER TRANSFER AUTHORITY.—Authority to transfer funds under this section is in addition to any other authority provided by law to transfer funds (whether enacted before, on, or after the date of the enactment of this section) and is not subject to any dollar limitation or notification requirement contained in any other such authority to transfer funds.

''(g) DEFINITIONS.—In this section:

''(1) VESSEL WAR RISK INSURANCE.—The term 'vessel war risk insurance' means insurance and reinsurance provided through policies issued by the Secretary of Transportation under title XII of the Merchant Marine Act, 1936 (46 U.S.C. App. 1281 et seq.), that is provided by that Secretary without premium at the request of the Secretary of Defense and is covered by an indemnity agreement between the Secretary of Transportation and the Secretary of Defense.

''(2) LOSS.—The term 'loss' includes damage to or destruction of property, personal injury or death, and other liabilities and expenses covered by the vessel war risk insurance.''.

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2644, as added by section 364(c)(3), the following new item:

''2645. Indemnification of Department of Transportation for losses covered by vessel war risk insurance.''.

SEC. 1033. AIRCRAFT ACCIDENT INVESTIGATION BOARDS.

(a) INDEPENDENCE AND OBJECTIVITY OF BOARDS.—(1) Chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2255. Aircraft accident investigation boards: independence and objectivity

''(a) REQUIRED MEMBERSHIP OF BOARDS.—Whenever the Secretary of a military department convenes a aircraft accident investigation board to conduct an accident investigation of an accident involving an aircraft under the jurisdiction of the Secretary, the Secretary shall select the membership of the board so that—

''(1) a majority of the voting members of the board are selected from units outside the chain of command of the mishap unit; and

''(2) at least one voting member of the board is an officer or an employee assigned to the relevant service safety center.

''(b) DETERMINATION OF UNITS OUTSIDE SAME CHAIN OF COMMAND.—For purposes of this section, a unit shall be considered to be outside the chain of command of another unit if the two units do not have a common commander in their respective chains of command below a position for which the authorized grade is major general or rear admiral.

''(c) MISHAP UNIT DEFINED.—In this section, the term 'mishap unit', with respect to an aircraft accident investigation, means the unit of the armed forces (at the squadron level or equivalent) to which was assigned the flight crew of the aircraft that sustained the accident that is the subject of the investigation.

''(d) SERVICE SAFETY CENTER.—For purposes of this section, a service safety center is the single office or separate operating agency of a military department that has responsibility for the management of aviation safety matters for that military department.''.

(2) The table of sections at the beginning of subchapter II of such chapter is amended by adding at the end the following new item:

''2255. Aircraft accident investigation boards: independence and objectivity.''.

(b) EFFECTIVE DATE.—Section 2255 of title 10, United States Code, as added by subsection (a), shall apply with respect to any aircraft accident investigation board convened by the Secretary of a military department after the end of the six-month period beginning on the date of the enactment of this Act.

SEC. 1034. AUTHORITY FOR USE OF APPROPRIATED FUNDS FOR RECRUITING FUNCTIONS.

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

''§ 520c. Recruiting functions: use of funds

''Under regulations prescribed by the Secretary concerned, funds appropriated to the Department of Defense may be expended for small meals and snacks during recruiting functions for the following persons:

''(1) Persons who have entered the Delayed Entry Program under section 513 of this title and other persons who are the subject of recruiting efforts.

''(2) Persons in communities who assist the military departments in recruiting efforts.

''(3) Military or civilian personnel whose attendance at such functions is mandatory.

''(4) Other persons whose presence at recruiting functions will contribute to recruiting efforts.''.

(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. Recruiting functions: use of funds.''.

SEC. 1035. AUTHORITY FOR AWARD OF MEDAL OF HONOR TO CERTAIN AFRICAN AMERICAN SOLDIERS WHO SERVED DURING 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 the persons specified in subsection (b), each of whom has been found by the Secretary of the Army to have 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) PERSONS ELIGIBLE TO RECEIVE THE MEDAL OF HONOR.—The persons referred to in subsection (a) are the following:

(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, Twelfth 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 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.

SEC. 1036. COMPENSATION FOR PERSONS AWARDED PRISONER OF WAR MEDAL WHO DID NOT PREVIOUSLY RECEIVE COMPENSATION AS A PRISONER OF WAR.

(a) AUTHORITY TO MAKE PAYMENTS.—The Secretary of the military department concerned shall make payments in the manner provided in section 6 of the War Claims Act of 1948 (50 U.S.C. App. 2005) to (or on behalf of) any person described in subsection (b) who submits an application for such payment in accordance with subsection (d).

(b) ELIGIBLE PERSONS.—This section applies with respect to a member or former member of the Armed Forces who—

(1) has received the prisoner of war medal under section 1128 of title 10, United States Code; and

(2) has not previously received a payment under section 6 of the War Claims Act of 1948 (50 U.S.C. App. 2005) with respect to the period of internment for which the person received the prisoner of war medal.

(c) AMOUNT OF PAYMENT.—The amount of the payment to any person under this section shall be determined based upon the provisions of section 6 of the War Claims Act of 1948 that are applicable with respect to the period of time during which the internment occurred for which the person received the prisoner of war medal.

(d) ONE-YEAR PERIOD FOR SUBMISSION OF APPLICATIONS.—A payment may be made by reason of this section only in the case of a person who submits an application to the Secretary concerned for such payment during the one-year period beginning on the date of the enactment of this Act. Any such application shall be submitted in such form and manner as the Secretary may require.

SEC. 1037. GEORGE C. MARSHALL EUROPEAN CENTER FOR STRATEGIC SECURITY STUDIES.

(a) ACCEPTANCE OF CONTRIBUTIONS.—The Secretary of Defense may accept, on behalf of the George C. Marshall European Center for Security Studies, from any foreign nation any contribution of money or services made by such nation to defray the cost of, or enhance the operations of, the George C. Marshall European Center for Security Studies. Such contributions may include guest lecturers, faculty services, research materials, and other donations through foundations or similar sources.

(b) NOTICE TO CONGRESS.—The Secretary of Defense shall notify Congress if total contributions of money under subsection (a) exceed $2,000,000 in any fiscal year. Any such notice shall list the nations and the amounts of each such contribution.

(c) MARSHALL CENTER ATTENDANCE AND REPORTING REQUIREMENT.—(1) The Secretary of Defense may authorize participation by a European or Eurasian nation in Marshall Center programs if—

(A) the Secretary determines, after consultation with the Secretary of State, that such participation is in the national interest of the United States; and

(B) the Secretary determines that such participation (notwithstanding any other provision of law) by that nation in Marshall Center programs will materially contribute to the reform of the electoral process or development of democratic institutions or democratic political parties in that nation.

(2) The Secretary of Defense shall notify Congress of such determination not less than 90 days in advance of any such participation by such nation pursuant to the determination concerning that nation.

(3) The Secretary of Defense shall submit to Congress an annual report on the participation of European and Eurasian nations in programs of the Marshall Center.

(d) MARSHALL CENTER BOARD OF VISITORS.—(1) In the case of any United States citizen invited to serve without compensation on the Marshall Center Board of Visitors, the Secretary of Defense may waive any requirement for financial disclosure that would otherwise be applicable to that person by reason of service on such Board of Visitors.

(2) Notwithstanding section 219 of title 18, United States Code, a non-United States citizen may serve on the Board even though registered as a foreign agent.

SEC. 1038. PARTICIPATION OF MEMBERS, DEPENDENTS, AND OTHER PERSONS IN CRIME PREVENTION EFFORTS AT INSTALLATIONS.

(a) CRIME PREVENTION.—The Secretary of Defense shall prescribe regulations intended to require members of the Armed Forces, dependents of members, civilian employees of the Department of Defense, and employees of defense contractors performing work at military installations to report to an appropriate military law enforcement agency any crime or criminal activity that the person reasonably believes occurred on a military installation.

(b) SANCTIONS.—As part of the regulations, the Secretary shall consider the feasibility of imposing sanctions against a person described in subsection (a), particularly a member of the Armed Forces, who fails to report the occurrence of a crime or criminal activity as required by the regulations.

(c) REPORT REGARDING IMPLEMENTATION.—Not later than February 1, 1997, the Secretary shall submit to Congress a report describing the plans of the Secretary to implement this section.

SEC. 1039. TECHNICAL AND CLERICAL AMENDMENTS.

(a) CORRECTIONS IN STATUTORY REFERENCES.—

(1) REFERENCE TO COMMAND FORMERLY KNOWN AS THE NORTH AMERICAN AIR DEFENSE COMMAND.—Section 162(a) of title 10, United States Code, is amended by striking out ''North American Air Defense Command'' in paragraphs (1), (2), and (3) and inserting in lieu thereof ''North American Aerospace Defense Command''.

(2) REFERENCES TO FORMER NAVAL RECORDS AND HISTORY OFFICE AND FUND.—(A) Section 7222 of title 10, United States Code, is amended in subsections (a) and (c) by striking out ''Office of Naval Records and History'' each place it appears and inserting in lieu thereof ''Naval Historical Center''.

(B)(i) The heading of such section is amended to read as follows:

''§ 7222. Naval Historical Center Fund''.

(ii) 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.''.

(C) Section 2055(g) of the Internal Revenue Code of 1986 is amended by striking out paragraph (4) and inserting in lieu thereof the following:

''(4) For treatment of gifts and bequests for the benefit of the Naval Historical Center as gifts or bequests to or for the use of the United States, see section 7222 of title 10, United States Code.''.

(3) CHEMICAL DEMILITARIZATION CITIZENS ADVISORY COMMISSIONS.—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) is amended by striking out ''Assistant Secretary of the Army (Installations, Logistics, and Environment)'' in subsections (b) and (f) and inserting in lieu thereof ''Assistant Secretary of the Army (Research, Development and Acquisition)''.

(b) MISCELLANEOUS AMENDMENTS TO TITLE 10, United States Code.—Title 10, United States Code, is amended as follows:

(1) Section 129(a) is amended by striking out ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996'' and inserting in lieu thereof ''February 10, 1996,''.

(2) Section 401 is amended—

(A) in subsection (a)(4), by striking out ''Armed Forces'' both places it appears and inserting in lieu thereof ''armed forces''; and

(B) in subsection (e), by inserting ''any of the following'' after ''means''.

(3) Section 528(b) is amended by striking out ''(1)'' after ''(b)'' and inserting ''(1)'' before ''The limitation''.

(4) Section 1078a(a) is amended by striking out ''Beginning on October 1, 1994, the'' and inserting in lieu thereof ''The''.

(5) Section 1161(b)(2) is amended by striking out ''section 1178'' and inserting in lieu thereof ''section 1167''.

(6) Section 1167 is amended by striking out ''person'' and inserting in lieu thereof ''member''.

(7) The table of sections at the beginning of chapter 81 is amended by striking out ''Sec.'' in the item relating to section 1599a.

(8) Section 1588(d)(1)(C) is amended by striking out ''Section 522a'' and inserting in lieu thereof ''Section 552a''.

(9) Chapter 87 is amended—

(A) in section 1723(a), by striking out the second sentence;

(B) in section 1724, by striking out '', beginning on October 1, 1993,'' in subsections (a) and (b);

(C) in section 1733(a), by striking out ''On and after October 1, 1993, a'' and inserting in lieu thereof ''A''; and

(D) in section 1734—

(i) in subsection (a)(1), by striking out '', on and after October 1, 1993,''; and

(ii) in subsection (b)(1)(A), by striking out '', on and after October 1, 1991,''.

(10) Section 2216, as added by section 371 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 107 Stat. 277), is redesignated as section 2216a, and the item relating to that section in the table of sections at the beginning of chapter 131 is revised so as to reflect such redesignation.

(11) Section 2305(b)(6) is amended—

(A) in subparagraph (B), by striking out ''of this section'' and ''of this paragraph'';

(B) in subparagraph (C), by striking out ''this subsection'' and inserting in lieu thereof ''subparagraph (A)''; and

(C) in subparagraph (D), by striking out ''pursuant to this subsection'' and inserting in lieu thereof ''under subparagraph (A)''.

(12) Section 2306a(h)(3) is amended by inserting ''(41 U.S.C. 403(12))'' before the period at the end.

(13) Section 2323a(a) is amended by striking out ''section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note)'' and inserting in lieu thereof ''section 2323 of this title''.

(14) Section 2534(c)(4) is amended by striking out ''the date occurring two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996'' and inserting in lieu thereof ''February 10, 1998''.

(15) The table of sections at the beginning of chapter 155 is amended by striking out the item relating to section 2609.

(16) Section 2610(e) is amended by striking out ''two years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996'' and inserting in lieu thereof ''on February 10, 1998''.

(17) Sections 2824(c) and 2826(i)(1) are amended by striking out ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 1996'' and inserting in lieu thereof ''February 10, 1996''.

(18) Section 3036(d) is amended by striking out ''For purposes of this subsection,'' and inserting in lieu thereof ''In this subsection,''.

(19) The table of sections at the beginning of chapter 641 is amended by striking out the item relating to section 7434.

(20) Section 10542(b)(21) is amended by striking out ''261'' and inserting in lieu thereof ''12001''.

(21) Section 12205(a) is amended by striking out ''After September 30, 1995, no person'' and inserting in lieu thereof ''No person''.

(c) AMENDMENTS TO PUBLIC LAW 104–106.—The National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 186 et seq.) is amended as follows:

(1) Section 561(d)(1) (110 Stat. 322) is amended by inserting ''of such title'' after ''Section 1405(c)''.

(2) Section 903(e)(1) (110 Stat. 402) is amended—

(A) in subparagraph (A), by striking out ''paragraphs (6) and (8)'' and inserting in lieu thereof ''paragraph (6)''; and

(B) in subparagraph (B), by inserting ''(8),'' after ''(7),'' and by striking out ''and (9),'' and inserting in lieu thereof ''(9), and (10),''.

(3) Section 1092(b)(2) (110 Stat. 460) is amended by striking out the period at the end and inserting in lieu thereof ''; and''.

(4) Section 4301(a)(1) (110 Stat. 656) is amended by inserting ''of subsection (a)'' after ''in paragraph (2)''.

(5) Section 5601 (110 Stat. 699) is amended—

(A) in subsection (a), by inserting ''of title 10, United States Code,'' before ''is amended''; and

(B) in subsection (c), by striking out ''use of equipment or services, if'' in the second quoted matter therein and inserting in lieu thereof ''use of the equipment or services''.

(d) PROVISIONS EXECUTED BEFORE ENACTMENT OF PUBLIC LAW 104–106.—

(1) Section 533(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 315) shall apply as if enacted as of December 31, 1995.

(2) The authority provided under section 942(f) of title 10, United States Code, shall be effective as if section 1142 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 467) had been enacted on September 29, 1995.

(e) AMENDMENTS TO OTHER ACTS.—

(1) The last section of the Office of Federal Procurement Policy Act (41 U.S.C. 434), as added by section 5202 of Public Law 104–106 (110 Stat. 690), is redesignated as section 38, and the item appearing after section 34 in the table of contents in the first section of that Act is transferred to the end of such table of contents and revised so as to reflect such redesignation.

(2) Section 1412(g)(2) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(g)(2)), is amended—

(A) in the matter preceding subparagraph (A), by striking out ''shall contain—'' and inserting in lieu thereof ''shall include the following:'';

(B) in subparagraph (A)—

(i) by striking out ''a'' before ''site-by-site'' and inserting in lieu thereof ''A''; and

(ii) by striking out the semicolon at the end and inserting in lieu thereof a period; and

(C) in subparagraphs (B) and (C), by striking out ''an'' at the beginning of the subparagraph and and inserting in lieu thereof ''An''.

(f) COORDINATION WITH OTHER AMENDMENTS.—For purposes of applying amendments made by provisions of this Act other than provisions of this section, this section shall be treated as having been enacted immediately before the other provisions of this Act.

SEC. 1040. PROHIBITION ON CARRYING OUT SR–71 STRATEGIC RECONNAISSANCE PROGRAM DURING FISCAL YEAR 1997.

The Secretary of Defense may not carry out any aerial reconnaissance program during fiscal year 1997 using the SR–71 aircraft.

TITLE XI—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

SEC. 1101. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.

(a) IN GENERAL.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in subsection (b).

(b) SPECIFIED PROGRAMS.—The programs referred to in subsection (a) are the following programs with respect to states of the former Soviet Union:

(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons and their delivery vehicles.

(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.

(3) Programs to prevent the proliferation of weapons, weapons components, and weapons-related technology and expertise.

(4) Programs to expand military-to-military and defense contacts.

SEC. 1102. FISCAL YEAR 1997 FUNDING ALLOCATIONS.

Of the amount appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For planning and design of a chemical weapons destruction facility in Russia, $74,500,000.

(2) For elimination of strategic offensive weapons in Russia, Ukraine, Belarus, and Kazakhstan, $52,000,000.

(3) For nuclear infrastructure elimination in Ukraine, Belarus, and Kazakhstan, $47,000,000.

(4) For planning and design of a storage facility for Russian fissile material, $46,000,000.

(5) For fissile material containers in Russia, $38,500,000.

(6) For weapons storage security in Russia, $15,000,000.

(7) For activities designated as Defense and Military-to-Military Contacts in Russia, Ukraine, Belarus, and Kazakhstan, $10,000,000.

(8) For activities designated as Other Assessments/Administrative Support $19,900,000.

SEC. 1103. PROHIBITION ON USE OF FUNDS FOR SPECIFIED PURPOSES.

None of the funds appropriated pursuant to the authorization in section 301 for Cooperative Threat Reduction programs, or appropriated for such programs for any prior fiscal year and remaining available for obligation, may be obligated or expended for any of the following purposes:

(1) Conducting with Russia any peacekeeping exercise or other peacekeeping-related activity.

(2) Provision of housing.

(3) Provision of assistance to promote defense conversion.

(4) Provision of assistance to promote environmental restoration.

(5) Provision of assistance to promote job retraining.

SEC. 1104. LIMITATION ON USE OF FUNDS UNTIL SPECIFIED REPORTS ARE SUBMITTED.

None of the funds appropriated pursuant to the authorization in section 301 for Cooperative Threat Reduction programs may be obligated or expended until 15 days after the date which is the latest of the following:

(1) The date on which the President submits to Congress the determinations required under subsection (c) of section 211 of Public Law 102–228 (22 U.S.C. 2551 note) with respect to any certification transmitted to Congress under subsection (b) of that section before the date of the enactment of this Act.

(2) The date on which the Secretary of Defense submits to Congress the first report under section 1206(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 471).

(3) The date on which the Secretary of Defense submits to Congress the report for fiscal year 1997 required under section 1205(c) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2883).

SEC. 1105. AVAILABILITY OF FUNDS.

Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

TITLE XII—RESERVE FORCES REVITALIZATION

SEC. 1201. SHORT TITLE.

This title may be cited as the ''Reserve Forces Revitalization Act of 1996''.

SEC. 1202. PURPOSE.

The purpose of this title is to revise the basic statutory authorities governing the organization and administration of the reserve components of the Armed Forces in order to recognize the realities of reserve component partnership in the Total Force and to better prepare the American citizen-soldier, sailor, airman, and Marine in time of peace for duties in war.

Subtitle A—Reserve Component Structure

SEC. 1211. RESERVE COMPONENT COMMANDS.

(a) ESTABLISHMENT.—(1) Part I of subtitle E of title 10, United States Code, is amended by inserting after chapter 1005 the following new chapter:

''CHAPTER 1006—RESERVE COMPONENT COMMANDS

''Sec.
''10171. Army Reserve Command.
''10172. Naval Reserve Force.
''10173. Marine Forces Reserve.
''10174. Air Force Reserve Command.

''§ 10171. Army Reserve Command

''(a) ESTABLISHMENT OF COMMAND.—The Secretary of the Army, with the advice and assistance of the Chief of Staff of the Army, shall establish a United States Army Reserve Command. The Army Reserve Command shall be operated as a separate command of the Army.

''(b) COMMANDER.—The Chief of Army Reserve is the commander of the Army Reserve Command. The commander of the Army Reserve Command reports directly to the Chief of Staff of the Army.

''(c) ASSIGNMENT OF FORCES.—The Secretary of the Army—

''(1) shall assign to the Army Reserve Command all forces of the Army Reserve stationed 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 assigned to the Army Reserve Command under paragraph (1) to the commanders of the combatant commands in the manner specified by the Secretary of Defense.

''§ 10172. Naval Reserve Force

''(a) ESTABLISHMENT OF COMMAND.—The Secretary of the Navy, with the advice and assistance of the Chief of Naval Operations, shall establish a Naval Reserve Force. The Naval Reserve Force shall be operated as a separate command of the Navy.

''(b) COMMANDER.—The Chief of Naval Reserve shall be the commander of the Naval Reserve Force. The commander of the Naval Reserve Force reports directly to the Chief of Naval Operations.

''(c) ASSIGNMENT OF FORCES.—The Secretary of the Navy—

''(1) shall assign to the Naval Reserve Force specified portions of the Naval Reserve 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 Navy specified in section 5013 of this title, shall assign to the combatant commands all such forces assigned to the Naval Reserve Force under paragraph (1) in the manner specified by the Secretary of Defense.

"§ 10173. Marine Forces Reserve

''(a) ESTABLISHMENT.—The Secretary of the Navy, with the advice and assistance of the Commandant of the Marine Corps, shall establish in the Marine Corps a command known as the Marine Forces Reserve.

''(b) COMMANDER.—The Marine Forces Reserve is commanded by the Commander, Marine Forces Reserve. The Commander, Marine Forces Reserve, reports directly to the Commandant of the Marine Corps.

''(c) ASSIGNMENT OF FORCES.—The Commandant of the Marine Corps—

''(1) shall assign to the Marine Forces Reserve the forces of the Marine Corps Reserve stationed 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 Navy specified in section 5013 of this title, shall assign to the combatant commands (through the Marine Corps component commander for each such command) all such forces assigned to the Marine Forces Reserve under paragraph (1) in the manner specified by the Secretary of Defense.

"§ 10174. Air Force Reserve Command

''(a) ESTABLISHMENT OF COMMAND.—The Secretary of the Air Force, with the advice and assistance of the Chief of Staff of the Air Force, shall establish an Air Force Reserve Command. The Air Force Reserve Command shall be operated as a separate command of the Air Force.

''(b) COMMANDER.—The Chief of Air Force Reserve is the Commander of the Air Force Reserve Command. The commander of the Air Force Reserve Command reports directly to the Chief of Staff of the Air Force.

''(c) ASSIGNMENT OF FORCES.—The Secretary of the Air Force—

''(1) shall assign to the Air Force Reserve Command all forces of the Air Force Reserve stationed 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 Air Force specified in section 8013 of this title, shall assign to the combatant commands all such forces assigned to the Air Force Reserve Command under paragraph (1) in the manner specified by the Secretary of Defense.''.

(2) The tables of chapters at the beginning of part I of such subtitle and at the beginning of such subtitle are each amended by inserting after the item relating to chapter 1005 the following new item:

"1006. Reserve Component Commands 10171".

(b) CONFORMING REPEAL.—Section 903 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 3074 note) is repealed.

(c) IMPLEMENTATION SCHEDULE.—Implementation of chapter 1006 of title 10, United States Code, as added by subsection (a), shall begin not later than 90 days after the date of the enactment of this Act and shall be completed not later than one year after such date.

SEC. 1212. RESERVE COMPONENT CHIEFS.

(a) CHIEF OF ARMY RESERVE.—Section 3038 of title 10, United States Code, is amended by adding at the end the following new subsections:

''(d) BUDGET.—The Chief of Army Reserve is the official within the executive part of the Department of the Army who, subject to the authority, direction, and control of the Secretary of the Army and the Chief of Staff, is responsible for justification and execution of the personnel, operation and maintenance, and construction budgets for the Army Reserve. As such, the Chief of Army Reserve is the director and functional manager of appropriations made for the Army Reserve in those areas.

''(e) FULL-TIME SUPPORT PROGRAM.—The Chief of Army Reserve manages, with respect to the Army Reserve, the personnel program of the Department of Defense known as the Full Time Support Program.

''(f) ANNUAL REPORT.—(1) The Chief of Army Reserve shall submit to the Secretary of Defense, through the Secretary of the Army, an annual report on the state of the Army Reserve and the ability of the Army Reserve to meet its missions. The report shall be prepared in conjunction with the Chief of Staff of the Army and may be submitted in classified and unclassified versions.

''(2) The Secretary of Defense shall transmit the annual report of the Chief of Army Reserve under paragraph (1) to Congress, together with such comments on the report as the Secretary considers appropriate. The report shall be transmitted at the same time each year that the annual report of the Secretary under section 113 of this title is submitted to Congress.''.

(b) CHIEF OF NAVAL RESERVE.—(1) Chapter 513 of such title is amended by inserting after section 5142a the following new section:

"§ 5143. Office of Naval Reserve: appointment of Chief

''(a) ESTABLISHMENT OF OFFICE: CHIEF OF NAVAL RESERVE.—There is in the executive part of the Department of the Navy, on the staff of the Chief of Naval Operations, an Office of the Naval Reserve, which is headed by a Chief of Naval Reserve. The Chief of Naval Reserve—

''(1) is the principal adviser on Naval Reserve matters to the Chief of Naval Operations; and

''(2) is the commander of the Naval Reserve Force.

''(b) APPOINTMENT.—The President, by and with the advice and consent of the Senate, shall appoint the Chief of Naval Reserve from officers who—

''(1) have had at least 10 years of commissioned service;

''(2) are in a grade above captain; and

''(3) have been recommended by the Secretary of the Navy.

''(c) GRADE.—(1) The Chief of Naval Reserve holds office for a term determined by the Chief of Naval Operations, normally four years, but may be removed for cause at any time. He is eligible to succeed himself.

''(2) The Chief of Naval Reserve, while so serving, has a grade above rear admiral (lower half), without vacating the officer's permanent grade.

''(d) BUDGET.—The Chief of Naval Reserve is the official within the executive part of the Department of the Navy who, subject to the authority, direction, and control of the Secretary of the Navy and the Chief of Naval Operations, is responsible for preparation, justification, and execution of the personnel, operation and maintenance, and construction budgets for the Naval Reserve. As such, the Chief of Naval Reserve is the director and functional manager of appropriations made for the Naval Reserve in those areas.

''(e) ANNUAL REPORT.—(1) The Chief of Naval Reserve shall submit to the Secretary of Defense, through the Secretary of the Navy, an annual report on the state of the Naval Reserve and the ability of the Naval Reserve to meet its missions. The report shall be prepared in conjunction with the Chief of Naval Operations and may be submitted in classified and unclassified versions.

''(2) The Secretary of Defense shall transmit the annual report of the Chief of Naval Reserve under paragraph (1) to Congress, together with such comments on the report as the Secretary considers appropriate. The report shall be transmitted at the same time each year that the annual report of the Secretary under section 113 of this title is submitted to Congress.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5142a the following new item:

''5143. Office of Naval Reserve: appointment of Chief.''.

(c) CHIEF OF MARINE FORCES RESERVE.—(1) Chapter 513 of such title is amended by inserting after section 5143 (as added by subsection (b)) the following new section:

"§ 5144. Office of Marine Forces Reserve: appointment of Commander

''(a) ESTABLISHMENT OF OFFICE; COMMANDER, MARINE FORCES RESERVE.—There is in the executive part of the Department of the Navy an Office of the Marine Forces Reserve, which is headed by the Commander, Marine Forces Reserve. The Commander, Marine Forces Reserve is the principal adviser to the Commandant on Marine Forces Reserve matters.

''(b) APPOINTMENT.—The President, by and with the advice and consent of the Senate, shall appoint the Commander, Marine Forces Reserve, from officers of the Marine Corps who—

''(1) have had at least 10 years of commissioned service;

''(2) are in a grade above colonel; and

''(3) have been recommended by the Secretary of the Navy.

''(c) TERM OF OFFICE; GRADE.—(1) The Commander, Marine Forces Reserve, holds office for a term determined by the Commandant of the Marine Corps, normally four years, but may be removed for cause at any time. He is eligible to succeed himself.

''(2) The Commander, Marine Forces Reserve, while so serving, has a grade above brigadier general, without vacating the officer's permanent grade.

''(d) ANNUAL REPORT.—(1) The Commander, Marine Forces Reserve, shall submit to the Secretary of Defense, through the Secretary of the Navy, an annual report on the state of the Marine Corps Reserve and the ability of the Marine Corps Reserve to meet its missions. The report shall be prepared in conjunction with the Commandant of the Marine Corps and may be submitted in classified and unclassified versions.

''(2) The Secretary of Defense shall transmit the annual report of the Commander, Marine Forces Reserve, under paragraph (1) to Congress, together with such comments on the report as the Secretary considers appropriate. The report shall be transmitted at the same time each year that the annual report of the Secretary under section 113 of this title is submitted to Congress.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5143 (as added by subsection (b)) the following new item:

''5144. Office of Marine Forces Reserve: appointment of Commander.''.

(d) CHIEF OF AIR FORCE RESERVE.—Section 8038 of such title is amended by adding at the end the following new subsections:

''(d) BUDGET.—The Chief of Air Force Reserve is the official within the executive part of the Department of the Air Force who, subject to the authority, direction, and control of the Secretary of the Air Force and the Chief of Staff, is responsible for preparation, justification, and execution of the personnel, operation and maintenance, and construction budgets for the Air Force Reserve. As such, the Chief of Air Force Reserve is the director and functional manager of appropriations made for the Air Force Reserve in those areas.

''(e) FULL TIME SUPPORT PROGRAM.—(1) The Chief of Air Force Reserve manages, with respect to the Air Force Reserve, the personnel program of the Department of Defense known as the Full Time Support Program.

''(f) ANNUAL REPORT.—(1) The Chief of Air Force Reserve shall submit to the Secretary of Defense, through the Secretary of the Air Force, an annual report on the state of the Air Force Reserve and the ability of the Air Force Reserve to meet its missions. The report shall be prepared in conjunction with the Chief of Staff of the Air Force and may be submitted in classified and unclassified versions.

''(2) The Secretary of Defense shall transmit the annual report of the Chief of Air Force Reserve under paragraph (1) to Congress, together with such comments on the report as the Secretary considers appropriate. The report shall be transmitted at the same time each year that the annual report of the Secretary under section 113 of this title is submitted to Congress.''.

(e) CONFORMING AMENDMENT.—Section 641(1)(B) of such title is amended by inserting ''5143, 5144,'' after ''3038,''.

SEC. 1213. REVIEW OF ACTIVE DUTY AND RESERVE GENERAL AND FLAG OFFICER AUTHORIZATIONS.

(a) REPORT TO CONGRESS.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing any recommendations of the Secretary (together with the rationale of the Secretary for the recommendations) concerning the following:

(1) Revision of the limitations on general and flag officer grade authorizations and distribution in grade prescribed by sections 525, 526, and 12004 of title 10, United States Code.

(2) Statutory designation of the positions and grades of any additional general and flag officers in the commands and offices created by sections 1211 and 1212.

(b) MATTERS TO BE INCLUDED.—The Secretary shall include in the report under subsection (a) the Secretary's views on whether current limitations referred to in subsection (a)—

(1) permit the Secretaries of the military departments, in view of increased requirements for assignment of general and flag officers in positions external to their organic services, to meet adequately both internal and external requirements for general and flag officers;

(2) adequately recognize the significantly increased role of the reserve components in both service-specific and joint operations; and

(3) permit the Secretaries of the military departments and reserve components to assign general and flag officers to active and reserve component positions with grades commensurate with the scope of duties and responsibilities of the position.

(c) EXEMPTIONS FROM ACTIVE-DUTY CEILINGS.—(1) The Secretary shall include in the report under subsection (a) the Secretary's recommendations regarding the merits of exempting from any active-duty ceiling (established by law or administrative action) the following officers:

(A) Reserve general and flag officers assigned to positions specified in the organizations created by this title.

(B) Reserve general and flag officers serving on active duty, but who are excluded from the active-duty list.

(2) If the Secretary determines under paragraph (1) that any Reserve general or flag officers should be exempt from active duty limits, the Secretary shall include in the report under subsection (a) the Secretary's recommendations for—

(A) the effective management of those Reserve general and flag officers; and

(B) revision of active duty ceilings so as to prevent an increase in the numbers of active general and flag officers authorizations due solely to the removal of Reserve general and flag officers from under the active duty authorizations.

(3) If the Secretary determines under paragraph (1) that active and reserve general officers on active duty should continue to be managed under a common ceiling, the Secretary shall make recommendations for the appropriate apportionment of numbers for general and flag officers among active and reserve officers.

(d) RESERVE FORCES POLICY BOARD PARTICIPATION.—The Secretary of Defense shall ensure that the Reserve Forces Policy Board participates in the internal Department of Defense process for development of the recommendations of the Secretary contained in the report under subsection (a). If the Board submits to the Secretary any comments or recommendations for inclusion in the report, the Secretary shall transmit them to Congress, with the report, in the same form as that in which they were submitted to the Secretary.

(e) GAO REVIEW.—The Comptroller General of the United States shall assess the criteria used by the Secretary of Defense to develop recommendations for purposes of the report under this section and shall submit to Congress, not later than 30 days after the date on which the report of the Secretary under this section is submitted, a report setting forth the Comptroller General's conclusions concerning the adequacy and completeness of the recommendations made by the Secretary in the report.

SEC. 1214. GUARD AND RESERVE TECHNICIANS.

(a) IN GENERAL.—Section 10216 of title 10, United States Code, as amended by section 413, is amended—

(1) by redesignating subsections (a), (b), and (c) as subsections (b), (c), and (d), respectively;

(2) by inserting after the section heading the following new subsection (a):

''(a) IN GENERAL.—Military technicians are Federal civilian employees hired under title 5 and title 32 who are required to maintain dual-status as drilling reserve component members as a condition of their Federal civilian employment. Such employees shall be authorized and accounted for as a separate category of dual-status civilian employees, exempt as specified in subsection (b)(3) from any general or regulatory requirement for adjustments in Department of Defense civilian personnel.''; and

(3) in paragraph (3) of subsection (b), as redesignated by paragraph (1), by striking out ''in high-priority units and organizations specified in paragraph (1)''.

Subtitle B—Reserve Component Accessibility

SEC. 1231. REPORT TO CONGRESS ON MEASURES TO IMPROVE NATIONAL GUARD AND RESERVE ABILITY TO RESPOND TO EMERGENCIES.

(a) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding reserve component responsiveness to both domestic emergencies and national contingency operations. The report shall set forth the measures taken, underway, and projected to be taken to improve the timeliness, adequacy, and effectiveness of reserve component responses to such emergencies and operations.

(b) MATTERS RELATED TO RESPONSIVENESS TO DOMESTIC EMERGENCIES.—The report shall address the following:

(1) The need to expand the time period set by section 12301(b) of title 10, United States Code, which permits the involuntary recall at any time to active duty of units and individuals for up to 15 days per year.

(2) The recommendations of the 1995 report of the RAND Corporation entitled ''Assessing the State and Federal Missions of the National Guard'', as follows:

(A) That Federal law be clarified and amended to authorize Presidential use of the Federal reserves of all military services for domestic emergencies and disasters without any time constraint.

(B) That the Secretary of Defense develop and support establishment of an appropriate national level compact for interstate sharing of resources, including the domestic capabilities of the national guards of the States, during emergencies and disasters.

(C) That Federal level contingency stocks be created to support the National Guard in domestic disasters.

(D) That Federal funding and regulatory support be provided for Federal-State disaster emergency response planning exercises.

(c) MATTERS RELATED TO PRESIDENTIAL RESERVE CALL-UP AUTHORITY.—The report under this section shall specifically address matters related to the authority of the President to activate for service on active duty units and members of reserve components under sections 12301, 12302, and 12304 of title 10, United States Code, including—

(1) whether such authority is adequate to meet the full range of reserve component missions for the 21st century, particularly with regard to the time periods for which such units and members may be on active duty under those authorities and the ability to activate both units and individual members; and

(2) whether the three-tiered set of statutory authorities (under such sections 12301, 12302, and 12304) should be consolidated, modified, or in part eliminated in order to facilitate current and future use of Reserve units and individual reserve component members for a broader range of missions, and, if so, in what manner.

(d) MATTERS RELATED TO RELEASE FROM ACTIVE DUTY.—The report under this section shall include findings and recommendations (based upon a review of current policies and procedures) concerning procedures for release from active duty of units and members of reserve components who have been involuntarily called or ordered to active duty under section 12301, 12302, or 12304 of title 10, United States Code, with specific recommendations concerning the desirability of statutory provisions to—

(1) establish specific guidelines for when it is appropriate (or inappropriate) to retain on active duty such reserve component units when active component units are available to perform the mission being performed by the reserve component unit;

(2) minimize the effects of frequent mobilization of the civilian employers, as well as the effects of frequent mobilization on recruiting and retention in the reserve components; and

(3) address other matters relating to the needs of such members of reserve components, their employers, and (in the case of such members who own businesses) their employees, while such members are on active duty.

(e) RESERVE FORCES POLICY BOARD PARTICIPATION.—The Secretary of Defense shall ensure that the Reserve Forces Policy Board participates in the internal Department of Defense process for development of the recommendations of the Secretary contained in the report under subsection (a). If the Board submits to the Secretary any comments or recommendations for inclusion in the report, the Secretary shall transmit them to Congress, with the report, in the same form as that in which they were submitted to the Secretary.

(f) GAO REVIEW.—The Comptroller General of the United States shall assess the criteria used by the Secretary of Defense to develop recommendations for purposes of the report under this section and shall submit to Congress, not later than 30 days after the date on which the report of the Secretary under this section is submitted, a report setting forth the Comptroller General's conclusions concerning the adequacy and completeness of the recommendations made by the Secretary in the report.

SEC. 1232. REPORT TO CONGRESS CONCERNING TAX INCENTIVES FOR EMPLOYERS OF MEMBERS OF RESERVE COMPONENTS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a draft of legislation to provide tax incentives to employers of members of reserve components in order to compensate employers for absences of those employees due to required training and for absences due to performance of active duty.

SEC. 1233. REPORT TO CONGRESS CONCERNING INCOME INSURANCE PROGRAM FOR ACTIVATED RESERVISTS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth legislative recommendations for changes to chapter 1214 of title 10, United States Code. Such recommendations shall in particular provide, in the case of a mobilized member who

owns a business, income replacement for that business and for employees of that member or business who have a loss of income during the period of such activation attributable to the activation of the member.

SEC. 1234. REPORT TO CONGRESS CONCERNING SMALL BUSINESS LOANS FOR MEMBERS RELEASED FROM RESERVE SERVICE DURING CONTINGENCY OPERATIONS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a draft of legislation to establish a small business loan program to provide members of reserve components who are ordered to active duty or active Federal service (other than for training) during a contingency operation (as defined in section 101 of title 10, United States Code) low-cost loans to assist those members in retaining or rebuilding businesses that were affected by their service on active duty or in active Federal service.

Subtitle C—Reserve Forces Sustainment

SEC. 1251. REPORT CONCERNING TAX DEDUCTIBILITY OF NONREIMBURSABLE EXPENSES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a draft of legislation to restore the tax deductibility of nonreimbursable expenses incurred by members of reserve components in connection with military service.

SEC. 1252. CODIFICATION OF ANNUAL AUTHORITY TO PAY TRANSIENT HOUSING CHARGES OR PROVIDE LODGING IN KIND FOR MEMBERS PERFORMING ACTIVE DUTY FOR TRAINING OR INACTIVE-DUTY TRAINING.

(a) CODIFICATION.—Section 404(j) of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking out ''annual training duty'' and inserting in lieu thereof ''active duty for training''; and

(B) by striking out ''the Secretary concerned may'' and all that follows through the period and inserting in lieu thereof the following ''the Secretary concerned—

''(A) may reimburse the member for housing service charge expenses incurred by the member in occupying transient government housing during the performance of such duty; or

''(B) if transient government quarters are unavailable, may provide the member with contract quarters as lodging in kind as if the member were entitled to such an allowance under subsection (a).''; and

(2) in paragraph (3), by inserting ''and expenses for contract quarters'' after ''service charge expenses''.

(b) CONFORMING REPEAL.—Section 8057 of the Department of Defense Appropriations Act, 1996 (Public Law 104–61; 109 Stat. 663), is repealed.

SEC. 1253. SENSE OF CONGRESS CONCERNING QUARTERS ALLOWANCE DURING SERVICE ON ACTIVE DUTY FOR TRAINING.

It is the sense of Congress that the United States should continue to pay members of reserve components appropriate quarters allowances during periods of service on active duty for training.

SEC. 1254. SENSE OF CONGRESS CONCERNING MILITARY LEAVE POLICY.

It is the sense of Congress that military leave policies in effect as of the date of the enactment of this Act with respect to members of the reserve components should not be changed.

SEC. 1255. COMMENDATION OF RESERVE FORCES POLICY BOARD.

(a) COMMENDATION.—The Congress commends the Reserve Forces Policy Board, created by the Armed Forces Reserve Act of 1952 (Public Law 82–476), for its fine work in the past as an independent source of advice to the Secretary of Defense on all matters pertaining to the reserve components.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Reserve Forces Policy Board and the reserve forces policy committees for the individual branches of the Armed Forces should continue to perform the vital role of providing the civilian leadership of the Department of Defense with independent advice on matters pertaining to the reserve components.

SEC. 1256. REPORT ON PARITY OF BENEFITS FOR ACTIVE DUTY SERVICE AND RESERVE SERVICE.

No later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report providing recommendations for changes in law that the Secretary considers necessary, feasible, and affordable to reduce the disparities in pay and benefits that occur between active component members of the Armed Forces and reserve component members as a result of eligibility based on length of time on active duty.

TITLE XIII—ARMS CONTROL AND RELATED MATTERS

Subtitle A—Miscellaneous Matters

SEC. 1301. ONE-YEAR EXTENSION OF COUNTERPROLIFERATION AUTHORITIES.

Section 1505 of the Weapons of Mass Destruction Control Act of 1992 (title XV of Public Law 102–484; 22 U.S.C. 5859a) is amended—

(1) in subsection (d)(3), by striking out ''or'' after ''fiscal year 1995,'' and by inserting '', or $15,000,000 for fiscal year 1997'' before the period at the end; and

(2) in subsection (f), by striking out ''1996'' and inserting in lieu thereof ''1997''.

SEC. 1302. LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) LIMITATION ON USE OF FUNDS.—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 strategic nuclear delivery systems specified in subsection (b).

(b) SPECIFIED SYSTEMS.—Subsection (a) applies with respect to the following systems:

(1) B–52H bomber aircraft.

(2) Trident ballistic missile submarines.

(3) Minuteman III intercontinental ballistic missiles.

(4) Peacekeeper intercontinental ballistic missiles.

SEC. 1303. CERTIFICATION REQUIRED BEFORE OBSERVANCE OF MORATORIUM ON USE BY ARMED FORCES OF ANTIPERSONNEL LANDMINES.

Any moratorium imposed by law (whether enacted before, on, or after the date of the enactment of this Act) on the use of antipersonnel landmines by the Armed Forces may be implemented only if (and after) the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, certifies to Congress that—

(1) the moratorium will not adversely affect the ability of United States forces to defend against attack on land by hostile forces; and

(2) the Armed Forces have systems that are effective substitutes for antipersonnel landmines.

SEC. 1304. DEPARTMENT OF DEFENSE DEMINING PROGRAM.

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) In the case of assistance described in subsection (e)(5), expenses that may be paid out of funds appropriated pursuant to paragraph (1) include—

''(A) expenses for travel, transportation, and subsistence of members of the armed forces participating in activities described in that subsection; and

''(B) the cost of equipment, supplies, and services acquired for the purpose of carrying out or directly supporting activities described in that subsection.''.

SEC. 1305. REPORT ON MILITARY CAPABILITIES OF PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT.—The Secretary of Defense shall prepare a report, in both classified and unclassified form, on the future pattern of military modernization of the People's Republic of China. The report shall address both the probable course of military-technological development in the People's Liberation Army and the development of Chinese military strategy and operational concepts.

(b) MATTERS TO BE INCLUDED.—The report shall include analyses and forecasts of the following:

(1) Trends that would lead the People's Republic of China toward the development of advanced intelligence, surveillance, and reconnaissance capabilities, including gaining access to commercial or third-party systems with military significance.

(2) Efforts by the People's Republic of China to develop highly accurate and stealthy ballistic and cruise missiles, particularly in numbers sufficient to conduct attacks capable of overwhelming projected defense capabilities in the region.

(3) Development by the People's Republic of China of command and control networks, particularly those capable of battle management of long-range precision strikes.

(4) Programs of the People's Republic of China involving unmanned aerial vehicles, particularly those with extended ranges or loitering times.

(5) Exploitation by the People's Republic of China of the Global Positioning System or other similar systems for military purposes, including commercial land surveillance satellites, particularly those signs indicative of an attempt to increase accuracy of weapons or situational awareness of operating forces.

(6) Development by the People's Republic of China of capabilities for denial of sea control, such as advanced sea mines or improved submarine capabilities.

(7) Continued development by the People's Republic of China of follow-on forces, particularly those capable of rapid air or amphibious assault.

(c) SUBMISSION OF REPORT.—The report shall be submitted to Congress not later than February 1, 1997.

SEC. 1306. UNITED STATES-PEOPLE'S REPUBLIC OF CHINA JOINT DEFENSE CONVERSION COMMISSION.

None of the funds appropriated or otherwise available for the Department of Defense for fiscal year 1997 or any prior fiscal year may be obligated or expended for any activity associated with the United States-People's Republic of China Joint Defense Conversion Commission until 15 days after the date on which the first semiannual report required by section 1343 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 487) is received by Congress.

SEC. 1307. AUTHORITY TO ACCEPT SERVICES FROM FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS FOR DEFENSE PURPOSES.

Section 2608(a) of title 10, United States Code, is amended by inserting before the period at the end the following: ''and may accept from any foreign government or international organization any contribution of services made by such foreign government or international organization for use by the Department of Defense''.

SEC. 1308. REVIEW BY DIRECTOR OF CENTRAL INTELLIGENCE OF NATIONAL INTELLIGENCE ESTIMATE 95–19

(a) REVIEW.—The Director of Central Intelligence shall conduct a review of the underlying assumptions and conclusions of the National Intelligence Estimate designated as NIE 95–19 and entitled ''Emerging Missile Threats to North America During the Next 15 Years'', released by the Director in November 1995.

(b) METHODOLOGY FOR REVIEW.—The Director shall carry out the review under subsection (a) through a panel of independent, nongovernmental individuals with appropriate expertise and experience. Such a panel shall be convened by the Director not later than 45 days after the date of the enactment of this Act.

(c) REPORT.—The Director shall submit the findings resulting from the review under subsection (a), together with any comments of the Director on the review and the findings, to Congress not later than three months after the appointment of the Commission under section 1321.

Subtitle B—Commission to Assess the Ballistic Missile Threat to the United States

SEC. 1321. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Commission to Assess the Ballistic Missile Threat to the United States'' (hereinafter in this subtitle referred to as the ''Commission'').

(b) COMPOSITION.—The Commission shall be composed of nine members appointed by the Director of Central Intelligence. In selecting individuals for appointment to the Commission, the Director should consult with—

(1) the Speaker of the House of Representatives concerning the appointment of three of the members of the Commission;

(2) the majority leader of the Senate concerning the appointment of three of the members of the Commission; and

(3) minority leader of the House of Representatives and the minority leader of the Senate concerning the appointment of three of the members of the Commission.

(c) QUALIFICATIONS.—Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in the political and military aspects of proliferation of ballistic missiles and the ballistic missile threat to the United States.

(d) CHAIRMAN.—The Speaker of the House of Representatives, after consultation with the majority leader of the Senate and the minority leaders of the House of Representatives and the Senate, shall designate one of the members of the Commission to serve as chairman of the Commission.

(e) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(f) SECURITY CLEARANCES.—All members of the Commission shall hold appropriate security clearances.

(g) INITIAL ORGANIZATION REQUIREMENTS.—(1) All appointments to the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting not later than 30 days after the date as of which all members of the Commission have been appointed, but not earlier than October 15, 1996.

SEC. 1322. DUTIES OF COMMISSION.

(a) REVIEW OF BALLISTIC MISSILE THREAT.—The Commission shall assess the nature and magnitude of the existing and emerging ballistic missile threat to the United States.

(b) COOPERATION FROM GOVERNMENT OFFICIALS.—In carrying out its duties, the Commission should receive the full and timely cooperation of the Secretary of Defense, the Director of Central Intelligence, and any other United States Government official responsible for providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

SEC. 1323. REPORT.

The Commission shall, not later than six months after the date of its first meeting, submit to the Congress a report on its findings and conclusions.

SEC. 1324. POWERS.

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this subtitle, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Defense, the Central Intelligence Agency, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this subtitle.

SEC. 1325. COMMISSION PROCEDURES.

(a) MEETINGS.—The Commission shall meet at the call of the Chairman.

(b) QUORUM.—(1) Five members of the Commission shall constitute a quorum other than for the purpose of holding hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) COMMISSION.—The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this subtitle.

SEC. 1326. PERSONNEL MATTERS.

(a) PAY OF MEMBERS.—Members of the Commission shall serve without pay by reason of their work on the Commission.

(b) TRAVEL EXPENSES.—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.

(c) STAFF.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel 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, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

SEC. 1327. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL AND PRINTING SERVICES.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.—The Director of Central Intelligence shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

SEC. 1328. FUNDING.

Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 1997. Upon receipt of a written certification from the Chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

SEC. 1329. TERMINATION OF THE COMMISSION.

The Commission shall terminate 60 days after the date of the submission of its report.

TITLE XIV—SIKES ACT IMPROVEMENT

SEC. 1401. SHORT TITLE.

This title may be cited as the ''Sikes Act Improvement Amendments of 1996''.

SEC. 1402. DEFINITION OF SIKES ACT FOR PURPOSES OF AMENDMENTS.

In this title, the term ''Sikes Act'' means the Act entitled ''An Act to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations'', approved September 15, 1960 (16 U.S.C. 670a et seq.), commonly referred to as the ''Sikes Act''.

SEC. 1403. CODIFICATION OF SHORT TITLE OF ACT.

The Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting before title I the following new section:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Sikes Act'.''.

SEC. 1404. INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS.

(a) PLANS REQUIRED.—Section 101(a) of the Sikes Act (16 U.S.C. 670a(a)) is amended—

(1) by striking out ''is authorized to'' and inserting in lieu thereof ''shall'';

(2) by striking out ''in each military reservation in accordance with a cooperative plan'' and inserting in lieu thereof the following: ''on military installations. Under the program, the Secretary shall prepare and implement for each military installation in the United States an integrated natural resource management plan'';

(3) by inserting after ''reservation is located'' the following: '', except that the Secretary is not required to prepare such a plan for a military installation if the Secretary determines that preparation of such a plan for the installation is not appropriate''; and

(4) by inserting ''(1)'' after ''(a)'' and adding at the end the following new paragraph:

''(2) Consistent with essential military requirements to enhance the national security of the United States, the Secretary of Defense shall manage each military installation to provide—

''(A) for the conservation of fish and wildlife on the military installation and sustained multipurpose uses of those resources, including hunting, fishing, and trapping; and

''(B) public access that is necessary or appropriate for those uses.''.

(b) CONFORMING AMENDMENTS.—Title I of the Sikes Act is amended—

(1) in section 101(b) (16 U.S.C. 670a(b)), in the matter preceding paragraph (1) by striking out ''cooperative plan'' and inserting in lieu thereof ''integrated natural resource management plan'';

(2) in section 101(b)(4) (16 U.S.C. 670a(b)(4)), by striking out ''cooperative plan'' each place it appears and inserting in lieu thereof ''integrated natural resource management plan'';

(3) in section 101(c) (16 U.S.C. 670a(c)), in the matter preceding paragraph (1) by striking out ''a cooperative plan'' and inserting in lieu thereof ''an integrated natural resource management plan'';

(4) in section 101(d) (16 U.S.C. 670a(d)), in the matter preceding paragraph (1) by striking out ''cooperative plans'' and inserting in lieu thereof ''integrated natural resource management plans'';

(5) in section 101(e) (16 U.S.C. 670a(e)), by striking out ''Cooperative plans'' and inserting in lieu thereof ''Integrated natural resource management plans'';

(6) in section 102 (16 U.S.C. 670b), by striking out ''a cooperative plan'' and inserting in lieu thereof ''an integrated natural resource management plan'';

(7) in section 103 (16 U.S.C. 670c), by striking out ''a cooperative plan'' and inserting in lieu thereof ''an integrated natural resource management plan'';

(8) in section 106(a) (16 U.S.C. 670f(a)), by striking out ''cooperative plans'' and inserting in lieu thereof ''integrated natural resource management plans''; and

(9) in section 106(c) (16 U.S.C. 670f(c)), by striking out ''cooperative plans'' and inserting in lieu thereof ''integrated natural resource management plans''.

(c) CONTENTS OF PLANS.—Section 101(b) of the Sikes Act (16 U.S.C. 670a(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking out ''and'' after the semicolon;

(B) in subparagraph (D), by striking out the semicolon at the end and inserting in lieu thereof a comma; and

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

''(E) wetland protection and restoration, and wetland creation where necessary, for support of fish or wildlife,

''(F) consideration of conservation needs for all biological communities, and

''(G) the establishment of specific natural resource management goals, objectives, and timeframes for proposed actions;'';

(2) by striking out paragraph (3);

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

(4) by inserting after paragraph (1) the following new paragraph:

''(2) shall for the military installation for which it is prepared—

''(A) address the needs for fish and wildlife management, land management, forest management, and wildlife-oriented recreation,

''(B) ensure the integration of, and consistency among, the various activities conducted under the plan,

''(C) ensure that there is no net loss in the capability of installation lands to support the military mission of the installation,

''(D) provide for sustained use by the public of natural resources, to the extent that such use is not inconsistent with the military mission of the installation or the needs of fish and wildlife management,

''(E) provide the public access to the installation that is necessary or appropriate for that use, to the extent that access is not inconsistent with the military mission of the installation, and

''(F) provide for professional enforcement of natural resource laws and regulations;''; and

(5) in paragraph (4)(A), by striking out ''collect the fees therefor,'' and inserting in lieu thereof ''collect, spend, administer, and account for fees therefor,''.

(d) PUBLIC COMMENT.—Section 101 of the Sikes Act (16 U.S.C. 670a) is amended by adding at the end the following new subsection:

''(f) PUBLIC COMMENT.—The Secretary of Defense shall provide an opportunity for public comment on each integrated natural resource management plan prepared under subsection (a).''.

SEC. 1405. REVIEW FOR PREPARATION OF INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS.

(a) REVIEW OF MILITARY INSTALLATIONS.—

(1) REVIEW.—The Secretary of each military department shall, by not later than nine months after the date of the enactment of this Act—

(A) review each military installation in the United States that is under the jurisdiction of that Secretary to determine the military installations for which the preparation of an integrated natural resource management plan under section 101 of the Sikes Act, as amended by this title, is appropriate; and

(B) submit to the Secretary of Defense a report on those determinations.

(2) REPORT TO CONGRESS.—The Secretary of Defense shall, by not later than 12 months after the date of the enactment of this Act, submit to the Congress a report on the reviews conducted under paragraph (1). The report shall include—

(A) a list of those military installations reviewed under paragraph (1) for which the Secretary of Defense determines the preparation of an integrated natural resource management plan is not appropriate; and

(B) for each of the military installations listed under subparagraph (A), an explanation of the reasons such a plan is not appropriate.

(b) DEADLINE FOR INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS.—Not later than two years after the date of the submission of the report required under subsection (a)(2), the Secretary of Defense shall, for each military installation for which the Secretary has not determined under subsection (a)(2)(A) that preparation of an integrated natural resource management plan is not appropriate—

(1) prepare and begin implementing such a plan mutually agreed to by the Secretary of the Interior and the head of the appropriate State agencies under section 101(a) of the Sikes Act, as amended by this title; or

(2) in the case of a military installation for which there is in effect a cooperative plan under section 101(a) of the Sikes Act on the day before the date of the enactment of this Act, complete negotiations with the Secretary of the Interior and the heads of the appropriate State agencies regarding changes to that plan that are necessary for the plan to constitute an integrated natural resource plan that complies with that section, as amended by this title.

(c) PUBLIC COMMENT.—The Secretary of Defense shall provide an opportunity for the submission of public comments on—

(1) integrated natural resource management plans proposed pursuant to subsection (b)(1); and

(2) changes to cooperative plans proposed pursuant to subsection (b)(2).

SEC. 1406. ANNUAL REVIEWS AND REPORTS.

Section 101 of the Sikes Act (16 U.S.C. 670a) is amended by adding after subsection (f) (as added by section 1404(d)) the following new subsection:

''(g) REVIEWS AND REPORTS.—

''(1) SECRETARY OF DEFENSE.—The Secretary of Defense shall, by not later than March 1 of each year, review the extent to which integrated natural resource management plans were prepared or in effect and implemented in accordance with this Act in the preceding year, and submit a report on the findings of that review to the committees. Each report shall include—

''(A) the number of integrated natural resource management plans in effect in the year covered by the report, including the date on which each plan was issued in final form or most recently revised;

''(B) the amount of moneys expended on conservation activities conducted pursuant to those plans in the year covered by the report, including amounts expended under the Legacy Resource Management Program established under section 8120 of the Act of November 5, 1990 (Public Law 101–511; 104 Stat. 1905); and

''(C) an assessment of the extent to which the plans comply with the requirements of subsection (b)(1) and (2), including specifically the extent to which the plans ensure in accordance with subsection (b)(2)(C) that there is no net loss of lands to support the military missions of military installations.

''(2) SECRETARY OF THE INTERIOR.—The Secretary of the Interior, by not later than March 1 of each year and in consultation with State agencies responsible for conservation or management of fish or wildlife, shall submit a report to the committees on the amount of moneys expended by the Department of the Interior and those State agencies in the year covered by the report on conservation activities conducted pursuant to integrated natural resource management plans.

''(3) COMMITTEES DEFINED.—For purposes of this subsection, the term 'committees' means the Committee on Resources and the Committee on National Security of the House of Representatives and the Committee on Armed Services and the Committee on Environment and Public Works of the Senate.''.

SEC. 1407. TRANSFER OF WILDLIFE CONSERVATION FEES FROM CLOSED MILITARY INSTALLATIONS.

Section 101(b)(4)(B) of the Sikes Act (16 U.S.C. 670a(b)(4)(B)) is amended by inserting before the period at the end the following: '', unless that military installation is subsequently closed, in which case the fees may be transferred to another military installation to be used for the same purposes''.

SEC. 1408. FEDERAL ENFORCEMENT OF INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS AND ENFORCEMENT OF OTHER LAWS.

Title I of the Sikes Act (16 U.S.C. 670a et seq.) is amended—

(1) by redesignating section 106, as amended by section 1404(b), as section 109; and

(2) by inserting after section 105 the following new section:

''SEC. 106. FEDERAL ENFORCEMENT OF OTHER LAWS.

''All Federal laws relating to the conservation of natural resources on Federal lands may be enforced by the Secretary of Defense with respect to violations of those laws which occur on military installations within the United States.''.

SEC. 1409. NATURAL RESOURCE MANAGEMENT SERVICES.

Title I of the Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting after section 106 (as added by section 1408) the following new section:

''SEC. 107. NATURAL RESOURCE MANAGEMENT SERVICES.

''The Secretary of each military department shall ensure that sufficient numbers of professionally trained natural resource management personnel and natural resource law enforcement personnel are available and assigned responsibility to perform tasks necessary to comply with this Act, including the preparation and implementation of integrated natural resource management plans.''.

SEC. 1410. DEFINITIONS.

Title I of the Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting after section 107 (as added by section 1409) the following new section:

''SEC. 108. DEFINITIONS.

''In this title:

''(1) MILITARY INSTALLATION.—The term 'military installation'—

''(A) means any land or interest in land owned by the United States and administered by the Secretary of Defense or the Secretary of a military department; and

''(B) includes all public lands withdrawn from all forms of appropriation under public land

laws and reserved for use by the Secretary of Defense or the Secretary of a military department.

''(2) STATE FISH AND WILDLIFE AGENCY.—The term 'State fish and wildlife agency' means an agency of State government that is responsible under State law for managing fish or wildlife resources.

''(3) UNITED STATES.—The term 'United States' means the States, the District of Columbia, and the territories and possessions of the United States.''.

SEC. 1411. COOPERATIVE AGREEMENTS.

(a) COST SHARING.—Section 103a(b) of the Sikes Act (16 U.S.C. 670c–1(b)) is amended by striking out ''matching basis'' each place it appears and inserting in lieu thereof ''cost-sharing basis''.

(b) ACCOUNTING.—Section 103a(c) of the Sikes Act (16 U.S.C. 670c–1(c)) is amended by inserting before the period at the end the following: '', and shall not be subject to section 1535 of that title''.

SEC. 1412. REPEAL OF SUPERSEDED PROVISION.

Section 2 of the Act of October 27, 1986 (Public Law 99–651; 16 U.S.C. 670a–1), is repealed.

SEC. 1413. CLERICAL AMENDMENTS.

Title I of the Sikes Act, as amended by this title, is amended—

(1) in the heading for the title by striking out ''MILITARY RESERVATIONS'' and inserting in lieu thereof ''MILITARY INSTALLATIONS'';

(2) in section 101(a) (16 U.S.C. 670a(a)), by striking out ''the reservation'' and inserting in lieu thereof ''the installation'';

(3) in section 101(b)(4) (16 U.S.C. 670a(b)(4))—

(A) in subparagraph (A), by striking out ''the reservation'' and inserting in lieu thereof ''the installation''; and

(B) in subparagraph (B), by striking out ''the military reservation'' and inserting in lieu thereof ''the military installation'';

(4) in section 101(c) (16 U.S.C. 670a(c))—

(A) in paragraph (1), by striking out ''a military reservation'' and inserting in lieu thereof ''a military installation''; and

(B) in paragraph (2), by striking out ''the reservation'' and inserting in lieu thereof ''the installation'';

(5) in section 102 (16 U.S.C. 670b), by striking out ''military reservations'' and inserting in lieu thereof ''military installations''; and

(6) in section 103 (16 U.S.C. 670c)—

(A) by striking out ''military reservations'' and inserting in lieu thereof ''military installations''; and

(B) by striking out ''such reservations'' and inserting in lieu thereof ''such installations''.

SEC. 1414. AUTHORIZATIONS OF APPROPRIATIONS.

(a) PROGRAMS ON MILITARY INSTALLATIONS.—Subsections (b) and (c) of section 109 of the Sikes Act (as redesignated by section 1408) are each amended by striking out ''1983'' and all that follows through ''1993,'' and inserting in lieu thereof ''1983 through 1998,''.

(b) PROGRAMS ON PUBLIC LANDS.—Section 209 of the Sikes Act (16 U.S.C. 670o) is amended—

(1) in subsection (a), by striking out ''the sum of $10,000,000'' and all that follows through ''to enable the Secretary of the Interior'' and inserting in lieu thereof ''$4,000,000 for each of fiscal years 1997 and 1998, to enable the Secretary of the Interior''; and

(2) in subsection (b), by striking out ''the sum of $12,000,000'' and all that follows through ''to enable the Secretary of Agriculture'' and inserting in lieu thereof ''$5,000,000 for each of fiscal years 1997 and 1998, to enable the Secretary of Agriculture''.

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
Arizona	Fort Huachuca	$21,000,000
California	Army project, Naval Weapons Station, Concord	$27,000,000
	Camp Roberts	$5,500,000
	Fort Irwin	$7,000,000
Colorado	Fort Carson	$17,550,000
District of Columbia	Fort McNair	$6,900,000
Georgia	Fort Benning	$53,400,000
	Fort McPherson	$9,100,000
	Fort Stewart, Hunter Army Air Field	$6,000,000
Kansas	Fort Riley	$26,000,000
Kentucky	Fort Campbell	$51,100,000
	Fort Knox	$20,500,000
New Jersey	Picatinny Arsenal	$7,500,000
New Mexico	White Sands Missile Range	$10,000,000
New York	Fort Drum	$11,400,000
North Carolina	Fort Bragg	$14,000,000
Texas	Fort Hood	$52,700,000
Virginia	Fort Eustis	$3,550,000
Washington	Fort Lewis	$54,600,000
CONUS Classified	Classified Location	$4,600,000
	Total	$409,400,000

(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	Lincoln Village	$7,300,000
	Spinelli Barracks	$8,100,000
	Taylor Barracks	$9,300,000
Italy	Camp Ederle, Vincenza	$3,100,000
Korea	Camp Casey	$16,000,000
	Camp Red Cloud	$14,000,000
Overseas Classified	Classified Location	$64,000,000
	Total	$121,800,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(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
Alabama	Redstone Arsenal	70 Units	$8,000,000
Hawaii	Schofield Barracks	54 Units	$10,000,000
North Carolina	Fort Bragg	88 Units	$9,800,000
Pennsylvania	Tobyhanna Army Depot	200 Units	$890,000
Texas	Fort Bliss	85 Units	$12,000,000
	Fort Hood	140 Units	$18,500,000

Army: Family Housing—Continued

State	Installation	Purpose	Total
		Total:	$59,190,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,963,000.

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)(6)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $114,450,000.

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 $2,037,653,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $409,400,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $121,800,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $8,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $54,384,000.

(5) For demolition of excess facilities under section 2814 of title 10, United States Code, as added by section 2802, $10,000,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $176,603,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,257,466,000.

(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).

SEC. 2105. CORRECTION IN AUTHORIZED USES OF FUNDS, FORT IRWIN, CALIFORNIA.

In the case of amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337) and section 2104(a)(1) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106) for a military construction project for Fort Irwin, California, involving the construction of an air field for the National Training Center at Barstow-Daggett, California, the Secretary of the Army may use such amounts for the construction of a heliport at the same location.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Navy Detachment, Camp Navajo	$3,920,000
	Marine Corps Air Station, Yuma	$14,600,000
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
	Naval Air Station, North Island	$86,502,000
	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, Washington	$19,300,000
Florida	Naval Air Station, Key West	$2,250,000
	Naval Station, Mayport	$2,800,000
Georgia	Marine Corps Logistics Base, Albany	$1,630,000
	Naval Submarine Base, Kings Bay	$1,550,000
Hawaii	Marine Corps Air Station, Kaneohe Bay	$20,080,000
	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 Hospital, Great Lakes	$15,200,000
	Naval Training Center, Great Lakes	$22,900,000
Indiana	Naval Surface Warfare Center, Crane	$5,000,000
Maryland	Naval Air Warfare Center, Patuxent River	$1,270,000
Nevada	Naval Air Station, Fallon	$16,200,000
North Carolina	Marine Corps Air Station, Cherry Point	$1,630,000
	Marine Corps Air Station, New River	$20,290,000
	Marine Corps Base, Camp LeJeune	$20,750,000
Pennsylvania	Philadelphia Naval Shipyard	$8,300,000
South Carolina	Marine Corps Recruit Detachment, Parris Island	$4,990,000
Texas	Naval Station, Ingleside	$16,850,000
	Naval Air Station, Kingsville	$1,810,000
Virginia	Armed Forces Staff College, Norfolk	$12,900,000
	Fleet Combat Training Command, Dam Neck	$7,000,000
	Marine Corps Combat Development Command, Quantico	$14,570,000
	Naval Station, Norfolk	$56,120,000
	Naval Surface Warfare Center, Dahlgren	$8,030,000
Washington	Naval Station, Everett	$25,740,000
	Naval Undersea Warfare Center	$6,800,000
CONUS Various	Defense access roads	$300,000
	Total	$583,652,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	Administrative Support Unit, Bahrain	$5,980,000
Greece	Naval Support Activity, Souda Bay	$11,050,000
Italy	Naval Air Station, Sigonella	$15,700,000
	Naval Support Activity, Naples	$8,620,000
United Kingdom	Joint Maritime Communications Center, St. Mawgan	$4,700,000

Navy: Outside the United States—Continued

Country	Installation or location	Amount
	Total	$46,050,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(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	Ancillary Facility	$709,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	Ancillary Facility	$2,938,000
	Marine Corps Base, Camp Pendleton	202 Units	$29,483,000
	Naval Air Station, Lemoore	276 Units	$39,837,000
	Navy Public Works Center, San Diego	466 Units	$63,429,000
Florida	Naval Station, Mayport	100 Units	$10,000,000
Hawaii	Marine Corps Air Station, Kaneohe Bay	54 Units	$11,676,000
	Navy Public Works Center, Pearl Harbor	264 Units	$52,586,000
Maine	Naval Air Station, Brunswick	92 Units	$10,925,000
Maryland	Naval Air Warfare Center, Patuxent River	Ancillary Facility	$1,233,000
North Carolina	Marine Corps Base, Camp LeJeune	Ancillary Facility	$845,000
	Marine Corps Base, Camp LeJeune	125 Units	$13,360,000
South Carolina	Marine Corps Air Station, Beaufort	200 Units	$19,110,000
Texas	Corpus Christi Naval Complex	156 Units	$17,425,000
	Naval Air Station, Kingsville	48 Units	$7,550,000
Virginia	AEGIS Combat Systems Center, Wallops Island	20 Units	$2,975,000
	Naval Security Group Activity, Northwest	Ancillary Facility	$741,000
Washington	Naval Station, Everett	100 Units	$15,015,000
	Naval Submarine Base, Bangor	Ancillary Facility	$934,000
		Total	$300,771,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(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 $22,552,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $209,133,000.

SEC. 2204. 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 $2,309,273,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $583,652,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $46,050,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $8,115,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $50,959,000.

(5) For demolition of excess facilities under section 2814 of title 10, United States Code, as added by section 2802, $10,000,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $532,456,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $1,058,241,000.

(7) For the construction of a bachelor enlisted quarters at the Naval Construction Batallion Center, Port Hueneme, California, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 525), $7,700,000.

(8) For the construction of a Strategic Maritime Research Center at the Naval War College, Newport, Rhode Island, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3031), $8,000,000.

(9) For the construction of the large anachoic chamber facility at the Patuxent River Naval Warfare Center, Aircraft Division, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2590), $10,000,000.

(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 (9) 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.

SEC. 2205. BEACH REPLENISHMENT, NAVAL AIR STATION, NORTH ISLAND, CALIFORNIA.

(a) COST-SHARING AGREEMENT.—With regard to the portion of the military construction project for Naval Air Station, North Island, California, authorized by section 2201(a) and involving on-shore and near-shore beach replenishment, the Secretary of the Navy shall endeavor to enter into an agreement with the State of California and local governments in the vicinity of the project, under which the State and local governments agree to cover not less than 50 percent of the cost incurred by the Secretary to carry out the beach replenishment portion of the project.

(b) ACTIVITIES PENDING AGREEMENT.—The Secretary shall not delay commencement of, or activities under, the construction project described in subsection (a), including the beach replenishment portion of the project, pending the execution of the cost-sharing agreement, except that, within amounts appropriated for the project, Federal expenditures may not exceed $9,630,000 for beach replenishment.

SEC. 2206. LEASE TO FACILITATE CONSTRUCTION OF RESERVE CENTER, NAVAL AIR STATION, MERIDIAN, MISSISSIPPI.

(a) LEASE OF PROPERTY FOR CONSTRUCTION OF RESERVE CENTER.—(1) The Secretary of the Navy may lease, without reimbursement, to the State of Mississippi (in this section referred to as the ''State''), approximately five acres of real property located at Naval Air Station, Meridian, Mississippi. The State shall use the property to construct a reserve center of approximately 22,000 square feet and ancillary supporting facilities.

(2) The term of the lease under this subsection shall expire on the same date that the lease authorized by subsection (b) expires.

(b) LEASEBACK OF RESERVE CENTER.—(1) The Secretary may lease from the State the property and improvements constructed pursuant to subsection (a) for a five-year period. The term of the lease shall begin on the date on which the improvements are available for occupancy, as determined by the Secretary.

(2) Rental payments under the lease under paragraph (1) may not exceed $200,000 per year, and the total amount of the rental payments for the entire period may not exceed 20 percent of the total cost of constructing the reserve center and ancillary supporting facilities.

(3) Subject to the availability of appropriations for this purpose, the Secretary may use funds appropriated pursuant to an authorization of appropriations for the operation and maintenance of the Naval Reserve to make rental payments required under this subsection.

(c) EFFECT OF TERMINATION OF LEASES.—At the end of the lease term under subsection (b), the State shall convey, without reimbursement, to the United States all right, title, and interest of the State in the reserve center and ancillary supporting facilities subject to the lease.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the leases under this section as the Secretary considers appropriate to protect the interests of the United States.

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	Elmendorf Air Force Base	$21,530,000
Arizona	Davis–Monthan Air Force Base	$9,920,000
	Luke Air Force Base	$6,700,000
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	$16,230,000
	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	$7,980,000
Florida	Eglin Air Force Base	$4,590,000
	Eglin Auxiliary Field 9	$6,825,000
	Patrick Air Force Base	$2,595,000
	Tyndall Air Force Base	$3,600,000
Georgia	Robins Air Force Base	$22,645,000
Idaho	Mountain Home Air Force Base	$15,845,000
Kansas	McConnell Air Force Base	$15,580,000
Louisiana	Barksdale Air Force Base	$4,890,000
Maryland	Andrews Air Force Base	$5,990,000
Mississippi	Keesler Air Force Base	$14,465,000
Nevada	Indian Springs Air Force Auxiliary Air Field	$4,690,000
New Jersey	McGuire Air Force Base	$8,080,000
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	$37,410,000
	Shaw Air Force Base	$5,665,000
Tennessee	Arnold Engineering Development Center	$12,481,000
Texas	Brooks Air Force Base	$5,400,000
	Dyess Air Force Base	$12,295,000
	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
Wyoming	F. E. Warren Air Force Base	$3,700,000
	Total	$525,684,000

(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	$10,060,000
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
	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)(6)(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
	Eielson Air Force Base	Ancillary Facility	$2,950,000
California	Beale Air Force Base	56 units	$8,893,000
	Los Angeles Air Force Base	25 units	$6,425,000
	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 units	$249,000
	MacDill Air Force Base	56 units	$8,822,000
	Patrick Air Force Base	Ancillary Facility	$2,430,000
	Tyndall Air Force Base	42 Units	$6,000,000

Air Force: Family Housing—Continued

State	Installation	Purpose	Amount
Georgia	Robins Air Force Base	46 units	$5,252,000
Louisiana	Barksdale Air Force Base	80 units	$9,570,000
Maryland	Hanscom Air Force Base	32 units	$5,100,000
Missouri	Whiteman Air Force Base	68 units	$9,600,000
Nevada	Nellis Air Force Base	50 units	$7,955,000
New Mexico	Kirtland Air Force Base	50 units	$5,450,000
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	132 units	$11,500,000
	Lackland Air Force Base	Ancillary Facility	$800,000
Washington	McChord Air Force Base	50 units	$5,659,000
		Total	$168,828,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(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 $9,590,000.

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)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $125,650,000.

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 $1,823,456,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $525,684,000.

(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, $12,328,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $47,387,000.

(5) For demolition of excess facilities under section 2814 of title 10, United States Code, as added by section 2802, $10,000,000.

(6) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $304,068,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $840,474,000.

(7) For the construction of a corrosion control facility at Tinker Air Force Base, Oklahoma, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 530), $5,400,000.

(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), and, in the case of the projects described in paragraphs (2) and (3) of section 2406(b), other amounts appropriated pursuant to authorizations enacted after this Act for such projects, 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 Demilitarization Program	Pueblo Chemical Activity, Colorado	$179,000,000
Defense Finance & Accounting Service	Charleston, South Carolina	$6,200,000
	Gentile Air Force Station, Ohio	$11,400,000
	Griffiss Air Force Base, New York	$10,200,000
	Loring Air Force Base, Maine	$6,900,000
	Naval Training Center, Orlando, Florida	$2,600,000
	Norton Air Force Base, California	$13,800,000
	Offutt Air Force Base, Nebraska	$7,000,000
	Rock Island Arsenal, Illinois	$14,400,000
Defense Intelligence Agency	Bolling Air Force Base, District of Columbia	$6,790,000
Defense Logistics Agency	Altus Air Force Base, Oklahoma	$3,200,000
	Andrews Air Force Base, Maryland	$12,100,000
	Barksdale Air Force Base, Louisiana	$4,300,000
	Defense Construction Supply Center, Columbus, Ohio	$600,000
	Defense Distribution, San Diego, California	$15,700,000
	Elmendorf Air Force Base, Alaska	$18,000,000
	McConnell Air Force Base, Kansas	$2,200,000
	Naval Air Facility, El Centro, California	$5,700,000
	Naval Air Station, Fallon, Nevada	$2,100,000
	Naval Air Station, Oceana, Virginia	$1,500,000
	Shaw Air Force Base, South Carolina	$2,900,000
	Travis Air Force Base, California	$15,200,000
Defense Medical Facility Office	Andrews Air Force Base, Maryland	$15,500,000
	Charleston Air Force Base, South Carolina	$1,300,000
	Fort Bliss, Texas	$6,600,000
	Fort Bragg, North Carolina	$11,400,000
	Fort Hood, Texas	$1,950,000
	Marine Corps Base, Camp Pendleton, California	$3,300,000
	Maxwell Air Force Base, Alabama	$25,000,000
	Naval Air Station, Key West, Florida	$15,200,000
	Naval Air Station, Norfolk, Virginia	$1,250,000
	Naval Air Station, Lemoore, California	$38,000,000
Special Operations Command	Fort Bragg, North Carolina	$14,000,000
	Fort Campbell, Kentucky	$4,200,000
	MacDill Air Force Base, Florida	$9,600,000
	Naval Amphibious Base, Coronado, California	$7,700,000
	Naval Station, Ford Island, Pearl Harbor, Hawaii	$12,800,000
	Total	$509,590,000

(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	Moron Air Base, Spain	$12,958,000
	Naval Air Station, Sigonella, Italy	$6,100,000
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)(14)(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)(14)(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.—(1) Of the amount authorized to be appropriated pursuant to section 2406(a)(14)(C), $35,000,000 shall be available for credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code.

(2) Of the amount authorized to be appropriated pursuant to section 2406(a)(14)(D), $10,000,000 shall be available for credit to the Department of Defense Military Unaccompanied Housing Improvement Fund established by section 2883(a)(2) of such title.

(b) USE OF FUNDS.—(1) The Secretary of Defense may use funds credited to the Department of Defense Family Housing Improvement Fund under subsection (a)(1) to carry out any activities authorized by subchapter IV of chapter 169 of such title with respect to military family housing.

(2) The Secretary of Defense may use funds credited to the Department of Defense Military Unaccompanied Housing Improvement Fund under subsection (a)(2) to carry out any activities authorized by subchapter IV of chapter 169 of such title 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 $3,431,670,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $346,487,000.

(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), $72,000,000.

(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, $16,874,000.

(10) For unspecified minor construction projects under section 2805 of title 10, United States Code, $9,500,000.

(11) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $12,239,000.

(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 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)(1) of this Act, $35,000,000.

(D) For credit to the Department of Defense Military Unaccompanied Housing Improvement Fund as authorized by section 2404(a)(2) of this Act, $10,000,000.

(E) 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 $177,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 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, $41,316,000; and

(B) for the Army Reserve, $50,159,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $33,169,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $118,394,000; and

(B) for the Air Force Reserve, $51,655,000.

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 Infrastructure 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 Infrastructure 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 Infrastructure 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	Organizational Maintenance Shop	$553,000
	Marana	Dormitory/Dining Facility	$2,919,000
California	Fresno	Organizational Maintenance Shop Modification	$905,000
	Van Nuys	Armory Addition	$6,518,000
New Mexico	White Sands Missile Range	Organizational Maintenance Shop	$2,940,000
		Tactical Site	$1,995,000
		MATES	$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 1601 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	$865,000

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 2201 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 and Military Family Housing

SEC. 2801. NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM.

(a) CHANGE IN REFERENCE TO EARLIER PROGRAM.—(1) Section 2806(b) 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 2861(b)(3) of such title is amended by striking out ''North Atlantic Treaty Organization Infrastructure program'' and inserting in lieu thereof ''North Atlantic Treaty Organization Security Investment Program''.

(b) CLERICAL AMENDMENTS.—(1) The heading of section 2806 of such title is amended to read as follows:

''§ 2806. Contributions for North Atlantic Treaty Organization Security Investment Program''.

(2) The item relating to such section in the table of sections at the beginning of subchapter I of chapter 169 of such title is amended to read as follows:

''2806. Contributions for North Atlantic Treaty Organization Security Investment Program.''.

SEC. 2802. AUTHORITY TO DEMOLISH EXCESS FACILITIES.

(a) DEMOLITION AUTHORIZED.—Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2814. Demolition of excess facilities

''(a) DEMOLITION USING MILITARY CONSTRUCTION APPROPRIATIONS.—Within an amount equal to 125 percent of the amount appropriated for such purpose in the military construction account, the Secretary concerned may carry out the demolition of a facility on a military installation when the facility is determined by the Secretary concerned to be—

''(1) excess to the needs of the military department or Defense Agency concerned; and

''(2) not suitable for reuse.

''(b) DEMOLITIONS USING OPERATIONS AND MAINTENANCE FUNDS.—Using funds available to the Secretary concerned for operation and maintenance, the Secretary concerned may carry out a demolition project involving an excess facility described in subsection (a), except that the amount obligated on the project may not exceed the maximum amount authorized for a minor construction project under section 2805(c)(1) of this title.

''(c) ADVANCE APPROVAL OF CERTAIN PROJECTS.—(1) A demolition project under this section that would cost more than $500,000 may not be carried out under this section unless approved in advance by the Secretary concerned.

''(2) When a decision is made to demolish a facility covered by paragraph (1), the Secretary concerned shall submit a report in writing to the appropriate committees of Congress on that decision. Each such report shall include—

''(A) the justification for the demolition and the current estimate of its costs, and

''(B) the justification for carrying out the project under this section.

''(3) The demolition project may be carried out only after the end of the 21-day period beginning on the date the notification is received by such committees.

''(d) CERTAIN PROJECTS PROHIBITED.—(1) A demolition project involving military family housing may not be carried out under the authority of this section.

''(2) A demolition project required as a result of a base closure action authorized by title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) or 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) may not be carried out under the authority of this section.

''(3) A demolition project required as a result of environmental contamination shall be carried out under the authority of the environmental restoration program under section 2701(b)(3) of this title.

''(e) DEMOLITION INCLUDED IN SPECIFIC MILITARY CONSTRUCTION PROJECT.—Nothing in this section is intended to preclude the inclusion of demolition of facilities as an integral part of a specific military construction project when the demolition is required for accomplishment of the intent of that construction project.''.

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

''2814. Demolition of excess facilities.''.

SEC. 2803. IMPROVEMENTS TO FAMILY HOUSING UNITS.

(a) AUTHORIZED IMPROVEMENTS.—Subsection (a)(2) of section 2825 of title 10, United States Code, is amended—

(1) by inserting ''major'' before ''maintenance''; and

(2) by adding at the end the following: ''Such term does not include day-to-day maintenance and repair.''.

(b) LIMITATION.—Subsection (b) of such is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

''(2) In determining the applicability of the limitation contained in paragraph (1), the Secretary concerned shall include as part of the cost of the improvement the following:

''(A) The cost of major maintenance or repair work (excluding day-to-day maintenance and repair) undertaken in connection with the improvement.

''(B) Any cost, beyond the five-foot line of a housing unit, in connection with—

''(i) the furnishing of electricity, gas, water, and sewage disposal;

''(ii) the construction or repair of roads, drives, and walks; and

''(iii) grading and drainage work.''.

Subtitle B—Defense Base Closure and Realignment

SEC. 2811. RESTORATION OF AUTHORITY FOR CERTAIN INTRAGOVERNMENT TRANSFERS UNDER 1988 BASE CLOSURE LAW.

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) The Secretary of Defense 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.''.

SEC. 2812. CONTRACTING FOR CERTAIN SERVICES AT FACILITIES REMAINING ON CLOSED INSTALLATIONS.

(a) 1988 LAW.—Section 204(b)(8)(A) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note), is amended by inserting ''or at facilities remaining on 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 remaining on installations closed under this part'' after ''under this part''.

SEC. 2813. AUTHORITY TO COMPENSATE OWNERS OF MANUFACTURED HOUSING.

(a) 1988 LAW.—Section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100–526; 10 U.S.C. 2687 note), is amended by adding at the end the following new subsection:

''(f) ACQUISITION OF MANUFACTURED HOUSING.—(1) In closing or realigning any military installation under this title, the Secretary may purchase any or all right, title, and interest of a member of the Armed Forces and any spouse of the member in manufactured housing located at a manufactured housing park established at an installation closed or realigned under this title, or make a payment to the member to relocate the manufactured housing to a suitable new site, if the Secretary determines that—

''(A) it is in the best interests of the Federal Government to eliminate or relocate the manufactured housing park; and

''(B) the elimination or relocation of the manufactured housing park would result in an unreasonable financial hardship to the owners of the manufactured housing.

''(2) Any payment made under this subsection shall not exceed 90 percent of the purchase price of the manufactured housing, as paid by the member or any spouse of the member, plus the cost of any permanent improvements subsequently made to the manufactured housing by the member or spouse of the member.

''(3) The Secretary shall dispose of manufactured housing acquired under this subsection through resale, donation, trade or otherwise within one year of acquisition.''.

(b) 1990 LAW.—Section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), is amended by adding at the end the following new subsection:

''(g) ACQUISITION OF MANUFACTURED HOUSING.—(1) In closing or realigning any military installation under this part, the Secretary may purchase any or all right, title, and interest of a member of the Armed Forces and any spouse of the member in manufactured housing located at a manufactured housing park established at an installation closed or realigned under this part, or make a payment to the member to relocate the manufactured housing to a suitable new site, if the Secretary determines that—

''(A) it is in the best interests of the Federal Government to eliminate or relocate the manufactured housing park; and

''(B) the elimination or relocation of the manufactured housing park would result in an unreasonable financial hardship to the owners of the manufactured housing.

''(2) Any payment made under this subsection shall not exceed 90 percent of the purchase price of the manufactured housing, as paid by the member or any spouse of the member, plus the cost of any permanent improvements subsequently made to the manufactured housing by the member or spouse of the member.

''(3) The Secretary shall dispose of manufactured housing acquired under this subsection through resale, donation, trade or otherwise within one year of acquisition.''.

SEC. 2814. ADDITIONAL PURPOSE FOR WHICH ADJUSTMENT AND DIVERSIFICATION ASSISTANCE IS AUTHORIZED.

Section 2391(b)(5) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(5)''; and

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

''(B) The Secretary of Defense may also make grants, conclude cooperative agreements, and supplement other Federal funds in order to assist a State in enhancing its capacities—

''(i) to assist communities, businesses, and workers adversely affected by an action described in paragraph (1);

''(ii) to support local adjustment and diversification initiatives; and

''(iii) to stimulate cooperation between statewide and local adjustment and diversification efforts.''.

SEC. 2815. PAYMENT OF STIPULATED PENALTIES ASSESSED UNDER CERCLA IN CONNECTION WITH LORING AIR FORCE BASE, MAINE.

From amounts in the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) 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), the Secretary of Defense may expend not more than $50,000 to pay stipulated civil penalties assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) against Loring Air Force Base, Maine.

Subtitle C—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2821. TRANSFER AND EXCHANGE OF JURISDICTION, ARLINGTON NATIONAL CEMETERY, ARLINGTON, VIRGINIA.

(a) TRANSFER OF 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 unit of the National Park System known as Arlington National Cemetery, Virginia:

(A) The lands known as the Arlington National Cemetery Interment Zone.

(B) The lands known as the Robert E. Lee Memorial Preservation Zone, except those lands in the preservation zone that the Secretary of the Interior determines to retain because of the historical significance of the lands.

(2) The transfer of lands under paragraph (1) shall be carried out in accordance with the Interagency Agreement entered into by the Secretary of the Army and the Secretary of the Interior on February 22, 1995.

(b) EXCHANGE OF ADDITIONAL LAND.—(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) In exchange for the transfer under paragraph (1), 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 Secretary of the Army shall grant to the Secretary of the Interior a perpetual right of ingress and egress to the parcel transferred this paragraph.

(c) LEGAL DESCRIPTION.—The exact acreage and legal descriptions of the lands to be transferred pursuant to this section shall be determined by surveys satisfactory to the Secretary of the Interior and the Secretary of the Army. The costs of the surveys shall be borne by the Secretary of the Army.

SEC. 2822. LAND CONVEYANCE, ARMY RESERVE CENTER, RUSHVILLE, INDIANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Rushville, Indiana (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, that is located in Rushville, Indiana, and contains the Rushville Army Reserve Center.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the City retain the conveyed property for the use and benefit of the Rushville Police Department.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2823. LAND CONVEYANCE, ARMY RESERVE CENTER, ANDERSON, SOUTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the County of Anderson, South Carolina (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 805 East Whitner Street in Anderson, South Carolina, and contains an Army Reserve Center.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the County retain the conveyed property for the use and benefit of the Anderson County Department of Education.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART II—NAVY CONVEYANCES

SEC. 2831. RELEASE OF CONDITION ON RECONVEYANCE OF TRANSFERRED LAND, GUAM.

(a) IN GENERAL.—Section 818(b)(2) of the Military Construction Authorization Act, 1981 (Public Law 96–418; 94 Stat. 1782), relating to a condition on disposal by Guam of lands conveyed to Guam by the United States, shall have no force or effect and is repealed.

(b) EXECUTION OF INSTRUMENTS.—The Secretary of the Navy and the Administrator of General Services shall execute all instruments necessary to implement this section.

SEC. 2832. LAND EXCHANGE, ST. HELENA ANNEX, NORFOLK NAVAL SHIPYARD, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey to such private person as the Secretary considers appropriate (in this section referred to as the ''transferee'') all right, title, and interest of the United States in and to a parcel of real property that is located at the Norfolk Naval Shipyard, Virginia, and, as of the date of the enactment of this Act, is a portion of the property leased to the Norfolk Shipbuilding and Drydock Company pursuant to the Department of the Navy lease N00024–84–L–0004, effective October 1, 1984, as extended.

(2) Pending completion of the conveyance authorized by paragraph (1), the Secretary may lease the real property to the transferee upon such terms as the Secretary considers appropriate.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), including any interim lease authorized by such subsection, the transferee shall—

(1) convey to the United States all right, title, and interest to a parcel or parcels of real property, together with any improvements thereon, located in the area of Portsmouth, Virginia, which are determined to be acceptable to the Secretary; and

(2) pay to the Secretary an amount equal to the amount, if any, by which the fair market value of the parcel conveyed by the Secretary under subsection (a) exceeds the fair market value of the parcel conveyed to the United States under paragraph (1).

(c) USE OF RENTAL AMOUNTS.—The Secretary may use the amounts received as rent from any lease entered into under the authority of subsection (a)(2) to fund environmental studies of the parcels of real property to be conveyed under this section.

(d) IN-KIND CONSIDERATION.—The Secretary and the transferee may agree that, in lieu of all or any part of the consideration required by subsection (b)(2), the transferee may provide and the Secretary may accept the improvement, maintenance, protection, repair, or restoration of real property under the control of the Secretary in the area of Hampton Roads, Virginia.

(e) DETERMINATION OF FAIR MARKET VALUE AND PROPERTY DESCRIPTION.—The Secretary shall determine the fair market value of the parcels of real property to be conveyed under subsections (a) and (b)(1). The exact acreage and legal description of the parcels shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the transferee.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. LAND CONVEYANCE, CALVERTON PINE BARRENS, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, CALVERTON, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration,

to the Department of Environmental Conservation of the State of New York (in this section referred to as the ''Department''), all right, title, and interest of the United States in and to the Calverton Pine Barrens located at the Naval Weapons Industrial Reserve Plant, Calverton, New York.

(b) EFFECT ON OTHER CONVEYANCE AUTHORITY.—The conveyance authorized by this subsection shall not affect the transfer of jurisdiction of a portion of the Calverton Pine Barrens authorized by section 2865 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 576).

(c) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the Department agree—

(1) to maintain the conveyed property as a nature preserve, as required by section 2854 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2626), as amended by section 2823 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3058);

(2) to designate the conveyed property as the ''Otis G. Pike Preserve''; and

(3) to continue to allow the level of sporting activities on the conveyed property as permitted at the time of the conveyance.

(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 Department.

(e) 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.

(f) CALVERTON PINE BARRENS DEFINED.—In this section, the term ''Calverton Pine Barrens'' has the meaning given that term in section 2854(d)(1) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2626).

PART III—AIR FORCE CONVEYANCES

SEC. 2841. CONVEYANCE OF PRIMATE RESEARCH COMPLEX, HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law, the Secretary of the Air Force may dispose of 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 may 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 making the conveyance authorized by subsection (a).

(c) CARE AND USE STANDARDS.—As part of the solicitation of bids for the conveyance authorized by subsection (a), the Secretary shall develop standards for the care and use of the primate research complex, and of chimpanzees. The Secretary shall develop the 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 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. 2842. LAND CONVEYANCE, RADAR BOMB SCORING SITE, BELLE FOURCHE, SOUTH DAKOTA.

(a) CONVEYANCE AUTHORIZED.—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 located in Belle Fourche, South Dakota. The conveyance may not include any portion of the radar bomb scoring site located in the State of Wyoming.

(b) 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 such subsection for education, economic development, and 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.

(c) 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.

(d) 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.

PART IV—OTHER CONVEYANCES

SEC. 2851. LAND CONVEYANCE, TATUM SALT DOME TEST SITE, MISSISSIPPI.

(a) TRANSFER.—The Secretary of Energy may convey, without compensation, to the State of Mississippi (in this section referred to as the ''State'') the property known as the Tatum Salt Dome Test Site, as generally depicted on the map of the Department of Energy numbered 301913.104.02 and dated June 25, 1993.

(b) CONDITION ON CONVEYANCE.—The conveyance under this section shall be subject to the condition that the State use the conveyed property as a wilderness area and working demonstration forest.

(c) DESIGNATION.—The property to be conveyed is hereby designated as the ''Jamie Whitten Wilderness Area''.

(d) RETAINED RIGHTS.—The conveyance under this section shall be subject to each of the following rights to be retained by the United States:

(1) Retention by the United States of the subsurface estate below a specified depth. The specified depth shall be 1000 feet below sea level unless a lesser depth is agreed upon by the Secretary and the State.

(2) Retention by the United States of rights of access, by easement or otherwise, for such purposes as the Secretary considers appropriate, including access to monitoring wells for sampling.

(3) Retention by the United States of the right to install wells additional to those identified in the remediation plan for the property to the extent such additional wells are considered necessary by the Secretary to monitor potential pathways of contaminant migration. Such wells shall be in such locations as specified by the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2852. LAND CONVEYANCE, WILLIAM LANGER JEWEL BEARING PLANT, ROLLA, NORTH DAKOTA.

(a) AUTHORITY TO CONVEY.—The Administrator of General Services may convey, without consideration, to the Job Development Authority of the City of Rolla, North Dakota (in this section referred to as the ''Authority''), all right, title, and interest of the United States in and to a parcel of real property, with improvements thereon and all associated personal property, consisting of approximately 9.77 acres and comprising the William Langer Jewel Bearing Plant in Rolla, North Dakota.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the Authority—

(1) use the real and personal property and improvements conveyed under that subsection for economic development relating to the jewel bearing plant;

(2) enter into an agreement with an appropriate public or private entity or person to lease such property and improvements to that entity or person for such economic development; or

(3) enter into an agreement with an appropriate public or private entity or person to sell such property and improvements to that entity or person for such economic development.

(c) PREFERENCE FOR DOMESTIC DISPOSAL OF JEWEL BEARINGS.—(1) In offering to enter into agreements pursuant to any provision of law for the disposal of jewel bearings from the National Defense Stockpile, the President shall give a right of first refusal on all such offers to the Authority or to the appropriate public or private entity or person with which the Authority enters into an agreement under subsection (b).

(2) For the purposes of this section, the term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98(c)).

(d) AVAILABILITY OF FUNDS FOR MAINTENANCE AND CONVEYANCE OF PLANT.—Notwithstanding any other provision of law, funds available in fiscal year 1995 for the maintenance of the William Langer Jewel Bearing Plant in Public Law 103–335 shall be available for the maintenance of that plant in fiscal year 1996, pending conveyance, and for the conveyance of that plant under this section.

(e) 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 Administrator. The cost of the survey shall be borne by the Administrator.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under this section as the Administrator determines appropriate to protect the interests of the United States.

Subtitle D—Other Matters

SEC. 2861. EASEMENTS FOR RIGHTS-OF-WAY.

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 (12);

(3) in paragraph (12), as so redesignated, by striking out ''or by the Act of March 4, 1911 (43 U.S.C. 961)''; and

(4) by inserting after paragraph (9) the following new paragraph:

''(10) poles and lines for the transmission and distribution of electrical power;

''(11) poles and lines for communication purposes, and for radio, television, and other forms of communication transmitting, relay, and receiving structures and facilities; and''.

SEC. 2862. AUTHORITY TO ENTER INTO COOPERATIVE AGREEMENTS FOR THE MANAGEMENT OF CULTURAL RESOURCES ON MILITARY INSTALLATIONS.

(a) AGREEMENTS AUTHORIZED.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2683 the following new section:

''§ 2684. Cooperative agreements for management of cultural resources

''(a) AUTHORITY.—The Secretary of Defense or the Secretary of a military department may enter into a cooperative agreement with a State, local government, or other entity for the preservation, management, maintenance, and improvement of cultural resources on military installations and for the conducting of research regarding the cultural resources. Activities under the cooperative agreement shall be subject to the availability of funds to carry out the cooperative agreement.

''(b) APPLICATION OF OTHER LAWS.—Section 1535 and chapter 63 of title 31 shall not apply to a cooperative agreement entered into under this section.

''(c) CULTURAL RESOURCE DEFINED.—In this section, the term 'cultural resource' means any of the following:

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

''(2) Cultural items, as 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 defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)).

''(4) Archaeological artifact collections and associated records, as defined in 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 inserting after the item relating to section 2683 the following new item:

''2684. Cooperative agreements for management of cultural resources.''.

SEC. 2863. 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, consistent with State law, under which the utility or company 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 30 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, consistent with State law, as the Secretary and the utility or company 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 shall own the electric power distribution system installed under the agreement.

(e) RATE.—The rate 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) shall be the rate established by the appropriate Federal or State regulatory authority.

(f) 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.

SEC. 2864. DESIGNATION OF MICHAEL O'CALLAGHAN MILITARY HOSPITAL.

(a) DESIGNATION.—The Nellis Federal Hospital, a Federal building located at 4700 North Las Vegas Boulevard, Las Vegas, Nevada, shall be known and designated as the ''Michael O'Callaghan Military Hospital''.

(b) 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 (a) shall be deemed to be a reference to the ''Michael O'Callaghan Military Hospital''.

TITLE XXIX—MILITARY LAND WITHDRAWALS

Subtitle A—Fort Carson-Pinon Canyon Military Lands Withdrawal

SEC. 2901. SHORT TITLE.

This subtitle may be cited as the ''Fort Carson-Pinon Canyon Military Lands Withdrawal Act''.

SEC. 2902. WITHDRAWAL AND RESERVATION OF LANDS AT FORT CARSON MILITARY RESERVATION.

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this subtitle, the lands at the Fort Carson Military Reservation, Colorado, that are described in subsection (c) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral and geothermal leasing laws, and the mineral materials disposal laws.

(b) RESERVATION.—The lands withdrawn under subsection (a) are reserved for use by the Secretary of the Army—

(1) for military maneuvering, training and weapons firing; and

(2) for other defense related purposes consistent with the uses specified in paragraph (1).

(c) LAND DESCRIPTION.—The lands referred to in subsection (a) comprise 3,133.02 acres of public land and 11,415.16 acres of federally-owned minerals in El Paso, Pueblo, and Fremont Counties, Colorado, as generally depicted on the map entitled ''Fort Carson Proposed Withdrawal—Fort Carson Base'', dated February 6, 1992, and published in accordance with section 4.

SEC. 2903. WITHDRAWAL AND RESERVATION OF LANDS AT PINON CANYON MANEUVER SITE.

(a) WITHDRAWAL.—Subject to valid existing rights and except as otherwise provided in this subtitle, the lands at the Pinon Canyon Maneuver Site, Colorado, that are described in subsection (c) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, the mineral and geothermal leasing laws, and the mineral materials disposal laws.

(b) RESERVATION.—The lands withdrawn under subsection (a) are reserved for use by the Secretary of the Army—

(1) for military maneuvering and training; and

(2) for other defense related purposes consistent with the uses specified in paragraph (1).

(c) LAND DESCRIPTION.—The lands referred to in subsection (a) comprise 2,517.12 acres of public lands and 130,139 acres of federally-owned minerals in Las Animas County, Colorado, as generally depicted on the map entitled ''Fort Carson Proposed Withdrawal—Fort Carson Maneuver Area—Pinon Canyon site'', dated February 6, 1992, and published in accordance with section 2904.

SEC. 2904. MAPS AND LEGAL DESCRIPTIONS.

(a) PREPARATION OF MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this subtitle, the Secretary of the Interior shall prepare maps depicting the lands withdrawn and reserved by this subtitle and publish in the Federal Register a notice containing the legal description of such lands.

(b) LEGAL EFFECT.—Such maps and legal descriptions shall have the same force and effect as if they were included in this subtitle, except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY OF MAPS AND LEGAL DESCRIPTION.—Copies of such maps and legal descriptions shall be available for public inspection in the offices of the Colorado State Director and the Canon City District Manager of the Bureau of Land Management and in the offices of the Commander of Fort Carson, Colorado.

(d) COSTS.—The Secretary of the Army shall reimburse the Secretary of the Interior for the costs of implementing this section.

SEC. 2905. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT GUIDELINES.—

(1) MANAGEMENT BY SECRETARY OF THE ARMY.—Except as provided in section 6, during the period of withdrawal, the Secretary of the Army shall manage for military purposes the lands covered by this subtitle and may authorize use of the lands by the other military departments and agencies of the Department of Defense, and the National Guard, as appropriate.

(2) ACCESS RESTRICTIONS.—When military operations, public safety, or national security, as determined by the Secretary of the Army, require the closure of roads and trails on the lands withdrawn by this subtitle commonly in public use, the Secretary of the Army is authorized to take such action, except that such closures shall be limited to the minimum areas and periods required for the purposes specified in this subsection. Appropriate warning notices shall be kept posted during closures.

(3) SUPPRESSION OF FIRES.—The Secretary of the Army shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands as a result of military activities and may seek assistance from the Bureau of Land Management in suppressing such fires. The memorandum of understanding required by this section shall provide for Bureau of Land Management assistance in the suppression of such fires, and for a transfer of funds from the Department of the Army to the Bureau of Land Management as compensation for such assistance.

(b) MANAGEMENT PLAN.—

(1) DEVELOPMENT REQUIRED.—The Secretary of the Army, with the concurrence of the Secretary of the Interior, shall develop a plan for the management of acquired lands and lands withdrawn under sections 2902 and 2903 for the period of withdrawal. The plan shall—

(A) be consistent with applicable law;

(B) include such provisions as may be necessary for proper resource management and protection of the natural, cultural, and other resources and values of such lands; and

(C) identify those withdrawn and acquired lands, if any, which are to be open to mining or mineral and geothermal leasing, including mineral materials disposal.

(2) TIME FOR DEVELOPMENT.—The management plan required by this subsection shall be developed not later than 5 years after the date of the enactment of this subtitle.

(c) IMPLEMENTATION OF MANAGEMENT PLAN.—

(1) MEMORANDUM OF UNDERSTANDING REQUIRED.—The Secretary of the Army and the Secretary of the Interior shall enter into a memorandum of understanding to implement the management plan developed under subsection (b).

(2) DURATION.—The duration of any such memorandum of understanding shall be the same as the period of withdrawal specified in section 8(a).

(3) AMENDMENT.—The memorandum of understanding may be amended by agreement of both Secretaries.

(d) USE OF CERTAIN RESOURCES.—The Secretary of the Army is authorized to utilize sand, gravel, or similar mineral or mineral material resources from the lands withdrawn by this subtitle when the use of such resources is required for construction needs of the Fort Carson Reservation or Pinon Canyon Maneuver Site.

SEC. 2906. MANAGEMENT OF WITHDRAWN AND ACQUIRED MINERAL RESOURCES.

Except as provided in section 2905(d), the Secretary of the Interior shall manage all withdrawn and acquired mineral resources within the boundaries of the Fort Carson Military Reservation and Pinon Canyon Maneuver Site in the same manner as provided in section 12 of the Military Lands Withdrawal Act of 1986 (Public Law 99–606; 100 Stat. 3466) for mining and mineral leasing on certain lands withdrawn by that Act from all forms of appropriation under the public land laws.

SEC. 2907. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn and reserved by this subtitle shall be conducted in accordance with section 2671 of title 10, United States Code.

SEC. 2908. TERMINATION OF WITHDRAWAL AND RESERVATION.

(a) TERMINATION DATE.—The withdrawal and reservation made by this subtitle shall terminate 15 years after the date of the enactment of this subtitle.

(b) DETERMINATION OF CONTINUING MILITARY NEED.—

(1) DETERMINATION REQUIRED.—At least three years before the termination under subsection (a) of the withdrawal and reservation established by this subtitle, the Secretary of the Army shall advise the Secretary of the Interior as to whether or not the Department of the Army will have a continuing military need for any of the lands after the termination date.

(2) METHOD OF MAKING DETERMINATION.—If the Secretary of the Army concludes under paragraph (1) that there will be a continuing military need for any of the lands after the termination date established by subsection (a), the Secretary of the Army, in accordance with applicable law, shall—

(A) evaluate the environmental effects of renewal of such withdrawal and reservation;

(B) hold at least one public hearing in Colorado concerning such evaluation; and

(C) file, after completing the requirements of subparagraphs (A) and (B), an application for extension of the withdrawal and reservation of such lands in accordance with the regulations and procedures of the Department of the Interior applicable to the extension of withdrawals for military uses.

(3) NOTIFICATION.—The Secretary of the Interior shall notify the Congress concerning a filing under paragraph (3)(C).

(c) EARLY RELINQUISHMENT OF WITHDRAWAL.—If the Secretary of the Army concludes under subsection (b) that before the termination date established by subsection (a) there will be no military need for all or any part of the lands withdrawn and reserved by this subtitle, or if, during the period of withdrawal, the Secretary of the Army otherwise decides to relinquish any or all of the lands withdrawn and reserved under this subtitle, the Secretary of the Army shall file with the Secretary of the Interior a notice of intention to relinquish such lands.

(d) ACCEPTANCE OF LANDS PROPOSED FOR RELINQUISHMENT.—Notwithstanding any other provision of law, the Secretary of the Interior, upon deciding that it is in the public interest to accept jurisdiction over the lands proposed for relinquishment, may revoke the withdrawal and reservation established by this subtitle as it applies to the lands proposed for relinquishment. Should the decision be made to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which the lands will be opened to the operation of the public land laws, including the mining laws if appropriate.

SEC. 2909. DETERMINATION OF PRESENCE OF CONTAMINATION AND EFFECT OF CONTAMINATION.

(a) DETERMINATION OF PRESENCE OF CONTAMINATION.—

(1) BEFORE RELINQUISHMENT NOTICE.—Before filing a relinquishment notice under section 2908(c), the Secretary of the Army shall prepare a written determination as to whether and to what extent the lands to be relinquished are contaminated with explosive, toxic, or other hazardous materials. A copy of the determination made by the Secretary of the Army shall be supplied with the relinquishment notice. Copies of both the relinquishment notice and the determination under this subsection shall be published in the Federal Register by the Secretary of the Interior.

(2) UPON TERMINATION OF WITHDRAWAL.—At the expiration of the withdrawal period made by this Act, the Secretary of the Interior shall determine whether and to what extent the lands withdrawn by this subtitle are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws.

(b) PROGRAM OF DECONTAMINATION.—

(1) IN GENERAL.—Throughout the duration of the withdrawal and reservation made by this subtitle, the Secretary of the Army, to the extent funds are made available, shall maintain a program of decontamination of the lands withdrawn by this subtitle at least at the level of effort carried out during fiscal year 1992.

(2) DECONTAMINATION OF LANDS TO BE RELINQUISHED.—In the case of lands subject to a relinquishment notice under section 2908(c) that are contaminated, the Secretary of the Army shall decontaminate the land to the extent that funds are appropriated for such purpose if the Secretary of the Interior, in consultation with the Secretary of the Army, determines that—

(A) decontamination of the lands is practicable and economically feasible, taking into consideration the potential future use and value of the land; and

(B) upon decontamination, the land could be opened to the operation of some or all of the public land laws, including the mining laws.

(c) AUTHORITY OF SECRETARY OF THE INTERIOR TO REFUSE CONTAMINATED LANDS.—The Secretary of the Interior shall not be required to accept lands proposed for relinquishment if the Secretary of the Army and the Secretary of the Interior conclude that—

(1) decontamination of any or all of the lands proposed for relinquishment is not practicable or economically feasible;

(2) the lands cannot be decontaminated sufficiently to allow them to be opened to the operation of the public land laws; or

(3) insufficient funds are appropriated for the purpose of decontaminating the lands.

(d) EFFECT OF CONTINUED CONTAMINATION.—If the Secretary of the Interior declines under subsection (c) to accept jurisdiction of lands proposed for relinquishment or if the Secretary of the Interior determines under subsection (a)(2) that some of the lands withdrawn by this subtitle are contaminated to an extent that prevents opening the contaminated lands to operation of the public land laws—

(1) the Secretary of the Army shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Army shall undertake no activities on such lands except in connection with decontamination of such lands; and

(3) the Secretary of the Army shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken under paragraphs (1) and (2).

(e) EFFECT OF SUBSEQUENT DECONTAMINATION.—If the lands described in subsection (d) are subsequently decontaminated, upon certification by the Secretary of the Army that the lands are safe for all nonmilitary uses, the Secretary of the Interior shall reconsider accepting jurisdiction over the lands.

(f) EFFECT ON OTHER LAWS.—Nothing in this subtitle shall affect, or be construed to affect, the obligations of the Secretary of the Army, if any, to decontaminate lands withdrawn by this subtitle pursuant to applicable law, including the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

SEC. 2910. DELEGATION.

The functions of the Secretary of the Army under this subtitle may be delegated. The functions of the Secretary of the Interior under this subtitle may be delegated, except that the order referred to in section 2908(d) may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 2911. HOLD HARMLESS.

Any party conducting any mining, mineral, or geothermal leasing activity on lands comprising the Fort Carson Reservation or Pinon Canyon Maneuver Site shall indemnify the United States against any costs, fees, damages, or other liabilities (including costs of litigation) incurred by the United States and arising from or relating to such mining activities, including costs of mineral materials disposal, whether arising under the Comprehensive Environmental Response Compensation and Liability Act of 1980, the Solid Waste Disposal Act, or otherwise.

SEC. 2912. AMENDMENT TO MILITARY LANDS WITHDRAWAL ACT OF 1986.

(a) USE OF CERTAIN RESOURCES.—Section 3(f) of the Military Lands Withdrawal Act of 1986 (Public Law 99–606; 100 Stat. 3461) is amended by adding at the end the following new paragraph:

''(2) Subject to valid existing rights, the Secretary of the military department concerned may utilize sand, gravel, or similar mineral or material resources when the use of such resources is required for construction needs on the respective lands withdrawn by this Act.''.

(b) TECHNICAL CORRECTION.—Section 9(b) of the Military Lands Withdrawal Act of 1986 (Public Law 99–606; 100 Stat. 3466) is amended by striking ''section 7(f)'' and inserting in lieu thereof ''section 8(f)''.

SEC. 2913. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this subtitle.

Subtitle B—El Centro Naval Air Facility Ranges Withdrawal

SEC. 2921. SHORT TITLE AND DEFINITIONS.

(a) SHORT TITLE.—This subtitle may be cited as the ''El Centro Naval Air Facility Ranges Withdrawal Act''.

(b) DEFINITIONS.—In this subtitle:

(1) The term ''El Centro'' means the Naval Air Facility, El Centro, California.

(2) The term ''cooperative agreement'' means the cooperative agreement entered into between the Bureau of Land Management, the Bureau of Reclamation, and the Department of the Navy, dated June 29, 1987, with regard to the defense-related uses of Federal lands to further the mission of El Centro.

(3) The term ''relinquishment notice'' means a notice of intention by the Secretary of the Navy under section 2928(a) to relinquish, before the termination date specified in section 2925, the withdrawal and reservation of certain lands withdrawn under this subtitle.

SEC. 2922. WITHDRAWAL AND RESERVATION OF LANDS FOR EL CENTRO.

(a) WITHDRAWALS.—Subject to valid existing rights, and except as otherwise provided in this subtitle, the Federal lands utilized in the mission of the Naval Air Facility, El Centro, California, that are described in subsection (c) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not the mineral leasing or geothermal leasing laws or the mineral materials sales laws.

(b) RESERVATION.—The lands withdrawn under subsection (a) are reserved for the use by the Secretary of the Navy—

(1) for defense-related purposes in accordance with the cooperative agreement; and

(2) subject to notice to the Secretary of the Interior under section 2924(e), for other defense-related purposes determined by the Secretary of the Navy.

(c) DESCRIPTION OF WITHDRAWN LANDS.—The lands withdrawn and reserved under subsection (a) are—

(1) the Federal lands comprising approximately 46,600 acres in Imperial County, California, as generally depicted in part on a map entitled ''Exhibit A, Naval Air Facility, El Centro, California, Land Acquisition Map, Range 2510 (West Mesa)'' and dated March 1993 and in part on a map entitled ''Exhibit B, Naval Air Facility, El Centro, California, Land Acquisition Map Range 2512 (East Mesa)'' and dated March 1993; and

(2) and all other areas within the boundaries of such lands as depicted on such maps that may become subject to the operation of the public land laws.

SEC. 2923. MAPS AND LEGAL DESCRIPTIONS.

(a) PUBLICATION AND FILING REQUIREMENTS.—As soon as practicable after the date of the enactment of this subtitle, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn and reserved under this subtitle; and

(2) file maps and the legal description of the lands withdrawn and reserved under this subtitle with the Committee on Energy and Natural Resources of the Senate and with the Committee on Resources of the House of Representatives.

(b) LEGAL EFFECT.—The maps and legal description prepared under subsection (a) shall have the same force and effect as if they were included in this subtitle, except that the Secretary of the Interior may correct clerical and typographical errors in the maps and legal description.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of the maps and legal description prepared under subsection (a) shall be available for public inspection in—

(1) the Office of the State Director, California State Office of the Bureau of Land Management, Sacramento, California;

(2) the Office of the District Manager, California Desert District of the Bureau of Land Management, Riverside, California; and

(3) the Office of the Commanding Officer, Marine Corps Air Station, Yuma, Arizona.

(d) REIMBURSEMENT.—The Secretary of Navy shall reimburse the Secretary of the Interior for the cost of implementing this section.

SEC. 2924. MANAGEMENT OF WITHDRAWN LANDS.

(a) MANAGEMENT CONSISTENT WITH COOPERATIVE AGREEMENT.—The lands and resources shall be managed in accordance with the cooperative agreement, revised as necessary to conform to the provisions of this subtitle. The parties to the cooperative agreement shall review the cooperative agreement for conformance with this subtitle and amend the cooperative agreement, if appropriate, within 120 days after the date of the enactment of this subtitle. The term of the cooperative agreement shall be amended so that its duration is at least equal to the duration of the withdrawal made by section 2925. The cooperative agreement may be reviewed and amended by the managing agencies as necessary.

(b) MANAGEMENT BY SECRETARY OF THE INTERIOR.—

(1) GENERAL MANAGEMENT AUTHORITY.—During the period of withdrawal, the Secretary of the Interior shall manage the lands withdrawn and reserved under this subtitle pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable laws, including this subtitle.

(2) SPECIFIC AUTHORITIES.—To the extent consistent with applicable laws, Executive orders, and the cooperative agreement, the lands withdrawn and reserved under this subtitle may be managed in a manner permitting—

(A) protection of wildlife and wildlife habitat;

(B) control of predatory and other animals;

(C) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities; and

(D) geothermal leasing and development and related power production, mineral leasing and development, and mineral material sales.

(3) EFFECT OF WITHDRAWAL.—The Secretary of the Interior shall manage the lands withdrawn and reserved under this subtitle, in coordination with the Secretary of the Navy, such that all nonmilitary use of such lands, including the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in the cooperative agreement or authorized pursuant to this subtitle.

(c) CERTAIN ACTIVITIES SUBJECT TO CONCURRENCE OF NAVY.—The Secretary of the Interior may issue a lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of the withdrawn lands only with the concurrence of the Secretary of the Navy and under the terms of the cooperative agreement.

(d) ACCESS RESTRICTIONS.—If the Secretary of the Navy determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn under this subtitle, the Secretary may take such action as the Secretary determines necessary or desirable to effect and maintain such closure. Any such closure shall be limited to the minimum areas and periods which the Secretary of the Navy determines are required to carry out this subsection. Before and during any closure under this subsection, the Secretary of the Navy shall keep appropriate warning notices posted and take appropriate steps to notify the public concerning such closures.

(e) ADDITIONAL MILITARY USES.—Lands withdrawn under this subtitle may be used for defense-related uses other than those specified in the cooperative agreement. The Secretary of the Navy shall promptly notify the Secretary of the Interior in the event that the lands withdrawn under this subtitle will be used for additional defense-related purposes. Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the withdrawn lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of all or any portion of the withdrawn lands.

SEC. 2925. DURATION OF WITHDRAWAL AND RESERVATION.

The withdrawal and reservation made under this subtitle shall terminate 25 years after the date of the enactment of this subtitle.

SEC. 2926. CONTINUATION OF ONGOING DECONTAMINATION ACTIVITIES.

Throughout the duration of the withdrawal and reservation made under this subtitle, and subject to the availability of funds, the Secretary of the Navy shall maintain a program of decontamination of the lands withdrawn under this subtitle at least at the level of decontamination activities performed on such lands in fiscal year 1995. Such activities shall be subject to applicable laws, such as the amendments made by the Federal Facility Compliance Act of 1992 (Public Law 102–386; 106 Stat. 1505) and the Defense Environmental Restoration Program established under section 2701 of title 10, United States Code.

SEC. 2927. REQUIREMENTS FOR EXTENSION.

(a) NOTICE OF CONTINUED MILITARY NEED.—Not later than five years before the termination date specified in section 2925, the Secretary of the Navy shall advise the Secretary of the Interior as to whether or not the Navy will have a continuing military need for any or all of the lands withdrawn and reserved under this subtitle after the termination date.

(b) APPLICATION FOR EXTENSION.—If the Secretary of the Navy determines that there will be a continuing military need for any or all of the withdrawn lands after the termination date specified in section 2925, the Secretary of the Navy shall file an application for extension of the withdrawal and reservation of the lands in accordance with the then existing regulations and procedures of the Department of the Interior applicable to extension of withdrawal of lands for military purposes and that are consistent with this subtitle. Such application shall be filed with the Department of the Interior not later than four years before the termination date.

(c) EXTENSION PROCESS.—The withdrawal and reservation established by this subtitle may not be extended except by an Act or Joint Resolution of Congress.

SEC. 2928. EARLY RELINQUISHMENT OF WITHDRAWAL.

(a) FILING OF RELINQUISHMENT NOTICE.—If, during the period of withdrawal and reservation specified in section 2925, the Secretary of the Navy decides to relinquish all or any portion of the lands withdrawn and reserved under this subtitle, the Secretary of the Navy shall file a notice of intention to relinquish with the Secretary of the Interior.

(b) DETERMINATION OF PRESENCE OF CONTAMINATION.—Before transmitting a relinquishment notice under subsection (a), the Secretary of the Navy, in consultation with the Secretary of the Interior, shall prepare a written determination concerning whether and to what extent the lands to be relinquished are contaminated with explosive, toxic, or other hazardous wastes and substances. A copy of such determination shall be transmitted with the relinquishment notice.

(c) DECONTAMINATION AND REMEDIATION.—In the case of contaminated lands which are the subject of a relinquishment notice, the Secretary of the Navy shall decontaminate or remediate the land to the extent that funds are appropriated for such purpose if the Secretary of the

Interior, in consultation with the Secretary of the Navy, determines that—

(1) decontamination or remediation of the lands is practicable and economically feasible, taking into consideration the potential future use and value of the land; and

(2) upon decontamination or remediation, the land could be opened to the operation of some or all of the public land laws, including the mining laws.

(d) DECONTAMINATION AND REMEDIATION ACTIVITIES SUBJECT TO OTHER LAWS.—The activities of the Secretary of the Navy under subsection (c) are subject to applicable laws and regulations, including the Defense Environmental Restoration Program established under section 2701 of title 10, United States Code, the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(e) AUTHORITY OF SECRETARY OF THE INTERIOR TO REFUSE CONTAMINATED LANDS.—The Secretary of the Interior shall not be required to accept lands specified in a relinquishment notice if the Secretary of the Interior, after consultation with the Secretary of the Navy, concludes that—

(1) decontamination or remediation of any land subject to the relinquishment notice is not practicable or economically feasible;

(2) the land cannot be decontaminated or remediated sufficiently to be opened to operation of some or all of the public land laws; or

(3) a sufficient amount of funds are not appropriated for the decontamination of the land.

(f) STATUS OF CONTAMINATED LANDS.—If, because of the condition of the lands, the Secretary of the Interior declines to accept jurisdiction of lands proposed for relinquishment or, if at the expiration of the withdrawal made under this subtitle, the Secretary of the Interior determines that some of the lands withdrawn under this subtitle are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(1) the Secretary of the Navy shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Navy shall retain jurisdiction over the withdrawn lands, but shall undertake no activities on such lands except in connection with the decontamination or remediation of such lands; and

(3) the Secretary of the Navy shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken under paragraphs (1) and (2).

(g) SUBSEQUENT DECONTAMINATION OR REMEDIATION.—If lands covered by subsection (f) are subsequently decontaminated or remediated and the Secretary of the Navy certifies that the lands are safe for nonmilitary uses, the Secretary of the Interior shall reconsider accepting jurisdiction over the lands.

(h) REVOCATION AUTHORITY.—Notwithstanding any other provision of law, upon deciding that it is in the public interest to accept jurisdiction over lands specified in a relinquishment notice, the Secretary of the Interior may revoke the withdrawal and reservation made under this subtitle as it applies to such lands. If the decision be made to accept the relinquishment and to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which the lands will be opened to the operation of the public land laws, including the mining laws, if appropriate.

SEC. 2929. DELEGATION OF AUTHORITY.

(a) DEPARTMENT OF THE NAVY.—The functions of the Secretary of the Navy under this subtitle may be delegated.

(b) DEPARTMENT OF INTERIOR.—The functions of the Secretary of the Interior under this subtitle may be delegated, except that an order described in section 2928(h) may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Department of the Interior.

SEC. 2930. HUNTING, FISHING, AND TRAPPING.

All hunting, fishing, and trapping on the lands withdrawn under this subtitle shall be conducted in accordance with section 2671 of title 10, United States Code.

SEC. 2931. HOLD HARMLESS.

Any party conducting any mining, mineral, or geothermal leasing activity on lands withdrawn and reserved under this subtitle shall indemnify the United States against any costs, fees, damages, or other liabilities (including costs of litigation) incurred by the United States and arising from or relating to such mining activities, including costs of mineral materials disposal, whether arising under the Comprehensive Environmental Response Compensation and Liability Act of 1980, the Solid Waste Disposal Act, or otherwise.

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 $1,676,767,000, to be allocated as follows:

(1) For core stockpile stewardship, $1,250,907,000 for fiscal year 1997, to be allocated as follows:

(A) For operation and maintenance, $1,162,570,000.

(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 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), $131,900,000 to be allocated as follows:

Project 96–D–111, national ignition facility, TBD, $131,900,000.

(3) For technology transfer and education, $59,400,000.

(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 $1,923,831,000, to be allocated as follows:

(1) For operation and maintenance, $1,829,470,000.

(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, consolidation pit packaging system, Pantex Plant, Amarillo, Texas, $870,000.

Project 97–D–122, nuclear materials storage facility renovation, LANL, 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 wastewater 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 HVAC 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, 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 $334,404,000.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) ENVIRONMENTAL RESTORATION.—Subject to subsection (i), 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 $1,812,194,000, of which $376,648,000 shall be allocated to the uranium enrichment decontamination and decommissioning fund.

(b) WASTE MANAGEMENT.—Subject to subsection (i), 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 $1,536,653,000, to be allocated as follows:

(1) For operation and maintenance, $1,448,326,000.

(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 farm 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 for the Waste Isolation Pilot Plant, Carlsbad, New Mexico, $752,000.

Project 95–D–405, industrial landfill V and construction/demolition landfill VII, 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, Aiken, 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) NUCLEAR MATERIALS AND FACILITIES STABILIZATION.—Subject to subsection (i), 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 $1,269,290,000 to be allocated as follows:

(1) For operation and maintenance, $1,151,718,000.

(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), $117,572,000, 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 97–D–470, environmental monitoring laboratory, Savannah River, Aiken, South Carolina, $2,500,000.

Project 97–D–473, health physics site support facility, Savannah River, Aiken, South Carolina, $2,000,000.

Project 96–D–406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $60,672,000.

Project 96–D–461, electrical distribution upgrade, Idaho National Engineering Laboratory, Idaho, $6,790,000.

Project 96–D–464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $10,440,000.

Project 96–D–471, CFC HVAC/chiller retrofit, Savannah River Site, Aiken, South Carolina, $8,541,000.

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 95–D–456, security facilities consolidation, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $4,645,000.

Project 94–D–401, emergency response facility, Idaho National Engineering Laboratory, Idaho, $547,000.

(d) PROGRAM DIRECTION.—Subject to subsection (i), 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 $375,511,000.

(e) TECHNOLOGY DEVELOPMENT.—Subject to subsection (i), 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 $303,771,000.

(f) POLICY AND MANAGEMENT.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for policy and management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $23,155,000.

(g) ENVIRONMENTAL SCIENCE PROGRAM.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for the environmental science program in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $62,136,000.

(h) ENVIRONMENTAL MANAGEMENT PRIVATIZATION.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for environmental management privatization in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $185,000,000.

(i) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (h) reduced by the sum of—

(1) $150,400,000, for use of prior year balances; and

(2) $8,000,000 for Savannah River Pension Refund.

SEC. 3103. DEFENSE FIXED ASSET ACQUISITION.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 for the defense fixed asset acquisition/privatization program in the amount of $182,000,000.

SEC. 3104. 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 $1,487,800,000, to be allocated as follows:

(1) For verification and control technology, $399,648,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, $194,919,000.

(B) For arms control, $169,544,000.

(C) For intelligence, $35,185,000.

(2) For nuclear safeguards and security, $47,208,000.

(3) For security investigations, $22,000,000.

(4) For emergency management, $16,794,000.

(5) For program direction, nonproliferation, and national security, $95,622,000.

(6) For environment, safety, and health, defense, $63,800,000.

(7) For worker and community transition assistance, $67,000,000.

(8) For fissile materials disposition, $93,796,000, to be allocated as follows:

(A) For operations and maintenance, $76,796,000.

(B) For the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto):

Project 97–D–140, consolidated special nuclear materials storage facility, site to be determined, $17,000,000.

(9) For naval reactors development, $681,932,000, to be allocated as follows:

(A) For operation and infrastructure, $649,330,000.

(B) For program direction, $18,902,000.

(C) 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 refurbishment, 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.

SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1997 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.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $2,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. STOCKPILE STEWARDSHIP PROGRAM.

(a) FUNDING.—Of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, $100,000,000 shall be available to carry out the following activities within the stockpile stewardship program:

(1) $20,000,000 for enhanced surveillance involving the nuclear production plants and the nuclear weapons design laboratories.

(2) $15,000,000 for a production capability assurance program for critical non-nuclear components.

(3) $25,000,000 for an accelerated capability to produce prototype war reserve-quality plutonium pits.

(4) $20,000,000 for dual revalidation of warheads in the nuclear weapons stockpile.

(5) $20,000,000 for the stockpile life extension program.

(b) REPORT.—Not later than October 15, 1996, the Secretary of Energy shall submit to the congressional defense committees a report on the obligations the Secretary has incurred, and plans to incur, during fiscal year 1997 for the stockpile stewardship program.

SEC. 3132. MANUFACTURING INFRASTRUCTURE FOR NUCLEAR WEAPONS STOCKPILE.

(a) FUNDING.—Of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, $125,000,000 shall be available to carry out the stockpile manufacturing infrastructure program.

(b) REQUIRED CAPABILITIES.—The manufacturing infrastructure established under the program shall include the capabilities listed in subsection (b) of section 3137 of Public Law 104–106 (110 Stat. 620).

(c) REPORT.—Not later than October 15, 1996, the Secretary of Energy shall submit to the congressional defense committees a report on the obligations the Secretary has incurred, and plans to incur, during fiscal year 1997 for the stockpile manufacturing infrastructure program.

(d) STOCKPILE MANUFACTURING INFRASTRUCTURE PROGRAM.—In this section, the term ''stockpile manufacturing infrastructure program'' means the program carried out pursuant to section 3137 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 620).

SEC. 3133. PRODUCTION OF HIGH EXPLOSIVES.

The manufacture and fabrication of high explosives and energetic materials for use as components in nuclear weapons systems shall be carried out at the Pantex Plant, Amarillo, Texas. No funds appropriated or otherwise made available to the Department of Energy may be used to move, or prepare to move, the manufacture and fabrication of high explosives and energetic materials for use as components in nuclear weapons systems from the Pantex Plant to any other site or facility of the Department of Energy.

SEC. 3134. LIMITATION ON USE OF FUNDS BY LABORATORIES FOR LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT.

(a) REDUCTION OF FUNDING.—Section 3132(c) of Public Law 101–510 (104 Stat. 1832) is amended by striking out ''6 percent'' and inserting in lieu thereof ''2 percent''.

(b) LIMITATION.—None of the funds provided in a fiscal year, beginning with fiscal year 1997, by the Secretary of Energy to be used by laboratories for laboratory-directed research and development pursuant to section 3132(c) of Public Law 101–510 (42 U.S.C. 7257a(c)) may be obligated or expended by such laboratories until a period of 15 days has expired after the Secretary of Energy submits to the congressional defense committees a report setting forth in detail information about the manner in which such funds are planned to be used during that fiscal year. The report shall include a description and justification of the planned uses of the funds.

SEC. 3135. PROHIBITION ON FUNDING NUCLEAR WEAPONS ACTIVITIES WITH PEOPLE'S REPUBLIC OF CHINA.

(a) FUNDING PROHIBITION.—Funds authorized to be appropriated to, or otherwise available to, the Department of Energy for fiscal year 1997 may not be obligated or expended for any activity associated with the conduct of cooperative programs relating to nuclear weapons or nuclear weapons technology, including stockpile stewardship, safety, and use control, with the People's Republic of China.

(b) REPORT.—(1) The Secretary of Energy shall prepare, in consultation with the Secretary of Defense, a report containing a description of all discussions and activities between the United States and the People's Republic of China regarding nuclear weapons matters that have occurred before the date of the enactment of this Act and that are planned to occur after such date. For each such discussion or activity, the report shall include—

(A) the authority under which the discussion or activity took or will take place;

(B) the subject of the discussion or activity;

(C) participants or likely participants;

(D) the source and amount of funds used or to be used to pay for the discussion or activity; and

(E) a description of the actions taken or to be taken to ensure that no classified or restricted data were or will be revealed, and a determination of whether classified or restricted data was revealed in previous discussions.

(2) The report shall be submitted to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives not later than October 15, 1996.

SEC. 3136. INTERNATIONAL COOPERATIVE STOCKPILE STEWARDSHIP PROGRAMS.

(a) FUNDING PROHIBITION.—Funds authorized to be appropriated to, or otherwise available to, the Department of Energy for fiscal year 1997 may not be obligated or expended to conduct any activities associated with international cooperative stockpile stewardship.

(b) EXCEPTION.—Subsection (a) does not apply with respect to such activities conducted between the United States and the United Kingdom, and between the United States and France.

SEC. 3137. TEMPORARY AUTHORITY RELATING TO TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project. Any such transfer may be done only one time in a fiscal year to or from each program or project, and the amount transferred to or from the program or project may not exceed $5,000,000 in a fiscal year.

(b) DETERMINATION.—A transfer may not be carried out by a manager of a field office pursuant to the authority provided under subsection (a) unless the manager determines that such transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at that field office.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary of Energy, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such a transfer occurs.

(e) LIMITATION.—Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(f) DEFINITIONS.—In this section:

(1) The term ''program or project'' means, with respect to a field office of the Department of Energy, any of the following:

(A) A project listed in subsection (b) or (c) of section 3102 being carried out by the office.

(B) A program referred to in subsection (a), (b), (c), (e), (g), or (h) of section 3102 being carried out by the office.

(C) A project or program not described in subparagraph (A) or (B) that is for environmental restoration or waste management activities necessary for national security programs of the Department of Energy, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term ''defense environmental management funds'' means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(g) DURATION OF AUTHORITY.—The authority provided under subsection (a) to a manager of a field office shall be in effect from the date of the enactment of this Act to September 30, 1997.

SEC. 3138. MANAGEMENT STRUCTURE FOR NUCLEAR WEAPONS PRODUCTION FACILITIES AND NUCLEAR WEAPONS LABORATORIES.

(a) LIMITATION ON DELEGATION OF AUTHORITY.—(1) The Secretary of Energy, in carrying out national security programs, may delegate specific management and planning authority over matters relating to site operation of the facilities and laboratories covered by this section only to the Assistant Secretary of Energy for Defense Programs. Such Assistant Secretary may redelegate such authority only to managers of area offices of the Department of Energy located at such facilities and laboratories.

(2) Nothing in this section may be construed as affecting the delegation by the Secretary of Energy of authority relating to reporting, management, and oversight of matters relating to the Department of Energy generally, or safety, environment, and health at such facilities and laboratories.

(b) REQUIREMENT TO CONSULT WITH AREA OFFICES.—The Assistant Secretary of Energy for Defense Programs, in exercising any delegated authority to oversee management of matters relating to site operation of a facility or laboratory, shall exercise such authority only after direct consultation with the manager of the area office of the Department of Energy located at the facility or laboratory.

(c) REQUIREMENT FOR DIRECT COMMUNICATION FROM AREA OFFICES.—The Secretary of Energy, acting through the Assistant Secretary of Energy for Defense Programs, shall require the head of each area office of the Department of Energy located at each facility and laboratory covered by this section to report on matters relating to site operation other than those matters set forth in subsection (a)(2) directly to the Assistant Secretary of Energy for Defense Programs, without obtaining the approval or concurrence of any other official within the Department of Energy.

(d) DEFENSE PROGRAMS REORGANIZATION PLAN AND REPORT.—(1) The Secretary of Energy shall develop a plan to reorganize the field activities and management of the national security functions of the Department of Energy.

(2) Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the plan developed under paragraph (1). The report shall specifically identify all significant functions performed by the operations offices relating to any of the facilities and laboratories covered by this section and which of those functions could be performed—

(A) by the area offices of the Department of Energy located at the facilities and laboratories covered by this section; or

(B) by the Assistant Secretary of Energy for Defense Programs.

(3) The report also shall address and make recommendations with respect to other internal streamlining and reorganization initiatives that the Department could pursue with respect to military or national security programs.

(e) DEFENSE PROGRAMS MANAGEMENT COUNCIL.—The Secretary of Energy shall establish a Defense Programs Management Council to advise the Secretary on policy matters, operational concerns, strategic planning, and development of priorities relating to the national security functions of the Department of Energy. The Council shall be composed of the directors of the facilities and laboratories and shall report directly to the Assistant Secretary of Energy for Defense Programs.

(f) COVERED SITE OPERATIONS.—For purposes of this section, matters relating to site operation of a facility or laboratory include matters relating to personnel, budget, and procurement in national security programs.

(g) COVERED FACILITIES AND LABORATORIES.—This section applies to the following facilities and laboratories of the Department of Energy:

(1) The Kansas City Plant, Kansas City, Missouri.

(2) The Pantex Plant, Amarillo, Texas.

(3) The Y–12 Plant, Oak Ridge, Tennessee.

(4) The Savannah River Site, Aiken, South Carolina.

(5) Los Alamos National Laboratory, Los Alamos, New Mexico.

(6) Sandia National Laboratories, Albuquerque, New Mexico.

(7) Lawrence Livermore National Laboratory, Livermore, California.

(8) The Nevada Test Site, Nevada.

Subtitle D—Other Matters

SEC. 3141. REPORT ON NUCLEAR WEAPONS STOCKPILE MEMORANDUM.

(a) SUBMISSION OF COPY OF MEMORANDUM.—Not less than 15 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees a copy of the Nuclear Weapons Stockpile Memorandum approved by the President in April 1996.

(b) SUBMISSION OF COPY OF MEMORANDUM AND REPORT.—Not less than 30 days after the President has approved any update to the Nuclear Weapons Stockpile Memorandum, the President shall submit to the congressional defense committees a copy of that Memorandum, together with a report describing the changes to the Memorandum compared to the previous submission.

(c) FORM.—The submissions required by this section shall be in classified and unclassified form.

SEC. 3142. REPORT ON PLUTONIUM PIT PRODUCTION AND REMANUFACTURING PLANS.

(a) REPORT REQUIREMENT.—The Secretary of Energy shall submit to the congressional defense committees a report on plans for achieving the capability to produce and remanufacture plutonium pits. The report shall include a description of the baseline plan of the Department of Energy for achieving such capability, including the following:

(1) The funding necessary, by fiscal year, to achieve the capability.

(2) The schedule necessary to achieve the capability, including important technical and programmatic milestones.

(3) Siting, capacity for expansion, and other issues included in the baseline plan.

(b) DEADLINE.—The report required by subsection (a) shall be submitted not later than 60 days after the date of the enactment of this Act.

SEC. 3143. AMENDMENTS RELATING TO BASELINE ENVIRONMENTAL MANAGEMENT REPORTS.

Section 3153 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160;107 Stat. 1950) is amended—

(1) in subsection (b)—

(A) by striking out the first word in the heading and inserting in lieu thereof ''BIENNIAL''; and

(B) in paragraph (2)(B), by inserting before ''year after 1995'' the following: ''odd-numbered''; and

(2) in subsection (d)—

(A) by striking out the first word in the heading and inserting in lieu thereof ''BIENNIAL''; and

(B) in paragraph (1)(B), by striking out ''in each year thereafter'' and inserting in lieu thereof ''in each odd-numbered year thereafter''.

SEC. 3144. REQUIREMENT TO DEVELOP FUTURE USE PLANS FOR ENVIRONMENTAL MANAGEMENT PROGRAM.

(a) AUTHORITY TO DEVELOP FUTURE USE PLANS.—The Secretary may develop future use plans for any defense nuclear facility at which environmental restoration and waste management activities are occurring.

(b) REQUIREMENT TO DEVELOP FUTURE USE PLANS.—The Secretary of Energy shall develop a future use plan for each of the following defense nuclear facilities:

(1) Hanford Site, Richland, Washington.

(2) Rocky Flats Plant, Golden, Colorado.

(3) Savannah River Site, Aiken, South Carolina.

(4) Idaho National Engineering Laboratory, Idaho.

(c) FUTURE USE ADVISORY BOARD.—(1) At a defense nuclear facility where the Secretary of

Energy intends to develop a future use plan and no citizen advisory board has been established, the Secretary shall establish a future use advisory board.

(2) The Secretary may prescribe regulations regarding the establishment, characteristics, composition, and funding of future use advisory boards pursuant to this subsection.

(3) The Secretary may authorize the manager of a defense nuclear facility for which a future use plan is developed (or, if there is no such manager, an appropriate official of the Department of Energy designated by the Secretary) to pay routine administrative expenses of a future use advisory board established for that site. Such payments shall be made from funds available to the Secretary for program direction in carrying out environmental restoration and waste management activities necessary for national security programs.

(d) REQUIREMENT TO CONSULT WITH FUTURE USE ADVISORY BOARD.—In developing a future use plan under this section with respect to a defense nuclear facility, the Secretary of Energy shall consult with a future use advisory board established pursuant to subsection (c) or a similar advisory board already in existence as of the date of the enactment of this Act for such facility, affected local governments (including any local future use redevelopment authorities), and other appropriate State agencies.

(e) 50-YEAR PLANNING PERIOD.—A future use plan developed under this section shall cover a period of at least 50 years.

(f) DEADLINES.—For each site listed in subsection (b), the Secretary shall develop a draft plan by October 1, 1997, and a final plan by March 15, 1998.

(g) REPORT.—Not later than 60 days after completing development of a final plan for a site listed in subsection (b), the Secretary of Energy shall submit to Congress a report on the plan. The report shall describe the plan and contain such findings and recommendations with respect to the site as the Secretary considers appropriate.

(h) SAVINGS PROVISIONS.—(1) Nothing in this section or in a future use plan developed under this section with respect to a defense nuclear facility shall be construed as requiring any modification to a future use plan that was developed before the date of the enactment of this Act.

(2) Nothing in this section may be construed to affect statutory requirements for an environmental restoration or waste management activity or project or to modify or otherwise affect applicable statutory or regulatory environmental restoration and waste management requirements, including substantive standards intended to protect public health and the environment, nor shall anything in this section be construed to preempt or impair any local land use planning or zoning authority or State authority.

Subtitle E—Defense Nuclear Environmental Cleanup and Management

SEC. 3151. PURPOSE.

The purpose of this subtitle is to provide for the expedited environmental restoration and waste management of Department of Energy defense nuclear facilities through the use of cost-effective management mechanisms and innovative technologies.

SEC. 3152. COVERED DEFENSE NUCLEAR FACILITIES.

(a) APPLICABILITY.—This subtitle applies to any defense nuclear facility of the Department of Energy for which the fiscal year 1996 environmental management budget was $350,000,000 or more.

(b) DEFENSE NUCLEAR FACILITY DEFINED.—In this subtitle, the term ''defense nuclear facility'' means a former or current defense nuclear production facility that is owned and managed by the Department of Energy.

SEC. 3153. SITE MANAGER.

(a) APPOINTMENT.—The Secretary of Energy shall expeditiously appoint a Site Manager for each Department of Energy defense nuclear facility (in this subtitle referred to as the ''Site Manager'').

(b) SCOPE.—(1) In addition to other authorities provided for in this Act, the Secretary of Energy may delegate to the Site Manager of a defense nuclear facility authority to oversee and direct environmental management operations at the facility, including the authority to—

(A) enter into and modify contractual agreements to enhance environmental restoration and waste management at the facility;

(B) request that the Department of Energy headquarters submit to Congress a reprogramming package shifting funds among accounts in order to facilitate the most efficient and timely environmental restoration and waste management of the facility, and, in the event that the Department headquarters does not act upon the request within 60 days, submit such request to the appropriate congressional committees for review;

(C) subject to paragraph (2), negotiate amendments to environmental agreements for the Department of Energy;

(D) manage Department of Energy personnel at the facility;

(E) consider the costs, risk reduction benefits, and other benefits for the purposes of ensuring protection of human health and the environment or safety, with respect to any environmental remediation activity the cost of which exceeds $25,000,000; and

(F) have assessments prepared for environmental restoration activities (in several documents or a single document, as determined by the Site Manager).

(2) In using the authority described in paragraph (1)(C), a Site Manager may not negotiate an amendment that is expected to result in additional significant life cycle costs to the Department of Energy without the approval of the Secretary of Energy.

(3) In using any authority described in paragraph (1), a Site Manager of a facility shall consult with the State where the facility is located and the advisory board for the facility.

(4) The delegation of any authority pursuant to this subsection shall not be construed as restricting the Secretary of Energy's authority to delegate other authorities as necessary.

(c) INFORMATION TO SECRETARY OF ENERGY.—The Site Manager of a defense nuclear facility shall regularly inform the Secretary of Energy, Congress, and the advisory board for the facility of the progress made by the Site Manager to achieve the expedited environmental restoration and waste management of the facility.

SEC. 3154. DEPARTMENT OF ENERGY ORDERS.

An order imposed after the date of the enactment of this Act relating to the execution of environmental restoration, waste management, or technology development activities at a defense nuclear facility under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) may be imposed by the Secretary of Energy at the defense nuclear facility only if the Secretary finds that the order is necessary for the protection of human health and the environment or safety, or the fulfillment of current legal requirements.

SEC. 3155. DEPLOYMENT OF TECHNOLOGY FOR REMEDIATION OF DEFENSE NUCLEAR WASTE.

(a) IN GENERAL.—The Secretary of Energy shall encourage the Site Manager of each defense nuclear facility to promote the deployment of innovative environmental technologies for remediation of defense nuclear waste at the facility.

(b) CRITERIA.—To carry out subsection (a), the Secretary shall encourage the Site Manager of a defense nuclear facility to establish a program at the facility to enhance the deployment of innovative environmental technologies at the facility. The Secretary may require the Site Manager, in establishing such a program—

(1) to establish a simplified, standardized, and timely process for the acceptance and deployment of environmental technologies;

(2) to solicit applications to deploy environmental technologies suitable for environmental restoration and waste management activities at the facility, including prevention, control, characterization, treatment, and remediation of contamination;

(3) to enter into contracts and other agreements with other public and private entities to deploy environmental technologies at the facility; and

(4) to include incentives, such as product performance specifications, in contracts to encourage the implementation of innovative environmental technologies.

SEC. 3156. PERFORMANCE-BASED CONTRACTING.

(a) PROGRAM.—The Secretary of Energy shall develop and implement a program for performance-based contracting for contracts entered into for environmental remediation at defense nuclear facilities. The program shall ensure that, to the maximum extent practicable and appropriate, such contracts include the following:

(1) Clearly stated and results oriented performance criteria and measures.

(2) Appropriate incentives for contractors to meet and exceed the performance criteria effectively and efficiently.

(3) Appropriate criteria and incentives for contractors to seek and engage subcontractors who may more effectively and efficiently perform either unique and technologically challenging tasks or routine and interchangeable services.

(4) Specific incentives for cost savings.

(5) Financial accountability.

(6) When appropriate, allocation of fee or profit reduction for failure to meet minimum performance criteria and standards.

(b) CRITERIA AND MEASURES.—Performance criteria and measures should take into consideration, at a minimum, the following: managerial control; elimination or reduction of risk to public health and the environment; workplace safety; financial control; goal-oriented work scope; use of innovative and alternative technologies and techniques that result in cleanups being performed less expensively, more quickly, and within quality parameters; and performing within benchmark cost estimates.

(c) CONSULTATION.—In implementing this section, the Secretary of Energy shall consult with interested parties.

(d) DEADLINE.—The Secretary of Energy shall implement this section not later than October 1, 1997, unless the Secretary submits to Congress before that date a report with a schedule for completion of action under this section.

SEC. 3157. DESIGNATION OF DEFENSE NUCLEAR FACILITIES AS NATIONAL ENVIRONMENTAL CLEANUP DEMONSTRATION AREAS.

(a) DESIGNATION.—The Secretary of Energy, upon receipt of a request from a Governor of a State in which a defense nuclear facility is situated, may designate the facility as a ''National Environmental Cleanup Demonstration Area'' to carry out the purposes of this subtitle.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal and State regulatory agencies, members of the community surrounding the facilities designated under subsection (a), and other affected parties should work to develop expedited and streamlined processes and systems for cleaning up the facilities, to eliminate unnecessary bureaucratic delay, and to proceed expeditiously with environmental restoration activities.

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

Subtitle A—Authorization of Disposals and Use of Funds

SEC. 3301. DEFINITIONS.

In this title:

(1) The term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term ''National Defense Stockpile Transaction Fund'' means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 1997, the National Defense Stockpile Manager may obligate up to $60,000,000 of the funds in the National Defense Stockpile Transaction Fund for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

Subtitle B—Programmatic Change

SEC. 3311. BIENNIAL REPORT ON STOCKPILE REQUIREMENTS.

(a) NATIONAL EMERGENCY PLANNING ASSUMPTIONS.—Section 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–5) is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by striking out subsection (b) and inserting in lieu thereof the following new subsection:

''(b) Each report under this section shall set forth the national emergency planning assumptions used by the Secretary in making the Secretary's recommendations under subsection (a)(1) with respect to stockpile requirements. The Secretary shall base the national emergency planning assumptions on a military conflict scenario consistent with the scenario used by the Secretary in budgeting and defense planning purposes. The assumptions to be set forth include assumptions relating to each of the following:

''(1) The length and intensity of the assumed military conflict.

''(2) The military force structure to be mobilized.

''(3) The losses anticipated from enemy action.

''(4) The military, industrial, and essential civilian requirements to support the national emergency.

''(5) The availability of supplies of strategic and critical materials from foreign sources during the mobilization period, the military conflict, and the subsequent period of replenishment, taking into consideration possible shipping losses.

''(6) The domestic production of strategic and critical materials during the mobilization period, the military conflict, and the subsequent period of replenishment, taking into consideration possible shipping losses.

''(7) Civilian austerity measures required during the mobilization period and military conflict.

''(c) The stockpile requirements shall be based on those strategic and critical materials necessary for the United States to replenish or replace, within three years of the end of the military conflict scenario required under subsection (b), all munitions, combat support items, and weapons systems that would be consumed or exhausted during such a military conflict.

''(d) The Secretary shall also include in each report under this section an examination of the effect that alternative mobilization periods under the military conflict scenario required under subsection (b), as well as a range of other military conflict scenarios addressing potentially more serious threats to national security, would have on the Secretary's recommendations under subsection (a)(1) with respect to stockpile requirements.''.

(b) CONFORMING AMENDMENT.—Section 2 of such Act (50 U.S.C. 98a) is amended by striking out subsection (c) and inserting in lieu thereof the following new subsection:

''(c) The purpose of the National Defense Stockpile is to serve the interest of national defense only. The National Defense Stockpile is not to be used for economic or budgetary purposes.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1996.

SEC. 3312. NOTIFICATION REQUIREMENTS.

(a) PROPOSED CHANGES IN STOCKPILE QUANTITIES.—Section 3(c)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(c)(2)) is amended—

(1) by striking out ''effective on or after the 30th legislative day following'' and inserting in lieu thereof ''after the end of the 45-day period beginning on''; and

(2) by striking out the last sentence.

(b) WAIVER OF ACQUISITION AND DISPOSAL REQUIREMENTS.—Section 6(d)(1) of such Act (50 U.S.C. 98e(d)(1)) is amended by striking out ''thirty days'' and inserting in lieu thereof ''45 days''.

(c) TIME TO BEGIN DISPOSAL.—Section 6(d)(2) of such Act (50 U.S.C. 98e(d)(2)) is amended by striking out ''thirty days'' and inserting in lieu thereof ''45 days''.

SEC. 3313. IMPORTATION OF STRATEGIC AND CRITICAL MATERIALS.

Section 13 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–4) is amended—

(1) by striking out ''as a Communist-dominated country or area''; and

(2) by striking out ''such Communist-dominated countries or areas'' and inserting in lieu thereof ''a country or area listed in such general note''.

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.

SEC. 3402. PRICE REQUIREMENT ON SALE OF CERTAIN PETROLEUM DURING FISCAL YEAR 1997.

Notwithstanding section 7430(b)(2) of title 10, United States Code, during fiscal year 1997, any sale of any part of the United States share of petroleum produced from Naval Petroleum Reserves Numbered 1, 2, and 3 shall be made at a price not less than 90 percent of the current sales price, as estimated by the Secretary of Energy, of comparable petroleum in the same area.

TITLE XXXV—PANAMA CANAL COMMISSION

Subtitle A—Authorization of Appropriations

SEC. 3501. SHORT TITLE.

This subtitle may be cited as the ''Panama Canal Commission Authorization Act, Fiscal Year 1997''.

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to use amounts in the Panama Canal Commission Revolving Fund 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, 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 funds in the Panama Canal Commission 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 other provisions of law, the funds available to the Commission shall be available for the purchase and transportation to the Republic of Panama, of passenger motor vehicles built in the United States, including large, heavy-duty vehicles.

SEC. 3504. EXPENDITURES ONLY IN ACCORDANCE WITH TREATIES.

Expenditures authorized under this subtitle may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

Subtitle B—Amendments to Panama Canal Act of 1979

SEC. 3521. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This subtitle may be cited as the ''Panama Canal Act Amendments of 1996''.

(b) REFERENCES.—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 Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.).

SEC. 3522. DEFINITIONS AND RECOMMENDATION FOR LEGISLATION.

(a) IN GENERAL.—In section 3 (22 U.S.C. 3602)—

(1) the heading is amended to read as follows:

''DEFINITIONS

(2) in subsection (b), by inserting ''and'' after the semicolon at the end of paragraph (4), by striking the semicolon at the end of paragraph (5) and inserting a period, and striking paragraphs (6) and (7); and

(3) by striking subsection (d).

(b) CLERICAL AMENDMENT.—The table of contents in section 1 is amended in the item relating to section 3 by striking ''and recommendation for legislation''.

SEC. 3523. ADMINISTRATOR.

(a) IN GENERAL.—Section 1103 (22 U.S.C. 3613) is amended to read as follows:

''ADMINISTRATOR

''SEC. 1103. (a) There shall be an Administrator of the Commission who shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the President.

''(b) The Administrator shall be paid compensation in an amount, established by the Board, not to exceed level III of the Executive Schedule.''.

(b) SAVINGS PROVISIONS.—Nothing in this section (or section 3549(3)) shall be considered to affect—

(1) the tenure of the individual serving as Administrator of the Commission on the day before subsection (a) takes effect; or

(2) until modified under section 1103(b) of the Panama Canal Act of 1979, as amended by subsection (a), the compensation of the individual so serving.

SEC. 3524. DEPUTY ADMINISTRATOR AND CHIEF ENGINEER.

(a) IN GENERAL.—Section 1104 (22 U.S.C. 3614) is amended to read as follows:

''DEPUTY ADMINISTRATOR

''SEC. 1104. (a) There shall be a Deputy Administrator of the Commission who shall be appointed by the President. The Deputy Administrator shall perform such duties as may be prescribed by the Board.

''(b) The Deputy Administrator shall be paid compensation at a rate of pay, established by the Board, which does not exceed the rate of basic pay in effect for level IV of the Executive Schedule, and, if eligible, shall be paid the overseas recruitment and retention difference provided for in section 1217 of this Act.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 is amended in the item relating to section 1104 by striking ''and Chief Engineer''.

(c) SAVINGS PROVISIONS.—Nothing in this section shall be considered to affect—

(1) the tenure of the individual serving as Deputy Administrator of the Commission on the day before subsection (a) takes effect; or

(2) until modified under section 1104(b) of the Panama Canal Act of 1979, as amended by subsection (a), the compensation of the individual so serving.

SEC. 3525. OFFICE OF OMBUDSMAN.

Section 1113 (22 U.S.C. 3623) is amended by striking subsection (d) and redesignating subsection (e) as subsection (d).

SEC. 3526. APPOINTMENT AND COMPENSATION; DUTIES.

Section 1202 (22 U.S.C. 3642) is amended to read as follows:

''APPOINTMENT AND COMPENSATION; DUTIES

''SEC. 1202. (a) In accordance with this chapter, the Commission may appoint, fix the compensation of, and define the authority and duties of officers and employees (other than the Administrator and Deputy Administrator) necessary for the management, operation, and maintenance of the Panama Canal and its complementary works, installations, and equipment.

''(b) Individuals serving in any Executive agency (other than the Commission) or the Smithsonian Institution, including individuals in the uniform services, may, if appointed under this section or section 1104 of this Act, serve as officers or employees of the Commission.''.

SEC. 3527. APPLICABILITY OF CERTAIN BENEFITS.

(a) IN GENERAL.—Section 1209 (22 U.S.C. 3649) is amended to read as follows:

''APPLICABILITY OF CERTAIN BENEFITS

''SEC. 1209. Chapter 81 of title 5, United States Code, relating to compensation for work injuries, chapters 83 and 84 of such title 5, relating to retirement, chapter 87 of such title 5, relating to life insurance, and chapter 89 of such title 5, relating to health insurance, are applicable to Commission employees, except any individual—

''(1) who is not a citizen of the United States;

''(2) whose initial appointment by the Commission occurs after October 1, 1979; and

''(3) who is covered by the Social Security System of the Republic of Panama pursuant to any provision of the Panama Canal Treaty of 1977 and related agreements.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 is amended by striking the item relating to section 1209 and inserting the following:

''Sec. 1209. Applicability of certain benefits.''.

SEC. 3528. TRAVEL AND TRANSPORTATION EXPENSES.

Section 1210 (22 U.S.C. 3650) is amended to read as follows:

''TRAVEL AND TRANSPORTATION EXPENSES

''SEC. 1210. (a) Subject to subsections (b) and (c), the Commission may pay travel and transportation expenses for employees in accordance with subchapter II of chapter 57 of title 5, United States Code.

''(b) For an employee to whom section 1206 applies, the Commission may pay travel and transportation expenses associated with vacation leave for the employee and the immediate family of the employee notwithstanding requirements regarding periods of service established by subchapter II of chapter 57 of title 5, United States Code, or the regulations promulgated thereunder.

''(c) For an employee to whom section 1206 does not apply, the Commission may pay travel and transportation expenses associated with vacation leave for the employee and the immediate family of the employee notwithstanding requirements regarding a written agreement concerning the duration of a continuing service obligation established by subchapter II of chapter 57 of title 5, United States Code or the regulations promulgated thereunder.''.

SEC. 3529. CLARIFICATION OF DEFINITION OF AGENCY.

Subparagraph (B) of section 1211(1) (22 U.S.C. 3651(1)(B)) is amended to read as follows:

''(B) any other Executive agency or the Smithsonian Institution, to the extent of any election in effect under section 1212(b) of this Act;''.

SEC. 3530. PANAMA CANAL EMPLOYMENT SYSTEM; MERIT AND OTHER EMPLOYMENT REQUIREMENTS.

(a) IN GENERAL.—Section 1212 (22 U.S.C. 3652) is amended to read as follows:

''PANAMA CANAL EMPLOYMENT SYSTEM; MERIT AND OTHER EMPLOYMENT REQUIREMENTS

''SEC. 1212. (a) The Commission shall establish a Panama Canal Employment System and prescribe the regulations necessary for its administration. The Panama Canal Employment System shall—

''(1) be established in accordance with and be subject to the provisions of the Panama Canal Treaty of 1977 and related agreements, the provisions of this chapter, and any other applicable provision of law;

''(2) be based on the consideration of the merit of each employee or candidate for employment and the qualifications and fitness of the employee to hold the position concerned;

''(3) conform, to the extent practicable and consistent with the provisions of this Act, to the policies, principles, and standards applicable to the competitive service;

''(4) in the case of employees who are citizens of the United States, provide for the appropriate interchange of those employees between positions under the Panama Canal Employment System and positions in the competitive service; and

''(5) not be subject to the provisions of title 5, United States Code, unless specifically made applicable by this Act.

''(b)(1) The head of any Executive agency (other than the Commission) and the Smithsonian Institution may elect to have the Panama Canal Employment System made applicable in whole or in part to personnel of that agency in the Republic of Panama.

''(2) Any Executive agency (other than the Commission) and the Smithsonian Institution, to the extent of any election under paragraph (1), shall conduct its employment and pay practices relating to employees in accordance with the Panama Canal Employment System.

''(c) The Commission may exclude any employee or position from coverage under any provision of this subchapter, other than the interchange rights extended under subsection (a)(4).''.

(b) SAVINGS PROVISIONS.—The Panama Canal Employment System and all elections, rules, regulations, and orders relating thereto, as last in effect before the amendment made by subsection (a) takes effect, shall continue in effect, according to their terms, until modified, terminated, or superseded under section 1212 of the Panama Canal Act of 1979, as amended by subsection (a).

SEC. 3531. EMPLOYMENT STANDARDS.

Section 1213 (22 U.S.C. 3653) is amended in the first sentence by striking ''The head of each agency'' and inserting ''The Commission''.

SEC. 3532. REPEAL OF OBSOLETE PROVISION REGARDING INTERIM APPLICATION OF CANAL ZONE MERIT SYSTEM.

(a) REPEAL.—Section 1214 (22 U.S.C. 3654) is repealed.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 is amended by striking the item relating to section 1214.

SEC. 3533. REPEAL OF PROVISION RELATING TO RECRUITMENT AND RETENTION REMUNERATION.

Section 1217(d) (22 U.S.C. 3657(d)) is repealed.

SEC. 3534. BENEFITS BASED ON BASIC PAY.

Section 1218(2) (22 U.S.C. 3658(2)) is amended to read as follows:

''(2) benefits under subchapter III of chapter 83 and subchapter II of chapter 84 of title 5, United States Code, relating to retirement;''.

SEC. 3535. VESTING OF GENERAL ADMINISTRATIVE AUTHORITY OF COMMISSION.

(a) IN GENERAL.—Section 1223 (22 U.S.C. 3663) is amended to read as follows:

''CENTRAL EXAMINING OFFICE

''SEC. 1223. The Commission shall establish a Central Examining Office. The purpose of the office shall be to implement the provisions of the Panama Canal Treaty of 1977 and related agreements with respect to recruitment, examination, determination of qualification standards, and similar matters relating to employment of the Commission.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 is amended by striking the item relating to section 1223 and inserting the following:

''Sec. 1223. Central Examining Office.''.

SEC. 3536. APPLICABILITY OF CERTAIN LAWS.

(a) IN GENERAL.—Section 1224 (22 U.S.C. 3664) is amended to read as follows:

''APPLICABILITY OF TITLE 5, UNITED STATES CODE

''SEC. 1224. The following provisions of title 5, United States Code, apply to the Panama Canal Commission:

''(1) Part I of title 5 (relating to agencies generally).

''(2) Chapter 21 (relating to employee definitions).

''(3) Section 2302(b)(8) (relating to whistleblower protection) and all provisions of title 5 relating to the administration or enforcement or any other aspect thereof, as identified in regulations prescribed by the Commission in consultation with the Office of Personnel Management.

''(4) All provisions relating to preference eligibles.

''(5) Section 5514 (relating to offset from salary).

''(6) Section 5520a (relating to garnishments).

''(7) Sections 5531-5535 (relating to dual pay and employment).

''(8) Subchapter VI of chapter 55 (relating to accumulated and accrued leave).

''(9) Subchapter IX of chapter 55 (relating to severance and back pay).

''(10) Chapter 57 (relating to travel and transportation).

''(11) Chapter 59 (relating to allowances).

''(12) Chapter 63 (relating to leave).

''(13) Section 6323 (relating to military leave; Reserves and National Guardsmen).

''(14) Chapter 71 (relating to labor relations).

''(15) Subchapters II and III of chapter 73 (relating to employment limitations and political activities, respectively) and all provisions of title 5 relating to the administration or enforcement or any other aspect thereof, as identified in regulations prescribed by the Commission in consultation with the Office of Personnel Management.

''(16) Chapter 81 (relating to compensation for work injuries).

''(17) Chapters 83 and 84 (relating to retirement).

''(18) Chapter 85 (relating to unemployment compensation).

''(19) Chapter 87 (relating to life insurance).

''(20) Chapter 89 (relating to health insurance).''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 is amended by striking the item relating to section 1224 and inserting the following:

''Sec. 1224. Applicability of title 5, United States Code.''.

SEC. 3537. REPEAL OF PROVISION RELATING TO TRANSFERRED OR REEMPLOYED EMPLOYEES.

Section 1231(a)(3) (22 U.S.C. 3671(a)(3)) is repealed.

SEC. 3538. ADMINISTRATION OF SPECIAL DISABILITY BENEFITS.

(a) IN GENERAL.—Section 1245 (22 U.S.C. 3682) is amended by striking so much as precedes subsection (b) and inserting the following:

''ADMINISTRATION OF CERTAIN DISABILITY BENEFITS

''SEC. 1245. (a)(1) The Commission, or any other United States Government agency or private entity acting pursuant to an agreement with the Commission, under the Act entitled 'An Act authorizing cash relief for certain employees of the Panama Canal not coming within the provisions of the Canal Zone Retirement Act', approved July 8, 1937 (50 Stat. 478; 68 Stat. 17), may continue the payments of cash relief to those individual former employees of the Canal Zone Government or Panama Canal Company or their predecessor agencies not coming within the scope of the former Canal Zone Retirement Act whose services were terminated prior to October 5, 1958, because of unfitness for further useful service by reason of mental or physical disability resulting from age or disease.

''(2) Subject to subsection (b), cash relief under this subsection may not exceed $1.50 per month for each year of service of the employees so furnished relief, with a maximum of $45 per month, plus the amount of any cost-of-living increases in such cash relief granted before October 1, 1979, pursuant to section 181 of title 2 of the Canal Zone Code (as in effect on September 30, 1979), nor be paid to any employee who, at the time of termination for disability prior to October 5, 1958, had less than 10 years' service with the Canal Zone Government, the Panama Canal Company, or their predecessor agencies on the Isthmus of Panama.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 is amended by striking the item relating to section 1245 and inserting the following:

''Sec. 1245. Administration of certain disability benefits.''.

SEC. 3539. PANAMA CANAL REVOLVING FUND.

Section 1302 of the Panama Canal Act of 1979 (22 U.S.C. 3712) is amended to read as follows:

''PANAMA CANAL REVOLVING FUND

''SEC. 1302. (a) There is established in the Treasury of the United States a revolving fund to be known as 'Panama Canal Revolving Fund'. The Panama Canal Revolving Fund shall, subject to subsection (b), be available to the Commission to carry out the purposes, functions, and powers authorized by this Act, including for—

''(1) the hire of passenger motor vehicles and aircraft;

''(2) uniforms or allowances therefor;

''(3) official receptions and representation expenses of the Board, the Secretary of the Commission, and the Administrator;

''(4) the operation of guide services;

''(5) a residence for the Administrator;

''(6) disbursements by the Administrator for employee and community projects;

''(7) the procurement of expert and consultant services;

''(8) promotional activities, including the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, film, or other media presentation designed to promote the Panama Canal as a resource of the world shipping industry; and

''(9) the purchase and transportation to the Republic of Panama of passenger motor vehicles built in the United States, including large, heavy-duty vehicles.

''(b)(1) There shall be deposited in the Panama Canal Revolving Fund, on a continuing basis, toll receipts (other than amounts of toll receipts deposited into the Panama Canal Commission Dissolution Fund under section 1305) and all other receipts of the Commission. Except as provided in section 1303, no funds may be obligated or expended by the Commission in any fiscal year unless such obligation or expenditure has been specifically authorized by law.

''(2) No funds may be authorized for the use of the Commission, or obligated or expended by the Commission in any fiscal year, in excess of—

''(A) the amount of revenues deposited in the Panama Canal Revolving Fund and the Panama Canal Dissolution Fund during such fiscal year, plus

''(B) the amount of revenues deposited in the Panama Canal Revolving Fund before such fiscal year and remaining unobligated at the beginning of such fiscal year; plus

''(C) the $100,000,000 borrowing authority provided for in section 1304 of this Act.

Not later than 30 days after the end of each fiscal year, the Secretary of the Treasury shall report to the Congress the amount of revenues deposited in the Panama Canal Revolving Fund during such fiscal year.

''(c) With the approval of the Secretary of the Treasury, the Commission may deposit amounts in the Panama Canal Revolving Fund in any Federal Reserve bank, any depository for public funds, or such other place and in such manner as the Commission and the Secretary may agree.

''(d)(1) It is the sense of the Congress that the additional costs resulting from the implementation of the Panama Canal Treaty of 1977 and related agreements should be kept to the absolute minimum level. To this end, the Congress declares appropriated costs of implementation to be borne by the taxpayers over the life of such Treaty should be kept to a level no greater than the March 1979 estimate of those costs ($870,700,000) presented to the Congress by the executive branch during consideration of this Act by the Congress, less personnel retirement costs of $205,000,000, which were subtracted and charged to tolls, therefore resulting in net taxpayer cost of approximately $665,700,000, plus appropriate adjustments for inflation.

''(2) It is further the sense of the Congress that the actual costs of implementation be consistent with the obligations of the United States to operate the Panama Canal safely and efficiently and keep it secure.''.

SEC. 3540. PRINTING.

(a) IN GENERAL.—Title I is amended in chapter 3 (22 U.S.C. 3711 et seq.) by adding at the end of subchapter I the following new section:

''PRINTING

''SEC. 1306. (a) Section 501 of title 44, United States Code, shall not apply to direct purchase by the Commission for its use of printing, binding, and blank-book work in the Republic of Panama when the Commission determines that such direct purchase is in the best interest of the Government.

''(b) This section shall not affect the Commission's authority, under chapter 5 of title 44, United States Code, to operate a field printing plant.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 is amended by inserting after the item relating to section 1305 the following new item:

''Sec. 1306. Printing.''.

SEC. 3541. ACCOUNTING POLICIES.

Section 1311 (22 U.S.C. 3721), the first sentence in subsection (a) is amended to read as follows: ''The Commission shall establish and maintain its accounts in accordance with chapter 91 of title 31, United States Code, and the provisions of this chapter.''.

SEC. 3542. INTERAGENCY SERVICES; REIMBURSEMENTS.

Section 1321(e) (22 U.S.C. 3731(e)) is amended by adding at the end the following sentence:

''Notwithstanding section 5924 of title 5, United States Code, the Commission shall by regulation determine the extent to which costs of educational services may be defrayed under this subsection.''.

SEC. 3543. POSTAL SERVICE.

Section 1331 (22 U.S.C. 3741) is amended to read as follows:

''POSTAL SERVICE

''SEC. 1331. (a) The Commission shall take possession of and administer the funds of the Canal Zone postal service and shall assume its obligations.

''(b) Effective December 1, 1999, neither the Commission nor the United States Government shall be responsible for the distribution of any accumulated unpaid balances relating to Canal Zone postal-savings deposits, postal-savings certificates, and postal money orders.

''(c) Mail addressed to the Canal Zone from or through the continental United States may be routed by the United States Postal Service to the military post offices of the United States Armed Forces in the Republic of Panama. Such military post offices shall provide the required directory services and shall accept such mail to the extent permitted under the Panama Canal Treaty of 1977 and related agreements. The Commission shall furnish personnel, records, and other services to such military post offices to assure wherever appropriate the distribution, rerouting, or return of such mail.''.

SEC. 3544. INVESTIGATION OF ACCIDENTS OR INJURY GIVING RISE TO CLAIM.

Section 1417(1) (22 U.S.C. 3777(1)) is amended to read as follows:

''(1) an investigation of the accident or injury giving rise to the claim has been completed, which shall include a hearing by the Board of Local Inspectors of the Commission; and''.

SEC. 3545. OPERATIONS REGULATIONS.

Section 1801 (22 U.S.C. 3811) is amended by striking ''President'' and inserting ''Commission''.

SEC. 3546. MISCELLANEOUS REPEALS.

(a) REPEALS.—The following provisions are repealed:

(1) Section 1605 (22 U.S.C. 3795), relating to interim toll adjustment.

(2) Section 1701 (22 U.S.C. 3801), relating to the authority of the President to prescribe certain regulations.

(3) Section 1702 (22 U.S.C. 3802), relating to the authority of the Panama Canal Commission to prescribe certain regulations.

(4) Title II (22 U.S.C. 3841–3852), relating to the Treaty transition period.

(5) Chapter 1 of title III (22 U.S.C. 3861), relating to cemeteries.

(6) Section 1246, relating to appliances for certain injured employees.

(7) Section 1251, relating to leave for jury or witness service.

(8) Section 1301, relating to Canal Zone Government funds.

(9) Section 1313(c), relating to audits.

(b) CLERICAL AMENDMENTS.—Section 1 is amended in the table of contents by striking each of the items relating to a title, chapter, or section repealed by subsection (a).

SEC. 3547. EXEMPTION.

(a) IN GENERAL.—Section 3302 is amended to read as follows:

''EXEMPTION

''SEC. 3302. The Commission is exempt from the provisions of subchapter II of chapter 6 of title 15, United States Code.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 is amended by striking the item relating to section 3302 and inserting the following:

''Sec. 3302. Exemption.''.

SEC. 3548. MISCELLANEOUS CONFORMING AMENDMENTS TO TITLE 5, UNITED STATES CODE.

Title 5, United States Code, is amended—

(1) in section 3401(1) by striking clause (v) and redesignating clauses (vi) through (viii) as clauses (v) through (vii), respectively;

(2) in section 5102(a)(1) by striking clause (vi) and redesignating clauses (vii) through (xi) as clauses (vi) through (ix), respectively;

(3) in section 5315 by striking ''Administrator of the Panama Canal Commission.'';

(4) in section 5342(a)(1) by striking subparagraph (G) and redesignating subparagraphs (H) through (L) as subparagraphs (G) through (K), respectively;

(5) in section 5343(a)(5) by striking ''the areas and installations'' and all that follows through ''Panama Canal Act of 1979),'';

(6) in section 5348—

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

(B) in subsection (a) by striking ''subsections (b) and (c)'' and inserting ''subsection (b)'';

(7) in section 5373 by striking paragraph (1) and redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively;

(8) in section 5537(c) by striking ''the United States District Court for the District of the Canal Zone, the District Court of Guam, and the District Court of the Virgin Islands.'' and inserting ''the District Court of Guam and the District Court of the Virgin Islands.'';

(9) in section 5541(2)(xii)—

(A) by inserting ''or'' after ''Services Administration,''; and

(B) by striking '', or a vessel employee of the Panama Canal Commission'';

(10) in section 7901 by amending subsection (f) to read as follows:

''(f) The health programs conducted by the Tennessee Valley Authority are not affected by this section.'';

(11) in section 5102(c) by repealing paragraph (12);

(12) in section 5924(3) by striking the last sentence thereof; and

(13) in section 6322(a) by striking '', or the Republic of Panama''.

SEC. 3549. REPEAL OF PANAMA CANAL CODE.

Section 3303 (22 U.S.C. 3602 note) is amended by adding at the end the following new subsection:

''(c) The Panama Canal Code is repealed effective on the date of the enactment of the Panama Canal Act Amendments of 1996.''.

SEC. 3550. MISCELLANEOUS CLERICAL AND CONFORMING AMENDMENTS.

(a) CLERICAL AMENDMENTS.—The table of contents in section 1 is amended in the items relating to sections 1101, 1102a, 1102b, and 1313 by inserting ''Sec.'' before the section number.

(b) CONFORMING AMENDMENT.—Section 1303 (22 U.S.C. 3713) is amended by striking ''section 1302(c)(1)'' each place it appears and inserting ''section 1302(b)(1)''.

The CHAIRMAN. No amendments to the committee amendment in the nature of a substitute are in order except amendments printed in House Report 104–570 and amendments en bloc described in section 3 of House Resolution 430.

Except as specified in section 4 of the resolution, the amendments shall be considered in the order printed, may be offered only by a Member designated in the report, shall be considered read and shall not be subject to a demand for a division of the question.

Unless otherwise specified in the report, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent of the amendment, and shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on National Security each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

By virtue of notice given pursuant to section 4(c) of the resolution, amendments A–1 and A–2 of part A of the report will be considered after other amendments in part A of the report have been disposed of. Consideration of those amendments shall begin with an additional period of general debate, confined to the subject of cooperative threat reduction with the states of the former Soviet Union. That period of debate shall not exceed 40 minutes, equally divided and controlled by the chairman and ranking minority member.

It shall be in order at any time for the chairman of the Committee on National Security or a designee to offer amendments en bloc consisting of amendments printed in part B of the report or germane modifications of any such amendment.

Amendments en bloc shall be considered as read, except that modifications shall be reported, shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The original proponent of an amendment included in amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Chairman of the Committee of the Whole may recognize for consideration of any amendment made in order by the resolution out of the order printed, but not sooner than 1 hour after the chairman of the Committee on National Security or a designee announces from the floor a request to that effect.

Pursuant to section 4(c) of the resolution, it is now in order to consider amendment No. A–3 printed in Part A of House Report 104–570.

AMENDMENT NO. A–3 OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. DELAURO:

At the end of title VII (page 298, after line 24), insert the following new section:

SEC. . RESTORATION OF PRIOR POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

(1) by striking out ''(a) RESTRICTION ON USE OF FUNDS.—''; and

(2) by striking out subsection (b).

The CHAIRMAN. Pursuant to the rule, the gentlewoman from Connecticut [Ms. DELAURO] and a Member opposed, each will control 20 minutes.

The Chair recognizes the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I yield myself 2 minutes.

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

Ms. DELAURO. Mr. Chairman, I offer this bipartisan amendment on behalf of myself, the gentleman from Massachusetts [Mr. TORKILDSEN], the gentlewoman from California [Ms. HARMAN], and the gentleman from Kentucky [Mr. WARD].

Our amendment strikes language adopted in last year's defense bills that would prohibit privately funded abortions from being performed at overseas military hospitals. This amendment restores the right to choose for female military personnel and dependents and it ensures that they are not denied safe medical care simply because they are assigned to duties in another country.

I want to emphasize several points about our amendment. First, it simply restores the previous policy that allowed women to use their own funds, let me repeat that, their own funds to pay for abortions in overseas military hospitals.

Second, no medical providers will be forced to perform abortions. This amendment preserves the conscience clause that already exists in the military services.

Third, this is not a new policy. Privately funded abortions were allowed at overseas military facilities from 1973 to 1988, including all but a few months of the Reagan administration, and from 1993 to 1996.

I am a strong supporter of our Nation's defenses, and deeply regret that efforts to advance an extreme social agenda have jeopardized funding for important defense priorities. This amendment simply restores previous policy and assures that women who serve in the Armed Forces have access to safe medical care. I urge support for this amendment.

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

Mr. DORNAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California [Mr. DORNAN] will control 20 minutes.

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

Mr. Chairman, there were some statements prior to now, not by the gentlewoman from Connecticut [Ms. DELAURO] but prior to that, that said we should not be discussing abortion yet again on the House floor and that they did not want this in a defense bill.

Mr. Chairman, it is public law. Clinton signed this type of legislation on last year's defense authorization. It went through several appropriations committees and several conferences and he signed it into law and did not even gripe about it. He was busy griping about other things.

It undid one of his five, what the Pope has called, culture of death Executive orders on his first day in office after the inauguration—and then finding their desks the second day—on the 20th anniversary of the fraudulent Roe versus Wade decision based on a rape that never happened and an abortion that never happened, Clinton signed an Executive order allowing abortions in all military hospitals, overseas and domestic, and, yes, it was a Dornan amendment in last year's defense authorization that caused him with his own pen to undo his own order of death. It is a done deed.

So here comes an amendment from the minority on the floor to discuss something they claim they do not want to discuss. Well, then, why are we doing it?

Because there are three other social issues on the defense bill that this chairman of the Subcommittee on Personnel did put in the chairman's mark, going back to the George Washington through Reagan-Bush policy that homosexuality is incompatible with military service. That is in there. No vote in full committee. No vote on the House floor.

The HIV amendment with merciful honorable discharge and even more medical benefits is back again. This is something that America would want if they studied it. A vote where it was like 39 to 13 or 14 in committee. No vote on the House floor. The gentleman from Massachusetts [Mr. TORKILDSEN] announced today they will try and resolve that in star chamber, secret conference but this is not a continuing appropriations conference. This is going to be the type of authorization defense conference that it survived in three weekends of hand-to-hand sort of verbal combat over this.

But the biggest of all, no homosexual in the military, and the amendment of the gentleman from Maryland [Mr. BARTLETT] that they would not vote in full committee on no Hustler magazine on our PX's a facilitator to the tune of almost $20 billion of pushing this kind of pornography, no vote on the House floor on that. Again they think they are going to roll us in conference on this.

So it comes down to one social issue debate, a 40-minute long debate on something that is already public law. They know they are going to lose. They are going to lose by something like in the 230's to 240's to 190 something. Why will they suffer this loss? Because they think that it will widen the gender gap.

But, Mr. Chairman, everybody who is advancing this, with the exception of the gentleman from Massachusetts [Mr. TORKILDSEN], voted for what the Vatican called a brutal act of aggression, infanticide, the so-called partial-birth execution-Mafia-style attack to the base of the baby's brain when it is 80 percent out of the mother's body, that which has been condemned by Rev. Billy Graham to Clinton's face on May 1 of this year and then he alluded to it in his beautiful remarks of May 2 where he said, and I read from where I put it in the CONGRESSIONAL RECORD—and his full remarks will be in the RECORD today—on the occasion of his getting the Gold Congressional Medal, he says, ''We are a society poised on the brink of self-destruction.''

Mr. Chairman, Mr. TORKILDSEN, everybody in this Chamber, Mr. DELLUMS, do you think the Pope was talking about minimum wage? Do you think Billy Graham is talking about minimum wage when he says we are poised on the brink of self-destruction? Is he talking about the B–2 bomber? Is he talking about a 4.3-cent tax on every gallon of gas? He is talking about the culture of death and the culture of degradation that we have imposed upon ourselves.

Thirty-three people that put Catholic in their bios voted for a brutal act of aggression on this House floor. Not the gentleman from Massachusetts [Mr. TORKILDSEN]. Not any Catholic who has the honor to put it in his biography on this side of the aisle. This abortion issue is wrecking our society. It is a brutal act of aggression against living human life with an immortal soul and not a single military doctor, male or female, has written to this chairman, not once, but I have had doctors write to me that we are to defend life in the military, we are here to keep our peace and provide for the common defense of our country, not to snuff out life in mother's wombs. That should not be a part of our defense budget and it is not, thanks to my amendment passing all the way through a star chamber appropriations process and an authorization process last year.

Mr. Chairman, I have more speakers than I can accommodate on our side. I will begin that line-up of speakers starting with Army doctors who are now serving on this side who watched this culture of death in the military and saw it happily ended finally at the end of the Reagan years and during the Bush years.

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

First of all let me just repeat, this simply restores previous policy allowing women to use their own funds. This was current law from 1973 through 1988, a full 7 years under the Reagan administration. Despite what the chairman would like to talk about in terms of new policy, this would restore us to what was current policy before the chairman introduced this into a defense authorization bill. No medical providers are forced to perform abortions. There is a conscience clause that already exists in the military services. This is about denying female members of the military and their dependents what their constitutional rights are in the United States.

If we were to follow what the chairman would like us to follow in doing, we would ask women who served in the military, who give of their time, their effort, their dedication to this Nation, to park their constitutional rights at the water's edge and go to foreign stations and perform their duty without safe and adequate health care and medical care.

Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN]. I am delighted to have his support on this issue.

□ 1830

Mr. TORKILDSEN. Mr. Chairman, I thank the gentlewoman for taking the initiative on this issue and for offering this amendment.

I think the overall defense bill is basically a good bill. It includes things like $428 million more than President Clinton asked for for family housing. But there are some problems in the bill, as I mentioned earlier, and the provision that the woman's amendment seeks to address is one of them. We all understand, whether we agree or not, that safe and legal access to abortion is the law of the land. It is shameful that this Congress has denied thousands of servicewomen, spouses of servicemen, and dependents who serve overseas, the basic law of our country.

The previous Department of Defense policy did not contribute any taxpayer funds for abortion services, and that is important. Also, as has been mentioned, any military personnel could refuse to perform or participate in this procedure.

I am a supporter of the Hyde amendment and I agreed with that previous Department of Defense policy. This amendment before us will simply allow women to use their own funds, let me repeat that, to use their own funds if they personally choose to seek an abortion. It is nothing more and nothing less than that.

Mr. Chairman, let us stop the policy that treats our women in uniform like second class citizens. Let us support this amendment and return common sense in this one very personal area back to our defense policy.

Mr. DORNAN. Mr. Chairman, I happily yield 1 minute to the gentleman from the beautiful State of Maryland, Mr. ROSCOE BARTLETT, a fellow grandfather of 10. He and I are in a dead heat here.

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Chairman, I rise today in strong opposition to the amendment offered by my friend and fellow committee member, Ms. DELAURO. Last year, H.R. 1530, the defense authorization bill, returned us to the policy that stood during the Reagan-Bush years that prohibited abortions from being performed at military hospitals. Today's amendment would strike this section of existing law and restore the radical change to this policy by Bill Clinton when he became President.

Mr. Chairman, it boggles my mind that we are even here today debating such an amendment. The purpose of our military is to save lives, not to take them. Most military doctors believe this so strongly it is next to impossible to find a military doctor who will perform an abortion. But to get around this policy, the pro-abortion forces are attempting to bring civilians into military facilities, who they will pay large sums of money, to perform abortions. Most members of the military medical corps are so outraged by this procedure that they do not feel comfortable being on the same base where abortions are being performed.

Bill Clinton tried social experimentation with the military once before and lost. Let us not make a similar mistake. Let us save innocent life, not take it. Let us abort the DeLauro amendmenmt.

Ms. DELAURO. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I thank the gentlewoman for her leadership on this, and I must say here comes the Congress acting as the moral policeman for our military people. You know, our military people cannot have the Constitution like everybody else. Oh, no, no, no. They are going to get the Congress. The Congress is going to tell them what to read, what to do, how to behave, everything.

But especially women. There is even in here they want to study women again. But if a woman is sent overseas and she is raped or if a woman is sent overseas and becomes seriously ill during her pregnancy, well, too bad. If she thinks she has a Constitution to protect her, no way. She has got the Congress saying she cannot even spend her own money in military installations overseas to deal with those kind of reproductive health programs. I think that is why there is a gender gap. This finger in your face to women constantly saying you may think you have rights, but none if you are in the military, we in the Congress are going to run your life 24 hours a day, that is what this amendment is about, treating them as second class citizens. And I think women are very tired of it.

We hear about the medical profession. As the gentlewoman from Connecticut has said over and over and over again, there is a conscience clause. No military person is ever forced to do something if it is against their conscience. But for crying out loud, why do you force women to check their constitutional rights, to say we totally surrender what you in Congress say we are going to have, and become second class citizens just for joining the military? This is wrong. Vote for the amendment.

Mr. DORNAN. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, out of respect for my worthy adversary, Mrs. SCHROEDER, she opened by saying here we go again preaching for morality to the military, or something like that. You mean like Tailhook, PAT, where I joined you on that? Like your name on a filthy sign at the Top Cat Follies at the beer mart where I joined you in defense of that? You bet we are discussing morality.

Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Idaho [Mrs. CHENOWETH].

Mr. CHENOWETH. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today to voice my emphatic opposition to the DeLauro amendment. This amendment would establish the practices of elective abortions in our military facilities overseas. Frankly, Mr. Chairman, I think it is a shame that we have to revisit this issue, since we have addressed it just this last February. In fact, the House has voted three times to prohibit abortions overseas in medical military facilities. Three times, Mr. Chairman. When it comes to this amendment's sponsors, what do you not understand, or what part of it do you not understand?

Mr. Chairman, we should not drag our service men and women into the abortion battle. Our military heroes need places of caring, healing, and strengthening. They need hospitals, not abortion clinics.

Ms. DELAURO. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, the honorable women who serve in the military need safe medical care, and they take care of this without any taxpayer expense. They pay $361 to the Office of the Treasury before any procedure. What we need to be concerned about is the health and safety of American women when they serve overseas.

Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, I rise to urge my colleagues to support the DeLauro amendment. When the 1996 Defense authorization bill became law, it banned privately funded abortion to U.S. military hospitals overseas, except in the case of rape or incest. The DeLauro amendment simply strikes this language.

Mr. Chairman, I understand that many of my colleagues disagree that a woman has a right to choose. I also understand many of my colleagues believe that Government funds should not be used to pay for abortions. But, Mr. Chairman, this is not a debate about abortion, and not a debate about Government subsidizing abortion. This is a debate about the safety of our soldiers in our armed services and their dependents.

The issue here is whether we are going to give a woman who is overseas, because we sent her there, her right to use a safe U.S. military medical facility. If a woman can freely use these facilities when she has the flu or appendicitis, why can she not go there for a legal procedure, particularly when she is using her own funds?

Now, the reality is, many of our women are stationed in countries where these medical procedures may be prohibited or where adequate medical facilities are not available. If we deny a woman adequate medical care on base, we may force her to an unsafe facility.

This ban does not make any sense. It makes a difficult decision even more difficult, and it needlessly risks the safety and health of women who are serving our country. I urge my colleagues to support the DeLauro amendment.

Mr. DORNAN. Mr. Chairman, I mentioned earlier we have former Army doctors serving with us on this side, and I yield 1 minute to the gentleman from Florida [Mr. WELDON], also an Army doctor.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, as was alluded to earlier, this is old ground we are going over today. This amendment has been defeated three times previously, and it is up again. I would urge all my colleagues to vote ''no'' on the DeLauro amendment.

I will say what I have said in the past. I am a former Army physician. I went into the military in 1981, and I can tell you that when I went in, we were very, very pleased with the Reagan administration policy banning abortions at military hospitals. The reason for that is because most doctors, even if they are pro-choice, most nurses, even if they are pro-choice, do not want to have anything to do with this procedure, because once you see it, you know exactly what it is. It is morally wrong to do it.

People go into the military because they want to defend their country. They do not want to be involved with this business. I think it is really wrong to be dragging our military into this debate.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. WARD], who is a cosponsor of the bill.

Mr. WARD. Mr. Chairman, let me first in response to the gentleman's assertion that people do not want to have anything to do with this procedure remind the gentleman and remind the House that no one has to be involved in this procedure. We have drawn into the law the opportunity for people to opt out, for medical professionals not to be

involved in this procedure if they choose not to.

But I rise in support of our women in uniform serving overseas. This amendment allows women stationed overseas to obtain safe health care at military hospitals with their own money. If enacted, this amendment would reinstate Department of Defense policy that was in place from 1973 until 1988, and was reinstated in 1993, and then banned in last year's authorization bill.

Our military servicewomen and military dependents deserve protection from foreign back alleys by allowing safe, legal, and comprehensive reproductive services.

Mr. DORNAN. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey [Mr. SMITH], one of our subcommittee chairmen.

Mr. SMITH of New Jersey. Mr. Chairman, the recent debate on legislation to ban partial-birth abortion was America's wake-up call on the inherent violence of abortion. Somehow, the euphemisms and attempts to sanitize the killing of unborn kids did not work as well that time as it has in the past.

Somehow, the seemingly benign, always self-assured pro-abortion lobby, including the folks at Planned Parenthood and NARAL, did not look so humane or caring as most in the Congress and a huge majority of American public reacted with shock, dismay and disgust when they learned that some abortionists were routinely delivering babies most of the way, only to stab the child in the back of the head with scissors and then suck the brains out of his or her head.

Most of us recognize child abuse when we see it, which brings me to the DeLauro amendment. When President Clinton issued an Executive order on January 22, 1993, to turn DOD health care facilities into abortion mills, every military obstetrician, nurse, and anesthesiologist refused to comply. In other words, they refused to destroy unborn babies.

That, Mr. Chairman, is moral courage. They, too, recognize child abuse when they see it, because the methods of abortion, the methods of extermination, are not really different from the violence used to kill a child in a partial-birth abortion.

In a suction abortion, Mr. Speaker, the so-called doctor cuts and dismembers the unborn baby with a loop shaped knife connected to a high powered suction device which is between 20 to 30 times more powerful than a household vacuum cleaner. Both the D&C abortion method and a D&E abortion also relies on dismemberment of the child's fragile little body. Limb by limb of an unborn baby, the neck, the torso, are all cut and dismembered—it's shocking and its child abuse.

In a saline abortion, a high concentration salt solution is injected into the baby's amniotic sack. The child breathes in that salt solution—the unborn child ''breathes'' amniotic fluid to develop his or her lungs—and the baby swallows it, and about 2 hours later the baby dies from the corrosive and toxic effects of the salt.

That is a child abuse, I say to my friends. The DeLauro amendment would facilitate the killing of unborn babies by dismemberment and by chemical poisoning.

I urge Members to vote down this misguided amendment, and keep the current law—the Dornan amendment—which allows abortions in military hospitals only in cases of rape, incest, or life of the mother.

Ms. DELAURO. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, first of all, once again, no personnel has to perform the procedure, because there is a conscience clause that exists. Understand that the Constitution of the United States of America allows women the right to an abortion. There is no reason why women who serve in the military have to leave their constitutional rights behind when they are sent overseas to serve this country, and they do it valiantly, and that they are not allowed to have the proper and adequate and safe health care.

Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

□ 1845

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from Connecticut and her cosponsors for the wisdom of this amendment.

There is no way, Mr. Chairman, that we could resolve this in an emotionally charged debate, which my colleagues on the Republican side of the aisle are attempting to do. This is a fair and evenhanded amendment that simply restores the rights of our military women who are serving this country and dedicating their lives to our freedom, to secure a legal abortion. This is simply a plain and evenhanded manner in which to allow them to use their own funds to protect their bodies and to protect their health.

It is crucial, Mr. Chairman, that we allow those who are in this particular condition to be treated fairly, and to likewise be treated as fairly as we would want those civilians who are not in the United States military.

Mr. Chairman, I simply say to my colleagues who have decided to give us a very descriptive detailing of procedures that are not even included in this particular amendment, that they would do well to be fair to American military women. Give them the right of all women, the right to choose.

Mr. Chairman, I rise in strong support of the DeLauro amendment. This amendment simply ensures that female military personnel and dependents stationed overseas can exercise the same constitutional right to choose that is available to all women in this country. In its present form the ban discriminates against women who have volunteered to serve their country by prohibiting them from exercising their legally protected right to choose simply because they are stationed overseas.

This ban may also cause a woman stationed overseas who is facing an unintended pregnancy to be forced to delay the procedure for several weeks until she can travel to a location where safe, adequate care is available. For each week an abortion is delayed, the risks to the women's health increases.

Furthermore, prohibiting women from using their own funds to obtain an abortion at overseas military facilities endangers their health. Women stationed overseas depend on their base hospitals for medical care, and are often situated in areas where local facilities are inadequate or unavailable. The current policy may force women facing pregnancy to seek out an illegal, unsafe abortion procedure.

The DeLauro amendment does not in any way, shape or form provide any Federal funds to pay for abortions. It is the patient, not the Federal Government, that would pay for the needed procedure.

Furthermore, this amendment will not force military doctors and health providers to perform abortions if it is in conflict with their beliefs.

This is not a new policy, it was in effect most of the Reagan administration. Mr. Chairman, I urge my colleagues to do the right thing—vote for the DeLauro amendment and restore this reasonable and healthy policy.

Mr DORNAN. Mr. Chairman, I yield 15 seconds to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, the D and C, the D and E, which are late-term dismemberment abortion methods, and the saline abortion method are routinely done in abortion mills in this country. There's nothing obscure about that, as suggested by the last speaker. If this language is approved, if the DeLauro amendment is approved, these methods of killing will begin in our military hospitals, turning them into abortion mills. That would be an outrage.

Let's not facilitate abortion. Vote 'no'' on the DeLauro amendment.

Mr. DORNAN. God forbid it.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Indiana, JOHN HOSTETTLER.

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

Mr. HOSTETTLER. Mr. Chairman, I rise in strong opposition to this amendment.

The Supreme Court has told us that we have to allow the killing of preborn children. It has not, however, told us that Government has an obligation to provide this service.

This amendment would obligate the United States to make sure abortion services and facilities are available at U.S. military bases.

It is the obligation that I believe the House soundly rejected last year on so many occasions, and for good reason we should reject it again.

For example, despite the assurances from the other side, I believe it is hard to argue there is no subsidy of abortion by U.S. taxpayers in this case.

There is a subsidy, though it may be indirect, because everything in our military medical systems is taxpayer-

funded—from the doctor's and nurse's education and availability, to the electricity powering the facility's equipment, to the very building itself.

In addition, abortion remains a very divisive practice, and allowing abortions to be performed on military installations would bring that discord and dissension right onto our military bases, complete with pickets and the like.

I think that the core principle at issue today—whether the Government is obligated to provide a right—is a serious issue with significant ramifications.

Does the freedom of the press guaranteed by the first amendment obligate the Federal Government to provide every interested American with a printing press? I think not.

Congress has the clear responsibility under the Constitution to provide for the rules and regulations of the military. We must not make it the policy of the United States to use its military facilities to destroy an innocent preborn life.

I urge a ''no'' vote on this amendment.

Ms. DELAURO. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, this was national policy between 1973 through 1988. There were no abortion mills. There was no picketing. This was what the law was in this country, and it resumed again in 1993 through 1996.

This is not a new policy. It goes back to what was policy under the Reagan administration.

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

Mr. FARR of California. Mr. Chairman, I rise in the debate on the DeLauro amendment. I think this debate is really not about abortion. I think it is about our national security.

National security assumes that you will have personal security. Existing law puts women in uniform at risk with their own health care. This amendment corrects that injustice which prohibits these same women in uniform from access to health care when they are in service abroad, even if they use their own money.

Think about it. Women in uniform have pledged to uphold the Constitution of this country, which grants those women choice in these procedures. But because of existing misguided law, when they serve overseas it is taken away from them. We must not discriminate against women simply because they serve in the defense of our country.

I urge support of the DeLauro-Harman-Ward amendment.

Mr. DORNAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Kentucky [Mr. LEWIS].

Mr. LEWIS of Kentucky. Mr. Chairman, I rise to speak against the DeLauro amendment to the national defense authorization bill.

One of President Clinton's first actions was an executive order that ended the Reagan-Bush ban on abortions in military hospitals overseas.

As I said last year, so much for Mr. Clinton's promise to make abortion safe, legal and rare.

Mr. Chairman, there are profound differences on this issue—in this country, and in this body. I believe abortion is the taking of an innocent life. Others feel differently.

But who believes taxpayers should have to fund military operating facilities that deliver babies in one room and kill them in the next?

Why should military doctors, who sacrifice many productive and lucrative years to serve their country, be put in this position?

Proponents of this bill say doctors can decline to perform abortions—and I'm sure many will. But will that display of conscience hurt their careers? Perhaps.

Our military doctors nurses, and corpsmen did not join the armed services to become abortionists.

While our service men and women may have to take a life in the defense of our country—they should never have to take the life of an innocent baby.

I urge my colleagues to vote ''no'' on the DeLauro amendment.

Ms. DELAURO. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN], a sponsor of the bill.

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

Ms. HARMAN. Mr. Chairman, I commend my colleague and friend, the gentlewoman from Connecticut, [Ms. DELAURO] for her leadership on this issue and stand here once again in defense of a woman's right to choose.

I have always been and continue to be a strong supporter of a strong national defense and I believe that, on balance, this bill contributes to achieving that goal.

But I regret that in crafting it, the committee expended as much as half of its markup time and energies debating divisive social issues, access to abortions, the sale of adult publications and videotapes on military bases, and whether to discharge HIV-infected service personnel.

I believe that the disproportionate amount of time debating these provisions distracted the committee from the central debate on how best to address, with the limited resources available, the serious defense needs our Nation faces as we approach the 21st century. I fear that the house is now embarked on a similar course.

Mr. Chairman, women who volunteer to serve in our Armed Forces already give up many freedoms, forego privacy, and risk their lives to defend our country. They should not have to sacrifice their privacy, their careers, their health, and perhaps even their lives to a policy with no valid military purpose.

Often times, local facilities are not equipped to handle a procedure or medical standards much worse than those in the United States. We are putting some of our own at risk. Even where safe abortions are available in the local economy, a servicewoman needs a leave from duty. The process of obtaining permission to seek nonmilitary medical care grossly violates normal boundaries of medical privacy. She must inform her immediate supervisor and others in the chain of command.

A combination of military regulations and practical hurdles mean that a pregnant servicewoman who needs an abortion may face lengthy travel, serious delays, high expenses, substandard medical options, restricted information, compromised privacy, and career consequences.

This constitutes an undue burden on the woman's right to choose. In Planned Parenthood versus Casey, judges used the term undue burden to analyze what kinds of Government restrictions on abortion improperly interfere with a woman's exercise of her right to choose. The judges defined undue burden as having the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion. *Casey*, 505 U.S. at 877. Barring medical military facilities from these procedures definitely places a substantial obstacle in the way of the servicewoman.

To unnecessarily jeopardize readiness in potentially hostile overseas engagements in order to return a servicewoman to the United States, or to force a woman who chooses to bravely serve her country and defend American interests to carry an unintended pregnancy to term, is irrational if not cruel.

This is bad policy—and likely unconstitutional law—and ought to be repealed.

Support the DeLauro amendment.

Mr. DORNAN. Mr. Chairman, it is not provision, it is law, and I yield 30 seconds to the gentleman from Florida, Mr. CLIFF STEARNS, who says he can get the truth done in half a minute.

Mr. STEARNS. Mr. Chairman, I rise this evening in strong opposition to the DeLauro-Harman-Ward amendment.

Let me pose this question for the citizens that are watching on television and let me pose this question to the people here in the Chamber. Do we want to be a facilitator for abortions at taxpayers' expense at our military hospitals? That is what the whole question is. Do we want to be facilitators or do we not?

I think the question is that over there, they want to facilitate abortions at taxpayers' expense in military hospitals and the majority of people on this side do not agree. It is that simple.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would apprise the gentleman and other speakers that they are to address the Chair and not the television audience.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Chairman, I thank the gentlewoman for yielding me this time.

American women should not have to check their reproductive rights at the door once they enlist in the U.S. military. This amendment would simply allow U.S. servicewomen to spend their own money should they require an abortion.

Thousands of our servicewomen are stationed in countries like Saudi Arabia where abortions are illegal. This leaves them no choice but to have their abortions performed at a U.S. military facility. Why should our servicewomen have their bodies governed by Saudi law and not American law?

If men were the ones getting pregnant, Mr. Chairman, I am certain none of us would even be here right now. We need to pass the DeLauro amendment.

Mr. DORNAN. Mr. Chairman, I yield 1 minute to the gentleman from Kansas, Mr. TODD TIAHRT, a valuable member of my subcommittee.

Mr. TIAHRT. Mr. Chairman, I rise in opposition to the gentlewoman's amendment. The amendment requires the American people to subsidize facilities for the taking of life of the most helpless among us, the unborn child. Most of the American people do not want to go out of their way to ensure a preborn child is killed, let alone paying for the medical facility in which the abortion is committed.

Our views often do not agree on this issue, but one thing the vast majority do agree on, and that is they do not want their tax dollars going to fund abortions. The Reagan and Bush administrations did not allow abortions in overseas hospitals, Congress has voted three times to prohibit it, once in the DOD appropriations bill and twice in the national security appropriations bill.

I urge my colleagues to once again vote no on the DeLauro amendment.

Ms. DELAURO. Mr. Chairman, I yield myself 15 seconds.

There is no taxpayer money involved in this. The women pay for the services themselves. This was law under 7 years of the Reagan administration. This is not new policy. It goes back to what was current policy in this country.

Mr. Chairman, I yield 30 seconds to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, we must not deny our servicewomen their legal rights when they leave the U.S. soil. The current ban on abortions in military hospitals makes military women second class citizens.

Now, whether we like it or not, abortion is legal. Roe versus Wade is the law of the land, and all women have the right to access a safe abortion, and that includes military women.

For the health and safety of our servicewomen, I urge support for the DeLauro amendment.

Mr. DORNAN. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from California [Mr. DORNAN] has 5 minutes remaining, and the gentlewoman from Connecticut [Ms. DELAURO] has 5½ minutes remaining.

Mr. DORNAN. Mr. Chairman, I yield myself 1 minute to clear up a point here.

Every person who has spoken today, except one, voted for Mafia execution-style assault to the base of the brain so-called partial birth infanticide. So I do not mind telling my colleagues what they are not telling them today, and that is that military hospitals are federally funded. Everything in there from the electricity to the equipment is taxpayer financed.

And, Mr. Chairman, when Clinton ordered the military in 1993 to make abortions available, the Pentagon started looking into hiring civilian abortionists to perform the killing procedure, which means the Clinton administration, a pro abortion, on demand for any reason or no reason at all administration, actually planned on hiring new personnel at our taxpayer expense.

Those are the facts, Jack, Mr. Chairman.

Mr. Chairman, I yield 1 minute to my colleague, the gentleman from San Diego, CA, Mr. DUNCAN HUNTER.

□ 1900

Mr. HUNTER. Mr. Chairman, I thank my friend for yielding me the time.

Mr. Chairman, I think one of the most important points that has been made in this debate was the statement by Mr. WELDON, who was a military doctor, to the effect that having the abortions in military hospitals was demoralizing. It was demoralizing to the nurses. It was demoralizing to the doctors. And I would say even if we bring in outside doctors, introducing the specter of abortion in military hospitals is going to demoralize the military.

Every great general has talked about the importance of military morale and being fair to soldiers, allowing them to have their own moral code and moral culture. If the gentlewoman says, and I heard her say that stopping abortion is not militarily relevant, I would simply answer to her that abortion itself is not militarily relevant. If we have abortions at the sacrifice of morale, then we have done an injustice to the fighting man. We have done an injustice to the military system.

I hope that my colleagues would vote against this amendment.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in strong support of the DeLauro amendment and commend the gentlewoman from Connecticut [Ms. DELAURO] for her leadership and courage in bringing this amendment to the floor.

I am pleased to join a long line of women Members of Congress for this amendment to strike the prohibition prohibiting the honorable women serving overseas from using their own funds, I repeat, their own funds to obtain full reproductive rights at military medical facilities, full reproductive services.

Mr. Chairman, addressing the concern expressed by our colleague about the morale in the armed services, what about the morale of the women in the armed services? There was no lessening of morale from 1973 to 1988, when this very policy was in effect. There was no lessening of morale, lowering of morale from 1993 to 1996, when this same policy was in effect.

Mr. Chairman, when a woman chooses to serve her country, she volunteers to risk her life for her country. Her bravery should not be met by a danger to her health and a violation of her constitutional rights.

I urge our colleagues to support the DeLauro amendment.

Mr. DORNAN. Mr. Chairman, I yield myself 1 minute and 15 seconds.

Mr. Chairman, I want to point out again that, if those on our side had failed last year to make this public law—I wish I had the line and verse where it is public law—and the Congress had not changed the leadership on November 8, 1994, and we are trying to ban partial birth execution style infanticide in military hospitals, the same players would be on the floor with the exception of one who has spoken so far making that case of brutal act of aggression, what Billy Graham said causes us to be poised on the brink of self-destruction, which he told Clinton in the Oval Office on May 1.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. DORNAN. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Chairman, what is the gentleman suggesting? I believe in this body we all respect each other's opinions, and we all respect our rights to have differing opinions. Is the gentleman questioning the morality of Members of Congress?

Mr. DORNAN. No, Mr. Chairman. What I am suggesting is that we crossed the Rubicon into infanticide, as Billy Graham suggests, Mother Teresa, the Pope, great bishops of the Protestant faith and every single Catholic bishop. We now have a new issue on this floor, Mafia style execution abortion of a living child.

Mr. Chairman, I yield 30 second to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, just to respond briefly to my friend, the gentlelady from California. Ms. PELOSI's argument is that prolifers who assert that abortion is morally wrong are trying to set themselves up as being morally superior. Her argument has surface appeal, and is a very nice ploy and distraction, but it does not carry any weight and misses the mark completely.

I believe that our position, not me personally but our position, in favor of defending innocent lives from dismemberment, chemical poisoning and

other brutal, violent methods employed by the abortionists is right and moral and I make absolutely no apologies for that.

I judge no one. I look at the deed—killing babies—and make judgments about the deed and whether this Congress should facilitate this unethical deed.

Ms. PELOSI. Is the gentleman questioning the morality of those who disagree with him?

Mr. SMITH of New Jersey. On this issue, I question the morality of your position to facilitate the killing of unborn babies.

Ms. DELAURO. Mr. Chairman, I yield I minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the DeLauro amendment, which would restore the guarantee that women serving in our Armed Forces can exercise their full range of constitutionally protected rights.

This amendment is not about using U.S. taxpayers dollars to finance abortion. Rather, it is an effort to assure that servicewomen based in countries that do not allow abortion will be able to access the medical facilities which we provide for them to attend to their own medical needs as they see fit. Even if women are serving in developing countries where abortion is legal, they are not likely to find the same high standards of cleanliness, safety, and medical expertise available at a U.S. facility.

The DeLauro amendment would simply allow servicewomen to obtain the same range of health services at those facilities that they can now obtain at home. This is not a complicated issue. The amendment would assure that women of our Armed Forces that they need not sacrifice their constitutional rights in order to serve their country. It would also assure our military men that their spouses would retain their full rights.

I urge members to support the DeLauro amendment.

Mr. DORNAN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, both before and after the dreaded and horrific Dred Scott decision, it was constitutional law in this country to steal people's whole lives and keep them in chains. It was called slavery. In Nazi Germany, it was legal to slaughter men, women, and children according to their religious heritage.

There are things that are legal in this country that are tearing us apart and bringing us, to quote Dr. Graham again, to the brink of self-destruction.

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

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I thank the gentlewoman for yielding me the time, and I rise in strong support of the DeLauro amendment.

Mr. Chairman, what we have before us today is yet another attempt to repeal choice, procedure by procedure. The new Republican majority has passed 17 separate antichoice pieces of legislation, chipping away at a woman's right to choose. Today the radical right wants to deny U.S. servicewomen serving overseas the same freedoms they enjoy in the United States: The freedom to pay out of their own pockets to have an abortion. In other words, American servicewomen are overseas protecting our freedom while Congress is busy at home repealing their freedom and constitutional right to have choice.

Enough is enough. Support the DeLauro amendment.

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

My staff has helped me, for those who follow these proceedings, Mr. Chairman, tell the world and the whole country, sea to shining sea, it is number 10 U.S. Code, 1093B. That is Public Law 104–106. It is law.

If I am an extremist, so are most of the bishops in this country, all the Catholic bishops, Mother Teresa, the Pope, and Billy Graham.

Why did everybody on that side of the aisle who maintains this is extremism vote the gold Congressional Medal to Billy Graham, who says this issue is one of many that brings us to the edge of self-destruction?

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

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, today I rise in support of the DeLauro-Harman amendment and all women who want to exercise their constitutional right to choose. American women are simply sick and tired of men who want to control our bodies, including the Catholic bishops. Our military women are not second-class citizens who can be denied the right to pay for their own abortions.

Mr. Chairman, these women serve our country. It is hypocritical to ask them to defend our Nation but restrict their rights while they are doing it. A military woman may find herself in a position of having no other medical facility available except our own military hospital. If she is willing to pay for abortion services, they certainly should be made available. I know of no medical services that are denied to men. Support the DeLauro amendment. Servicewomen stationed overseas must have the same access to abortion services as do women in the United States.

The CHAIRMAN. The gentleman from California, [Mr. DORNAN] has 15 seconds remaining and has the right to close, and the gentlewoman from Connecticut [Ms. DELAURO] has 1½ minutes remaining.

Ms. DELAURO. Mr. Chairman, I yield 1 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the DeLauro-Torkildsen-Ward-Harman amendment. This amendment does not impact or require the use of State funds. What this amendment does is put the health of our military women at risk.

Many of these women are stationed in countries where there is no access to safe and legal abortions outside of the military hospitals. A woman forced to seek an abortion at local facilities or forced to wait to travel to acquire safe abortion services faces tremendous health risks. It is unimaginable to me and to the American people that we would reward American servicewomen who have volunteered to serve this Nation by violating their constitutional right to a safe abortion.

Mr. Chairman, I urge Members to support the DeLauro amendment.

Ms. DELAURO. Mr. Chairman, I yield 30 seconds to the gentlewoman from California [Ms. MILLENDER-MCDONALD].

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise in strong support of the DeLauro-Harman amendment. I am proud of the women who serve as members of our Nation's military service. Enough is enough. Women in service who do a job for our Nation should be given the opportunity to receive the same legal, medical services as women at home.

Mr. Chairman, I urge my colleagues to support the DeLauro-Harman amendment.

The CHAIRMAN. The gentleman from California [Mr. DORNAN] has 15 seconds remaining for the purpose of closing the debate.

Mr. DORNAN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, just in one service, almost 1,300 women became pregnant during Desert Storm or Desert Shield. They were all sent home to either give birth or kill the fetus inside of them. There was no problem there, no one was put at medical risk.

I urge my colleagues to once again join me in opposition to taxpayer-financed, funded abortions.

Mr. DELLUMS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the DeLauro amendment. At the outset, let me read what I perceive to be an important legal memorandum: Government regulation of abortion may not constitute an undue burden on the right to choose abortion. The joint opinion in Planned Parenthood versus Casey, adjudicated in 1992, defines an undue burden as having the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion. For a law to pass muster, it must have a valid purpose, one not designed to strike at the right itself. It also must not impose a serious barrier to access.

Mr. Chairman, closing military medical facilities to abortion clearly places a substantial obstacle in the path of a servicewoman who needs this procedure. A combination of military regulations and practical hurdles means that a pregnant servicewoman who needs an abortion may now face

lengthy travel, serious delays, high expenses, substandard medical options, restricted information, compromised privacy, career consequences, and an almost complete absence of free choice throughout her decisionmaking process.

Given these circumstances, the facilities ban unconstitutionally burdens the right to choose of American servicewomen.

What I believe this says, Mr. Chairman, beyond the obvious constitutional implications, is that, while the matter that triggers this debate is one of abortion, it is this gentleman's opinion that this is not about abortion. This is an issue of simple fairness.

Mr. Chairman, as I said last year, we applaud women who go into service. We applaud their patriotism. We applaud their courage. We applaud their service to this country.

□ 1915

But when it comes down to their rights and prerogatives, they then become second class citizens.

I think there is something contradictory and hypocritical, unconstitutional and unfair about that. This is an issue of fairness, not about abortions; make no mistake about that. Members have many platforms to debate and to discuss this issue. But the few times we come here to discuss the matter of fairness, we ought to discuss the matter of fairness.

I hope my colleagues will vote in favor of the DeLauro amendment on the basis of fairness and the basis of integrity and applaud the servicewomen who serve this country with great brilliance and great courage.

Mr. Chairman, I yield the balance of my time to the distinguished gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I thank the ranking member of the Committee on National Security for yielding. Let me just say to my colleagues in closing that I want to emphasize that this amendment is not about public funding, nor is it about special treatment. As the ranking member has said, this is a matter of simple fairness. It is about preserving the right to choose and save health care for American military women, women who are far from home, far from their families and who sacrifice, sacrifice their lives every single day, for the United States of America. They are protected under the Constitution of the United States, and if they were to serve their time in this country the right to choose would be protected.

We have said to them, ''We will send you overseas. Fight for the United States, for its freedom and its democracy,'' and yet we would take that freedom and democracy away from them. We ask them to leave their constitutional rights at the border. It is wrong. It is about upholding the Constitution, and it is letting military women and their dependents maintain those rights. It is about fairness for military women.

I urge the support of this amendment, and I would just say to my colleagues this is antiwomen. Make no mistake about what is being done here. We have an obligation and we have a commitment to those who serve on our behalf, men and women. Do not deny women in this country their constitutional rights because they want to serve and they willingly serve on our behalf.

This is at their own expense. There is a conscience clause. No doctor, no nurse has to provide this kind of a service. The women pay for it themselves. We have made sure that not a dime of taxpayers' money is being spent on their behalf. They make their checks out to the U.S. Treasury.

Let us protect women's rights, let us make sure they have safe and healthy health care when they are abroad.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I have the vote on the DeLauro amendment last year when she was beaten 230 to 196, and this amendment became, my amendment became, public law to protect human life. The vote was 230 to 196. We know it is not going to change much. I know we are engaging in Presidential politics here, trying to widen the gender gap. But I think that if people will listen to a repeat of my former remarks that I ask unanimous consent to insert in the RECORD at this point, which answers all of the taxpayer funding provisions, all of the safety provisions for women getting military air transport to come home and do what they will, it solves all of those problems.

Mr. SPENCE. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I would like to make one point.

I have talked to hundreds of military doctors, and the fact is they do not care to perform abortions, they do not want to perform abortions. This is the practice today, that we do not do this in military hospitals. Military physicians do not wish to perform this procedure, and so it should be stopped there. People who perform abortions in this country do it because they so want to, and physicians as a group, the military physicians, have chosen not to perform this procedure.

Mr. SPENCE. Mr. Chairman, I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I will not use all of my 2 minutes. I would like to yield again to one of the many Republican women from the freshman class on this side to make a very brief point. But first I want to read in slight detail Dr. Billy Graham's words in the rotunda when by a unanimous vote he got the Gold Medal of Freedom from Congress. He says:

> Tensions threaten to rip apart our cities and neighborhoods. Crime and violence is of epidemic proportions in most of our cities among the young. Children take weapons to school. Broken families, poverty, drugs, teenage pregnancy, corruption; the list is almost endless.

Would the first recipients of the congressional award and he referred to George Washington in his opening, even recognize our society that they sacrificed to establish? Doctor Graham says:

> I fear not. We have confused liberty with license, and we are paying the awful price. We are a society poised on the brink of self destruction.

The culture of death involving abortion, Mr. chairman, is why this country is unraveling.

Mr. SPENCE. How much time do I have remaining, Mr. Chairman?

Mr. CHAIRMAN. The gentleman from South Carolina has 1½ minutes remaining.

Mr. SPENCE. Mr. Chairman, I yield the balance of our time to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. chairman, I thank the gentleman for yielding.

In response to a comment made by the gentlewoman from Connecticut [Ms. DELAURO], I just wanted to say that this issue is not an issue that is antiwoman. I am a freshman woman, and I want the RECORD to show that this is not an antiwoman issue. This issue is plain and simple. This is an issue that asks the question do we want Federal taxpayers' money paying for abortions in military hospitals overseas?

Mr. NADLER. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from Connecticut and ask unanimous consent to revise and extend my remarks.

Mr. Chairman, this amendment poses a question of single justice and decency for the members of this House: should the women in our armed forces, who willing place their lives on the line to defend our freedom be entitled to the same rights as everyone else?

These women are not asking for any special privileges, or for publicly funded abortions. All they seek is the right to use their own personal money, and receive medical services which are the constitutionally protected right of every American woman.

Now I know that this is an election year.

I know that some of our colleagues need to do a little grandstanding for the extremist right.

I know that American service women are not a potent voting or fundraising bloc.

But for all the loud rhetoric we hear from the self-styled patriots day after day on this floor, you would think a little respect, and a little decency, might creep into their actions.

Honor our women in uniform with more than just rhetoric. Leave politics at the door just this once. Support the DeLauro amendment.

Ms. WOOLSEY. Mr. Chairman, I would like to remind this Congress that the Constitution applies to all Americans, including women in the Armed Forces.

But, current law prohibits women in the armed services from paying for abortions in military hospitals. This is an assault on the spirit of Roe. Plain and simple.

Roe versus Wade is the law of the land. In spite of that, military policy states that if you

are a woman, and you need an abortion, but happen to serve our country in the military overseas—tough luck.

To all my colleagues, regardless of your position on choice, ask yourself a question. What would you want for your daughter, or your sister, or your wife? If she were stationed overseas, wouldn't you want her to go to the hospital of her choice? Wouldn't you want her to go to an American military hospital?

Vote yes on the DeLauro amendment, and cast a vote for women in the military.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of the DeLauro, Torkildsen, Harman, and Ward amendment to the Defense Department authorization fiscal year 1997 that would reinstate the rights of American citizens to make decisions about their personal and reproductive health when they are overseas and to otherwise receive their medical care at a U.S. military medical facility.

This amendment will correct a provision inserted in the Defense Department authorization fiscal year 1996 by the radically conservative Republicans that prohibited U.S. military facilities overseas from performing certain medical procedures for servicewomen or a female military dependent. Even if these U.S. citizens would pay for the procedure out of their own pocket, military doctors were prevented from assisting these women in receiving the same medical care and attention that they would be entitled to by law if they were in the United States.

This amendment will only permit the use of private funds by the U.S. citizen in exercising her rights to determine her own health choices. All costs to the Federal Government for use of the facilities will be compensated. No medical provider will be forced to perform abortions. This amendment restores previous DOD policy. This amendment protects military servicewomen and military dependents from foreign back alleys by allowing safe, legal, and comprehensive health services to be provided by U.S. medical personnel in U.S. facilities.

This is a bipartisan amendment to protect U.S. citizens overseas. I urge my colleagues to support the DeLauro amendment.

Ms. BROWN of Florida. Mr. Chairman, as a member of the House Veterans' Affairs Committee, I am constantly appalled by the discrimination that women veterans experience. This issue is just another example of how women are treated differently than men. There is never a discussion of cost for health care for men, but only for women. When it's women we're talking about we get all kinds of attention and charts, and so forth.

The military is not the appropriate place for this Congress to play moral policeman. Let's leave these women alone. Let's, instead, focus the debate on military readiness—and the best way to prepare the military to protect and defend our Nation.

Let's put fairness back in the system. Let's treat men and women the same. I urge my colleagues to support the DeLauro amendment.

This bill contains a provision to continue the practice of restricting a woman's access to a safe abortion while she is stationed at an overseas military facility. I believe that this is wrong.

In 1993, President Clinton signed an Executive order declaring that a woman who was stationed overseas could obtain an abortion if she paid for it privately. With the recently enacted fiscal year 1996 Defense bill, this Congress overturned the President's Executive order. This bill continues the same wrongheaded rule. Congresswoman DELAURO will offer an amendment to overturn this provision, so that the law reflects the President's Executive order.

The military is not the appropriate place for this Congress to play moral policeman. Let's leave these women alone. Let's, instead, focus the debate on military readiness—and the best way to prepare the military to protect and defend our Nation.

The potential danger in requiring a long wait for a woman to return to the United States to receive medical care may adversely affect our readiness. If a woman wants to use private funds to pay for an abortion, it is our responsibility to ensure that she can get a safe one at a military facility.

The bottom line is very clear: Prohibiting a woman from obtaining an abortion if she is stationed overseas will not improve military readiness.

I support women having the ability to exercise their constitutional right to have an abortion while serving in the military overseas. Especially if she is willing to use her own private money. It is the right thing to do. It was the Clinton administration policy. It was the Reagan administration policy. It made sense then. It makes sense now. I urge my colleagues to support the DeLauro amendment.

Mr. EMERSON. Mr. Chairman, I rise today in opposition to the DeLauro amendment.

It is my hope that today with the support of my colleagues we will continue to show our support for the Reagan-Bush policy, reinstated last year, prohibiting the performance of abortions at overseas U.S. military medical facilities, except when the life of the mother is in danger. I strongly oppose spending my fellow citizens tax dollars on abortions in the United States and cannot see sending their money to military medical facilities across the world that perform abortions.

Ms. DELAURO claims no Federal money is involved because the abortion procedure is paid for by the woman. She must realize, however, that the military hospitals that perform abortions are federally funded and procedures at these facilities are subsidized by the U.S. Government with our tax dollars. I strongly oppose the DeLauro amendment and urge my colleagues to do the same.

Over the past few years military doctors stationed at these overseas facilities have been forced to perform abortions no matter what their personal beliefs may be. No one should be coerced into doing something as unethical and immoral as taking the life of an unborn child, especially a military doctor whose purpose and duty is to preserve life. I do not believe U.S. taxpayers should be coerced into subsidizing abortions both in this country or in its military medical facilities overseas. I urge my colleagues to support the Dornan amendment, and oppose the DeLauro substitute.

Mr. SPENCE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut [Ms. DELAURO].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 225, not voting 16, as follows:

[Roll No. 167]

AYES—192

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Berman
Bishop
Boehlert
Bonior
Bono
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
Cummings
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Durbin
Edwards
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Ford
Fowler
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Klug
Kolbe
Lantos
Leach
Levin
Lewis (GA)
Lofgren
Longley
Lowey
Luther
Maloney
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McInnis
McKinney
Meehan
Meek
Menendez
Meyers
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moran
Morella
Nadler
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Ramstad
Rangel
Reed
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Tanner
Thomas
Thompson
Thurman
Torkildsen
Torres
Torricelli
Traficant
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Zeliff

NOES—225

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Borski
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan

Doyle	Kingston	Rahall
Dreier	Kleczka	Regula
Duncan	Klink	Roberts
Ehlers	Knollenberg	Roemer
Emerson	LaFalce	Rogers
English	LaHood	Rohrabacher
Ensign	Largent	Ros-Lehtinen
Everett	Latham	Roth
Ewing	LaTourette	Royce
Fields (TX)	Lazio	Salmon
Flanagan	Lewis (CA)	Sanford
Forbes	Lewis (KY)	Saxton
Fox	Lightfoot	Scarborough
Frisa	Linder	Schaefer
Funderburk	Lipinski	Seastrand
Gallegly	Livingston	Sensenbrenner
Ganske	LoBiondo	Shadegg
Gekas	Lucas	Shuster
Gillmor	Manton	Skeen
Goodlatte	Manzullo	Skelton
Goodling	Mascara	Smith (MI)
Goss	McCollum	Smith (NJ)
Graham	McCrery	Smith (TX)
Greene (UT)	McDade	Smith (WA)
Gunderson	McHugh	Solomon
Gutknecht	McIntosh	Souder
Hall (OH)	McKeon	Spence
Hall (TX)	McNulty	Stearns
Hamilton	Metcalf	Stenholm
Hancock	Mica	Stockman
Hansen	Moakley	Stump
Hastert	Montgomery	Stupak
Hastings (WA)	Moorhead	Talent
Hayworth	Murtha	Tate
Hefley	Myers	Tauzin
Heineman	Myrick	Taylor (MS)
Herger	Neal	Taylor (NC)
Hilleary	Nethercutt	Tejeda
Hobson	Neumann	Thornberry
Hoekstra	Ney	Tiahrt
Hoke	Norwood	Upton
Hostettler	Nussle	Volkmer
Hunter	Ortiz	Vucanovich
Hutchinson	Orton	Walker
Hyde	Oxley	Walsh
Inglis	Packard	Wamp
Istook	Parker	Watts (OK)
Johnson, Sam	Peterson (MN)	Weldon (FL)
Jones	Petri	Weldon (PA)
Kanjorski	Pombo	Weller
Kaptur	Portman	Whitfield
Kasich	Poshard	Wicker
Kildee	Quillen	Wolf
Kim	Quinn	Young (AK)
King	Radanovich	Young (FL)

NOT VOTING—16

de la Garza	Mollohan	Shaw
Hayes	Oberstar	Thornton
Holden	Paxon	Towns
Laughlin	Pryce	Zimmer
Lincoln	Riggs	
Molinari	Serrano	

□ 1943

The Clerk announced the following pairs:

On this vote:

Ms. Pryce for, with Mr. Riggs against.

Mr. Serrano for, with Mr. Paxon against.

Mr. ENSIGN and Mr. ORTIZ changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1945

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in part A of House Report 104–570.

Does the gentleman from Massachusetts [Mr. TORKILDSEN] wish to offer amendment No. 4?

If not, it is now in order to consider amendment No. 5 printed in part A of the report.

Does the gentleman from New Jersey [Mr. SAXTON] wish to offer amendment No. 5?

If not, it is now in order to consider amendment No. 6 printed in part A of the report.

AMENDMENT NO. A–6 OFFERED BY MR. SHAYS

Mr. SHAYS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SHAYS:

At the end of title X (page 359, after line 20), insert the following new section:

SEC. . DEFENSE BURDENSHARING.

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

(1) Although the Cold War has ended, the United States continues to spend billions of dollars to promote regional security and to make preparations for regional contingencies.

(2) United States defense expenditures primarily promote United States national security interests; however, they also significantly contribute to the defense of our allies.

(3) In 1993, the gross domestic product of the United States equaled $6,300,000,000,000, while the gross domestic product of other NATO member countries totaled $7,200,000,000,000.

(4) Over the course of 1993, the United States spent 4.7 percent of its gross domestic product on defense, while other NATO members collectively spent 2.5 percent of their gross domestic product on defense.

(5) In addition to military spending, foreign assistance plays a vital role in the establishment and maintenance of stability in other nations and in implementing the United States national security strategy.

(6) This assistance has often prevented the outbreak of conflicts which otherwise would have required costly military interventions by the United States and our allies.

(7) From 1990–1993, the United States spent $59,000,000,000 in foreign assistance, a sum which represents an amount greater than any other nation in the world.

(8) In 1995, the United States spent over $10,000,000,000 to promote European security, while European NATO nations only contributed $2,000,000,000 toward this effort.

(9) With a smaller gross domestic product and a larger defense budget than its European NATO allies, the Untied States shoulders an unfair share of the burden of the common defense.

(10) Because of this unfair burden, the Congress previously voted to require United States allies to bear a greater share of the costs incurred for keeping United States military forces permanently assigned in their countries.

(11) As a result of this action, for example, Japan now pays over 75 percent of the nonpersonnel costs incurred by United States military forces permanently assigned there, while our European allies pay for less than 25 percent of these same costs. Japan signed a new Special Measures Agreement this year which will increase Japan's contribution toward the cost of stationing United States troops in Japan by approximately $30,000,000 a year over the next five years.

(12) These increased contributions help to rectify the imbalance in the burden shouldered by the United States for the common defense.

(13) The relative share of the burden of the common defense still falls too heavily on the United States, and our allies should dedicated more of their own resources to defending themselves.

(b) EFFORTS TO INCREASE ALLIED BURDENSHARING.—The President shall seek to have each nation that has cooperative military relations with the United States (including security agreements, basing arrangements, or mutual participation in multinational military organizations or operations) take one or more of the following actions:

(1) For any nation in which United States military personnel are assigned to permanent duty ashore, increase its financial contributions to the payment of the nonpersonal costs incurred by the United States Government for stationing United States military personnel in that nation, with a goal of achieving the following percentages of such costs:

(A) By September 30, 1997, 37.5 percent.

(B) By September 30, 1998, 50 percent.

(C) By September 30, 1999, 62.5 percent.

(D) By September 30, 2000, 75 percent.

An increase in financial contributions by any nation under this paragraph may include the elimination of taxes, fees, or other charges levied on United States military personnel, equipment, or facilities stationed in that nation.

(2) Increase its annual budgetary outlays for national defense as a percentage of its gross domestic product by 10 percent or at least to a level commensurate to that of the United States by September 30, 1997.

(3) Increase its annual budgetary outlays for foreign assistance (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights) by 10 percent or at least to a level commensurate to that of the United States by September 30, 1997.

(4) Increase the amount of military assets (including personnel, equipment logistics, support and other resources) that it contributes, or would be prepared to contribute, to multinational military activities worldwide, including United Nations or regional peace operations.

(c) AUTHORITIES TO ENCOURAGE ACTIONS BY UNITED STATES ALLIES.—In seeking the actions described in subsection (b) with respect to any nation, or in response to a failure by any nation to undertake one or more of such actions, the President may take any of the following measures:

(1) Reduce the end strength level of members of the Armed Forces assigned to permanent duty ashore in that nation.

(2) Impose on that nation taxes, fees, or other charges similar to those that such nation imposes on United States forces stationed in that nation.

(3) Reduce (through rescission, impoundment, or other appropriate procedures as authorized by law) the amount the United States contributes to the NATO Civil Budget, Military Budget, or Security Investment Program.

(4) Suspend, modify, or terminate any bilateral security agreement the United States has with that nation.

(5) Reduce (through rescission, impoundment or other appropriate procedures as authorized by law) any United States bilateral assistance appropriated for that nation.

(6) Take any other action the President determines to be appropriate as authorized by law.

(d) REPORT ON PROGRESS IN INCREASING ALLIED BURDENSHARING.—Not later than March 1, 1997, the Secretary of Defense shall submit to Congress a report on—

(1) steps taken by other nations to complete the actions described in subsection (b);

(2) all measures taken by the President, including those authorized in subsection (c), to achieve the actions described in subsection (b); and

(3) the budgetary savings to the United States that are expected to accrue as a result of the steps described under paragraph (1).

(e) REPORT ON NATIONAL SECURITY BASES FOR FORWARD DEPLOYMENT AND

BURDENSHARING RELATIONSHIPS.—(1) In order to ensure the best allocation of budgetary resources, the President shall undertake a review of the status of elements of the United States Armed Forces that are permanently stationed outside the United States. The review shall include an assessment of the following:

(A) The alliance requirements that are to be found in agreements between the United States and other countries.

(B) The national security interests that support permanently stationing elements of the United States Armed Forces outside the United States.

(C) The stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(D) The alternatives available to forward deployment (such as material prepositioning, enhanced airlift and sealift, or joint training operations—to meet such alliance requirements or national security interests, with such alternatives identified and described in detail.

(E) The costs and force structure configurations associated with such alternatives to forward deployment.

(F) The financial contributions that allies of the United States make to common defense efforts (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights).

(G) The contributions that allies of the United States make to meeting the stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(H) The annual expenditures of the United States and its allies on national defense, and the relative percentages of each nation's gross domestic product constituted by those expenditures.

(2) The President shall submit to Congress a report on the review under paragraph (1). The report shall be submitted not later than March 1, 1997, in classified and unclassified form.

The CHAIRMAN. Pursuant to the rule, the gentleman from Connecticut [Mr. SHAYS] and a Member opposed will each control 15 minutes.

The Chair recognizes the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I yield half my time to the gentleman from Massachusetts [Mr. FRANK] and ask unanimous consent that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHAYS. Mr. Chairman, I yield myself such time as I may consume to briefly describe this amendment.

Mr. Chairman, I offer this amendment on behalf of a number of colleagues on both sides of the aisle. This is an amendment designed to encourage the administration to ask our allies in Europe to pay more of the nonsalaried costs of our troops in Europe. Presently we have 116,000 troops in Europe. The nonpersonnel cost is $8.3 billion. Our allies contribute about $2 billion in in-kind and cash, but their cash contribution is $46 million. In contrast, we have 45,000 troops in Japan. The total nonpersonnel cost is $5.8 billion. The contribution of the Japanese is $4.6 billion.

In Europe our allies contribute $2 billion to an $8 billion cost. In Japan our allies contribute $4.6 billion out of a $5.8 billion cost. In cash contributions to the United States from Japan, we receive $3.8 billion. Our European allies contribute $46 million in cash contribution.

An amendment similar to this passed the House last year, 273–156. The year before it passed 268–144. It has clear support in the House but has not passed the Senate and has not been in a conference report.

This is an attempt to take the considerations of our colleagues in the Senate and have an amendment we think that they also can support. It would not reduce the number of troops in Europe but would enable the President to allow for four different types of assistance on the part of the Europeans, that they contribute more, and more to the indirect costs of our troops in Europe, that if they cannot do that, increase their own defense spending or their own foreign aid assistance or their own military contributions to other countries but bear a bigger burden of sharing the cost of defending the free world, and it gives the President four basic options. One is to reduce the level of troops but not require a reduction in the number of troops.

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

Mr. SPENCE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentlemen from South Carolina [Mr. SPENCE] will control 15 minutes.

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

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

Mr. SPENCE. Mr. Chairman, I rise in reluctant opposition to the amendment offered by my colleagues. I commend them for their efforts to address many of the concerns that have been voiced over previous formulations on this issue, and for coming forward for what is clearly a better provision than those offered in the past.

But, however well intentioned, these provisions still suffer from the basic problems of previous amendments. This amendment is still based on a fundamental misunderstanding of America's alliances and their purpose, which is to advance our own security interests. Also, the amendment reflects a skewed perspective on the relative value between humanitarian, peacekeeping, and foreign assistance contributions and military coalition efforts. Finally, it still resorts to the use of legislated statistical formulas as the principal measure of the worth and value of our security alliances.

Mr. Chairman, I find it ironic that many of my colleagues who have the highest hopes for peace in this turbulent, post-cold-war world would work to weaken some of the key instruments that have brought us this peace and are the best hope for preserving it in the future.

Alliances are, by their very nature, fragile. Napoleon said that he always preferred to fight against coalitions, observing that the often contradictory policies of his enemies worked to devalue whatever combined military forces they could mount against him. Yet, despite the inherent weaknesses of alliances, the United States was able to maintain a durable global coalition for five long decades of cold war. If we are to maintain the health of these instruments of peace and American security in these uncertain times, we must not try to fashion our alliances into things they were not designed to be.

Let me elaborate on these three objections I have just raised. First, the purpose of our alliances must be to further American national security interests and those of our partners. While the rhetoric in this debate may lead one to believe that we have a presence in Europe solely to benefit our NATO Allies, the fact remains that we maintain a sizable forward deployed force in Europe principally to serve legitimate and important American security interests.

Second, this amendment places too much value on the activities that are secondary to principal security concerns, like peacekeeping and humanitarian operations. Under the formula advanced in the amendment, a staunch ally such as Great Britain, whose troops regularly fight alongside American troops, might be exposed to burdensharing penalties while other nations, content to participate in U.N. operations, might be exempt.

This leads me to the third objection. A true measure of an ally's worth is difficult to quantify, especially when measured simply in dollars. Consider the case of the Saudis, who have run considerable domestic political risk to allow American troops to be stationed and operate on their soil. If the Saudis cut back on their substantial financial contribution to this effort, would we truly want to withdraw from that region? We simply cannot take an accountant's approach to security strategy and expect to continue to emphasize American leadership around the world.

Mr. Chairman, let me again commend the sponsors of this amendment for their continuing efforts on this issue, but despite these efforts I must still urge a ''no'' vote.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I am very pleased to be able to yield 3 minutes to the gentleman from Missouri [Mr. GEPHARDT], the democratic leader and a man who had a lot to do with drafting this amendment.

Mr. GEPHARDT. Mr. Chairman, I urge a large bipartisan vote for this amendment. We have had burdensharing amendments in the past and I am afraid they have not gotten the result that all of us want. The progress that we have made in this

area has been not enough in my view. This is a new amendment that we have worked on in a bipartisan way. It broadens the traditional approach that we have taken to burdensharing. We are asking our allies not merely to pay more but to do more, to play an active role in their own defense and in their region's affairs.

This bill is intended to increase burdensharing in four critical areas: financial support, defense spending, participation in multinational military operations, and foreign aid. We believe it gives the President the leverage he needs to achieve that goal, and it gives the Congress the information it needs to take action unilaterally if our allies do not rise to the challenge.

I believe this amendment is a much better approach than the one that we have used in the past. We will not simply reduce over presence overseas if our allies do not do more, because in some cases that hurts us more than it hurts them. Instead, we will provide the incentives to make it in our allies' clear interests to play a greater role, as they should. If that fails, we can take serious unilateral action. And, believe me, we should do that if we do not get the result that we have been asking for.

The new world order demands a new world partnership. And at a time of smaller governments here at home, it makes sense to share our burdens all around the world.

I urge every Member, Democrat and Republican, to vote for this amendment to make clear that America can lead the world without always paying all of the bill, and to ensure that just as all nations share the blessings of peace and security, we should all bear the burdens as well.

I urge every Member to vote for this amendment to send a signal to our administration that we want them to take this most seriously and, more importantly, that our allies should take it seriously as well.

I commend the gentleman from Connecticut and others on the Republican side with my friend from Massachusetts, who has led on this effort for taking this effort on and improving this amendment in such important ways.

□ 2000

Mr. SPENCE. Mr. Chairman, I yield 2½ minutes to the gentleman from Nebraska [Mr. BEREUTER].

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

Mr. BEREUTER. Mr. Chairman, I rise in opposition to the amendment. Certainly, every responsible American wants and expects our allies to shoulder their fair share of the burden of defense. Unfortunately, however, this amendment helps perpetuate an underlying misconception regarding the rationale for the forward-basing of U.S. military forces.

As the legislation itself acknowledges, U.S. defense expenditures primarily promote U.S. national security interests. The promotion of these interests are also the primary reason for the stationing of U.S. forces overseas. The fact that their presence also benefits our key allies is a secondary but important benefit to us. To risk a conflict in any of the regions where our personnel are now stationed—even those countries far from our borders—would mean jeopardizing U.S. lives and commerce, and contribute to global instability.

This amendment's citation of Japan's burdensharing figure of 75 percent of nonpersonnel costs as a role model for other allies to emulate is very misleading. Following World War II, the United States compelled the Japanese to adopt the Peace Constitution, whereby they abandoned all but the most limited and parochial security responsibilities. For 50 years, we have been the guarantor of Japanese security. Our European partners, on the other hand, are full allies with a commitment to fight side-by-side to defend our common vital interests.

What is the difference? The difference, Mr. Chairman, could be clearly seen when the United States sent two carrier battle groups to the Taiwan Strait and because of their Peace Constitution our Japanese friends stood back and watched. On the other hand, our NATO Allies are on the ground in Bosnia, forming the bulk of IFOR, and they were there before us as a part of UNPROFOR. This is a significant difference, one that this Member hopes his colleagues would recognize.

There are also numerous extenuating circumstances at play in determining the appropriate allied burdensharing responsibility. This includes the expense that has been shouldered by many of our European allies on other allied priorities, including peacekeeping—responsibilities not yet significantly assumed by the Japanese. In addition, disparities in construction and housing costs also factor into the burdensharing disparities between Japan and European allies.

Finally, the amendment grants far-reaching discretionary authority to the President, who would be free to impose such measures as troop reductions and suspension of bilateral agreements in response to an individual country's failure to meet specified arbitrary goals. Mr. Chairman, such actions are unlikely to be in our national interest, and could in the long run result in considerable expenditure of U.S. lives and treasure.

Mr. Chairman, I urge my colleagues to reject the Shays-Frank amendment.

Mr. SHAYS. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, as in the past, I rise in support of the Shays amendment. First of all, foreign nations should pay more. They should do more. And yes, national security for the United States and economic benefit helps from those allies. But it also helps our allies. You are telling me that we cannot ask them to do more and share more of the burden? I disagree. Yes, we can.

One thing I do disagree with, though: I absolutely do not want a new world order. I do not want the United Nations to be at the head of our troops. I want a strong military, but not a one world order. But that does not mean that foreign nations cannot pay their fair share.

I look at the case of Japan. We give billions of dollars to Japan, the trade deficit we have, and then they spend $3 billion a year subsidizing their shipbuilding and ship repair industry. And we have our ships in their ports doing the same thing. And they have nearly forced our workers and our ship builders out of work here in this country.

They can pay more. Other nations can pay more. I fully support the Shays amendment and ask for its passage.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I rise in opposition to the amendment of my friend and colleague from Connecticut [Mr. SHAYS]. I do so because I feel it would jeopardize the ability of the United States to defend its own national security interests. U.S. troops are not for sale. If it is in our interests to have troops located somewhere in the world, they should be located there. If it is not in our interests, they should not be, no matter how much money another country is willing to pay us. It just should not be that way.

The United States must defend its own interests, whether maintaining peace in a hostile part of the world or here at home. It should not rely on payments from a foreign nation.

Another point that was brought up earlier underscores why this amendment, though well-intentioned, misses the point. Troops located in Germany do not only defend Germany. They do not only defend Europe. Troops in Europe were used most recently in Operation Desert Storm. And what does this amendment say when our troops are going to be sent around the world? Our troops are every bit in danger, but they are every bit fighting for our national interests. We should not hold them hostage. We should not hold our own policy hostage to a policy that says one country has to pay, even though our troops are there to help nations around the world, help democracy around the world, and help our own U.S. interests. This amendment is well-intentioned, but it is misguided. I would hope all Members would vote against it and support the very rational policy articulated by the gentleman from South Carolina.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Oregon [Ms. FURSE], one of the cosponsors and a long supporter of this.

Ms. FURSE. Mr. Chairman, for 3 years I have joined my distinguished

colleague from Massachusetts in sponsoring this amendment to require greater burdensharing of our allies. Now that the cold war is over, we can no longer afford to bear the full cost of our allies' defense. As we struggle to balance the budget at home, it is only fair that our allies pick up the cost of their defense.

Here in the United States, we spend 4.7 percent of our GNP on the military. NATO countries in Europe spend just 2.7 percent and Japan spends 1 percent. It simply is not fair.

We have a choice: We can invest in our jobs, safety on our streets, our education, or we can pick up the billions of dollars for our allies' defense while they invest in their own citizens' health care and education.

I would say the choice is simple. Our amendment is about fairness and common sense, and that is why it is endorsed by Citizens Against Government Waste, National Taxpayers Union, and the Concord Coalition. Our amendment will save over $11 billion. By bringing this money home, we begin to give our own constituents a break. My constituents and all Americans deserve nothing less.

Vote yes on our burdensharing amendment. Vote yes on the Frank-Shays amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BATEMAN].

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

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

Mr. Chairman, I join the chairman of the full committee in opposing this amendment, but I must say if the House gave an award to the most improved amendment writing, the authors of this amendment would certainly win that award. It is a vast improvement over the burden sharing amendments of prior sessions.

But it still has the same fundamental flaw. It proceeds from the notion that our forces stationed and deployed abroad are there in defense of Englishmen, Frenchmen, Germans, Belgians or someone else. They are there in the interests of the national security of the United States. They are not mercenaries.

The amendment is totally simplistic in seeking to say, in effect, we will unilaterally define what fair share burdens will be. You will pay it or otherwise sanctions will be imposed. How are we going to determine that Portugal should be paying the same share as a France or Germany?

The amendment simply does not have a practical underpinning to support it, and should be resisted.

Mr. SHAYS. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. MARTINI].

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

Mr. Chairman, I rise today in support of this important amendment. Like most of my colleagues, I am committed to ensuring that the United States military is the finest fighting force in the world. We certainly owe this to our brave men and women who serve their country in uniform. However, I am also very concerned about the fiscal crisis facing America. With a $5 trillion public debt, we must look to reduce unnecessary Federal spending everywhere we can.

During the cold war, the forward presence of U.S. troops on the European continent was necessary to neutralize the impending Soviet threat. But the time has come for our European allies to contribute to the cost of freedom. In the Pacific arena, Japan already assumes 79 percent and Korea 63 percent of the non-personnel costs for United States troops deployed in these countries. Yet, astonishingly, our European friends contribute less than 25 percent of the non-personnel costs. That this occurs in 1996 is simply wrong.

Our European allies must step up to the plate. This broad amendment will offer our friends several options to meet their share of U.S. support. According to CBO, our proposal would save the American taxpayers in excess of $7 billion over the next 4 years.

Let us do the right thing and pass this important amendment today.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in support of the Spence en bloc amendment to the 1997 National Defense Authorization Act, and I also want to voice my strong support for this entire bill. I am pleased with the priorities that we have established for funding, that ensures our soldiers have access to the best information possible through the best technology available.

Mr. Chairman, there is nothing more important in terms of what the Federal Government should be doing than defending this country from foreign invasion. And within that concept, there is nothing more important than sending our men and women to combat with the best, most sophisticated technology that we can afford them. I do not mean just by dollars, I mean by a national commitment.

One such commitment is the field emissions display unit that the chairman included in his en bloc amendment that was brought in by this Member. This unit would allow for a fraction of the cost to be spent for this display unit to be installed in the M–1 tanks, and the new display unit would be far more effective.

Mr. Chairman, again, I want to say that there is nothing more important that this body can do than to provide for the proper defense.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER], who actually will speak on this amendment.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman. I urge everybody to support this amendment. I have been the room-clearer at more international conferences, because I have been talking about this for 20 years. It is amazing how your allies clear out. And I have been on this floor over and over arguing for different amendments, and have had many of you stand there and tell me if my amendment passed, it would the end of everything, that it would be over.

Guess what? We are down to about 100,000 in Europe, and it is going well. We pushed the Japanese and we pushed the Japanese, and they are doing a great job. Now what this amendment is saying is we ought to have the Europeans do the same thing.

Let me tell you about doom and gloom. The new doom and gloom is the threat of the debt. We are not allowed any cutting amendments on the floor but this one. This is the only chance, and this says that we are recognizing the fact our military allies are also trading competitors. And by our paying for all their defense, we put ourselves at a terrible global disadvantage.

□ 2015

Vote for this amendment, it is about time.

Mr. SHAYS. Mr. Chairman, I yield 1½ minutes to my colleague the gentleman from Michigan [Mr. UPTON]

Mr. UPTON. Mr. Chairman, I care deeply about the deficit and maintaining a strong national defense. Next year we will be spending more just on the interest servicing the $5.5 trillion national debt than all of the Defense Department budget and foreign aid put together; and, consequently, we need to look under every rock and stone for savings.

Last year a similar amendment passed this body 273 to 176. Our amendment this year provides flexibility to offset the cost of our troops overseas by our European NATO Allies. If we can ask Americans to tighten their belts on a whole host of issues, is there any reason why we cannot ask our European allies to do the same?

This amendment can save the taxpayers $11 billion. That is certainly worth a ''yes'' vote.

Mr. SPENCE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, how much time is remaining on our side?

The CHAIRMAN. The Chair advises the gentleman there are 2 minutes remaining on his side.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself the balance of my time.

This is a very clear-cut issue. Members have said American troops are not there to defend other countries, they

are there to defend us, but the fact is that they are doing both. No one thinks that we have no role in defending other countries. The question is not whether we should pay. We will. Even under this amendment the American taxpayers pay the great bulk of this. What we are talking about is whether or not these other nations should get a free ride. We will spend most of the money.

People have said, gee, if we do not put out all the extra money, we will lose out on all our allies. How come we have to constantly bribe them to let us defend them? The way people argue, you would think America was the baby that was so ugly one had to put a lamb chop around its neck so the dog would play with it.

Apparently, the notion is that we would be so bereft of helping people, that if we did not bribe people by picking up their defense budgets they would not do it.

People say it worked in Japan but not here. The very same people are trying to kill this amendment today voted against us when we imposed it on Japan. They used the same arguments.

We are performing a task in the common defense. It is not just for us, it is for them. What is not common is the burden. We are picking up all the tab and they are getting all the benefit for free. What we need to do is to share the burden, and that is what this calls for.

We are going to run into, as Members of this House, an increasing crunch if we get to a zero deficit. There will be a terrible crunch on other discretionary spending. This is a chance to say to the beneficiaries of American fighting people on American tax dollars that they can make a reasonable small contribution. We ought to do it.

And for people who say we can never accept money under those circumstances, then we owe a lot of people a lot of money for the gulf war. We took money to fight the gulf war in the common interest. We got money from our allies because we were bearing that burden, and it worked very well.

The only thing we accomplish by voting ''no'' is to have the American taxpayer continue to pick up the tab for the rest of the world.

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

Mr. SHAYS. Mr. Chairman, I yield myself the remainder of my time.

I want to thank first my colleague, the gentleman from Massachusetts [Mr. FRANK], who has been working on this issue for so many years, and colleagues on both sides of the aisle who are trying to provide a workable solution to a very real problem.

The last I heard, our country had a financial crisis. The last I heard, Members on this side of the aisle believe we need to get our financial house in order and balance our Federal budget. We are cutting domestic spending, we are cutting foreign aid, we are freezing defense spending, and we are slowing the growth of entitlements. We are asking every part of our Government to recognize that we have to get our financial house in order.

We need to ask our allies in Europe to do what our allies in Korea and Japan are doing. Our allies in Japan are paying $3.8 billion in direct payments to help us defray the cost of our troops in Japan, $3.8 billion. Our allies in Europe are paying $46 million. We are asking our colleagues to do their part in this effort.

This amendment in the past was opposed by the State Department and the Defense Department. Because of the work of the gentleman from Missouri [Mr. GEPHARDT] and the gentleman from Massachusetts [Mr. FRANK] and others, it has received their support, and certainly not their opposition.

I encourage my colleagues to recognize this amendment passed last year and it was a stronger amendment then, 273 to 156; the year before 268 to 144. This amendment has had the support of our colleagues on both sides of the aisle in the past. It is an amendment that will help us get our financial house in order, and I urge its adoption.

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

Mr. DELLUMS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as one of the sponsors and drafters of the amendment, I obviously rise in support of it. I tried to listen very carefully during the course of the debate to those persons who rose in opposition to this amendment. I would like to respond to a few of their remarks as I noted their comments.

One of my colleagues, the gentleman from Virginia, indicated that this was the most improved amendment. The gentleman is correct. Last year the Department of defense opposed the burden-sharing amendment. This year the Department of Defense generally supports the amendment, and I quote verbatim:

> After detailed review, analysis and consideration of the provisions of the amendment, the Department believes it provides a solid basis upon which to proceed in future discussions and negotiations with our allies around the world to attain greater respensibility sharing in defense and security issues of national concern.

Second, with respect to the improved amendment, this has, over the years, been a controversial amendment. I have had conversations with the gentleman from Connecticut and the gentleman from Massachusetts saying that we ought to update the burden-sharing amendment so that it speaks to the realities of the post-cold war world and not the cold war. They were receptive to those ideas. So we are here with an amendment that corresponds to a post-cold war environment as we march toward the 21st century.

Several of my colleagues on the other side of the aisle in opposition to the amendment say there is a misperception about why American troops are forward deployed. It is not either/or. Wake up. They are forward deployed because of shared security reasons. That means the other countries' concerns and our concerns. Therefore, we have a right to enter into a process that says our burden-sharing ought to reach some accommodation that speaks to equity.

Now, Mr. Chairman, for those Members who oppose it, read the amendment. The amendment in part says:

> In efforts to increase allied burden-sharing, the President shall seek to have each nation that has cooperative military relationships with the United States, including security agreements, basing arrangements, or mutual participation in multinational military organizations or operations, to take one or more of the following actions.

Action No. 1, to attempt to reach as a goal a percentage of the investment. Second, to increase their military outlays in order to provide an opportunity for increased sharing of the cost. A third could be that they increase their annual budgetary outlays for foreign assistance to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally organized human rights. So that is a third.

The fourth, the gentleman from Nebraska [Mr. BEREUTER], raised and I want to respond to that. Increase the amount of military assets, including personnel, equipment, logistic support, and other resources that it contributes or would be prepared to contribute to multinational military activities worldwide, including United Nations or regional peace operations.

The gentleman spoke to IFOR and UNPROFOR. That is exactly, Mr. Chairman, what this fourth provision provides the President an option to deal with. It is not one option, it is several options. And if people stop long enough to read the legislation and not react to last year's amendment, then they will understand that the arguments are not well founded.

Finally, one of my colleagues said that the amendment is well intended but misguided. I would suggest that what is misguided are the arguments in opposition to the amendment. I urge my colleagues on both sides of the aisle on a bipartisan basis to overwhelmingly adopt the proposition before the body.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. SHAYS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SHAYS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 353, noes 62, not voting 18, as follows:

[Roll No. 168]

AYES—353

Abercrombie	Allard	Archer
Ackerman	Andrews	Armey

Bachus
Baesler
Baldacci
Ballenger
Barcia
Barrett (WI)
Barton
Bass
Becerra
Bentsen
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Burr
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Durbin
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Harman
Hastert
Hastings (FL)
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Horn
Hoyer
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kingston
Klink
Klug
LaFalce
LaHood
Lantos
Largent
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McDade
McDermott
McHale
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sanford
Sawyer
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (FL)

NOES—62

Baker (CA)
Baker (LA)
Barr
Barrett (NE)
Bartlett
Bateman
Beilenson
Bereuter
Berman
Bonilla
Bunning
Burton
Chenoweth
Chrysler
Combest
DeLay
Dicks
Doolittle
Edwards
Funderburk
Gekas
Geren
Gilman
Hansen
Hastings (WA)
Hayworth
Hostettler
Houghton
Hunter
Hyde
Johnson (CT)
Johnson, Sam
Jones
King
Knollenberg
Kolbe
Latham
Laughlin
Livingston
McCrery
McHugh
Mica
Murtha
Packard
Peterson (FL)
Pickett
Rogers
Salmon
Saxton
Scarborough
Shadegg
Skelton
Spence
Stump
Taylor (NC)
Thornberry
Torkildsen
Vucanovich
Walker
White
Young (AK)
Zeliff

NOT VOTING—18

Boehner
Buyer
Clinger
de la Garza
Dornan
Fields (TX)
Hayes
Holden
Johnston
Kleczka
Lincoln
Molinari
Mollohan
Paxon
Pryce
Serrano
Yates
Zimmer

□ 2046

The Clerk announced the following pair:

On this vote:

Mr. Serrano for, with Mr. Paxon against.

Messrs. JONES, LAUGHLIN, BARR of Georgia, FUNDERBURK, and EDWARDS changed their vote from ''aye'' to ''no.''

Messrs. SMITH of Texas, WILLIAMS, and LAZIO of New York and Mrs. FOWLER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

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

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SOLOMON. If I understand it correctly, Mr. Chairman, this group of en bloc amendments will either go by a voice vote or the vote will be rolled until tomorrow. Therefore, we do not expect any other votes tonight.

It that correct?

The CHAIRMAN. That is the Chair's understanding at this point.

AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Chairman, pursuant to section 3 of House Resolution 430, I offer en bloc amendments consisting of amendments, 1, 2, 3, 5, 6, 8, 9, 10, 11, amendment No. 12, as modified, amendments 15, 18, 21, 22, 23, 24, 25, amendment No. 26, as modified, and amendments 27, 29, 30 and 33 printed in part B of House Report 104–570.

The CHAIRMAN. The Clerk will designate the amendments en bloc and report the modifications.

The Clerk designated the amendments en bloc and proceeded to read the modifications.

Amendments en bloc, as modified, consisting of amendments 1, 2, 3, 5, 6, 8, 9, 10, 11, as modified, 15, 18, 21, 22, 23, 24, 25, 26 as modified, 27, 29, 30 and 33, offered by Mr. SPENCE:

AMENDMENT TO H.R. 3230, AS REPORTED OFFERED BY MR. MCINNIS OF COLORADO (AMDT. B–1 OF HOUSE REPORT 104–570)

In section 107 (page 20, beginning on line 9)———

(1) insert ''(a) AUTHORIZATION.—'' before ''There is hereby authorized''; and

(2) add the following at the end:

(b) AMOUNT FOR ALTERNATIVE TECHNOLOGY AND APPROACHES PROJECT.—Of the amount specified in subsection (a), $21,000,000 shall be available for the Alternative Technology and Approaches Project.

———

AMENDMENT TO H.R. 3230, AS REPORTED OFFERED BY MR. HUNTER OF CALIFORNIA OR MRS. CHENOWETH OF IDAHO (AMDT. B–2 OF HOUSE REPORT 104–570)

At the end of title II, (page 70, after line 15), add the following new section:

SEC. 248. FUNDING INCREASE FOR FIELD EMISSION FLAT PANEL TECHNOLOGY.

(a) INCREASE.—The amount authorized in section 201(1) for the Combat Vehicle Improvement Program for M1 Tank Upgrade (program element 23735A DD30) is here by increased by $10,000,000 to assist in funding the development of field emission flat panel technology.

(b) OFFSET.—The amount authorized in section 101 is hereby decreased by $10,000,000.

———

AMENDMENT TO H.R. 3230, AS REPORTED OFFERED BY MR. WELDON OF PENNSYLVANIA OR MR. SPRATT OF SOUTH CAROLINA (AMDT. B–3 OF HOUSE REPORT 104–570)

In section 203, add at the end of subsection (c) (page 36, after line 6) the following new paragraph:

(3) Funds made available pursuant to subsection (b) may be used for dual-use program only if the contract, cooperative agreement, or other transaction by which the program is carried out is entered into through the use of competitive procedures.

Add at the end of section 203 (page 37, after line 11) the following new subsection:

(g) REPEAL.—Section 2371(e) of title 10, United States Code, is amended—

(1) by inserting ''and'' after the semicolon at the end of paragraph (1);

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

(3) by striking out paragraph (3).

———

AMENDMENT TO H.R. 3230, AS REPORTED OFFERED BY MR. CUNNINGHAM OF CALIFORNIA (AMDT B–5 IN HOUSE REPORT 104–570)

At the end of subtitle B of title II (page 50, after line 6), insert the following new section:

SEC. 223. HIGH ALTITUDE ENDURANCE UNMANNED AERIAL RECONNAISSANCE SYSTEM.

Any funds authorized to be appropriated under this title to develop concepts for an improved Tier III Minus (High Altitude Endurance Unmanned Aerial Reconnaissance System) that would increase the unit flyaway cost above the established contracted for amount must be awarded through competitive acquisition procedures.

AMENDMENT TO H.R. 3230, AS REPORTED OFFERED BY MR. TAYLOR OF MISSISSIPPI (AMDT B–6 IN HOUSE REPORT 104–570)

At the end of subtitle B of title II (page 50, after line 6), insert the following new section:

SEC. 223. CERTIFICATION OF CAPABILITY OF UNITED STATES TO PREVENT ILLEGAL IMPORTATION OF NUCLEAR, BIOLOGICAL, OR CHEMICAL WEAPONS.

Not later than 15 days after the date of the enactment of this Act, the President shall submit to Congress a certification in writing stating specifically whether or not the United States has the capability (as of the date of the certification) to prevent the illegal importation of nuclear, biological, or chemical weapons into the United States and its possessions.

AMENDMENT TO H.R. 3230, AS REPORTED OFFERED BY MR. HANSEN OF UTAH (AMDT B–8 OF HOUSE REPORT 104–570)

At the end of title II (page 70, after line 15), insert the following new section:

SEC. 248. NATURAL RESOURCES ASSESSMENT AND TRAINING DELIVERY SYSTEM.

Of the amount authorized to be appropriated by section 201(4) for program element 65804D, funding shall be available for a proposed natural resources assessment and training delivery system to enhance the ability of the Department of Defense to mitigate the environmental impact of its operational training of forces and testing of weapons systems on military installations where problems are most acute.

AMENDMENT TO H.R. 3230, AS REPORTED OFFERED BY MR. DELLUMS OF CALIFORNIA (AMDT B–9 IN HOUSE REPORT 104–570)

At the end of subtitle C of title III (page 84, after line 25), insert the following new section:

SEC. 328. AGREEMENTS FOR SERVICES OF OTHER AGENCIES IN SUPPORT OF ENVIRONMENTAL DEMONSTRATION AND VALIDATION.

(a) AUTHORITY.—The Secretary of Defense may enter into a cooperative agreement with an agency of a State or local government to obtain assistance in demonstrating, validating, and certifying environmental technologies.

(b) TYPES OF ASSISTANCE.—The types of assistance that may be obtained under subsection (a) include the following:

(1) Data collection and analysis.

(2) Technical assistance in conducting a demonstration of an environmental technology, including the implementation of quality assurance and quality control programs.

(c) SERVICE CHARGES.—The cooperative agreement may provide for the payment by the Secretary of service charges to the agency if the charges are reasonable, non-discriminatory, and do not exceed the actual or estimated cost to the agency of providing the service.

AMENDMENT TO H.R. 3230, AS REPORTED OFFERED BY MR. MCKEON OF CALIFORNIA (AMDT B–10 IN HOUSE REPORT 104–570)

At the end of subtitle A of title V (page 129, after line 7), insert the following new section:

SEC. 508. CLARIFICATION OF APPLICABILITY OF CERTAIN MANAGEMENT CONSTRAINTS ON MAJOR RANGE AND TEST FACILITY BASE STRUCTURE.

Section 129 of title 10, United States Code, is amended—

(1) in subsection (c)(1), by inserting after ''industrial-type activities'' the following: '', the Major Range and Test Facility Base,''; and

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

''(e) Subsections (a), (b), and (c) apply to the Major Range and Test Facility Base (MRTFB) at the installation level. With respect to the MRTFB structure, the term ''funds made available'' includes both direct appropriated funds and funds provided by MRTFB customers.''.

AMENDMENT TO H.R. 3230, AS REPORTED OFFERED BY MR. MONTGOMERY OF MISSISSIPPI (AMDT B–11 IN HOUSE REPORT 104–570)

At the end of subtitle B of title V (page 136, after line 8), insert the following new section:

SEC. 517. ELIGIBILITY FOR ENROLLMENT IN READY RESERVE MOBILIZATION INCOME INSURANCE PROGRAM.

Section 12524 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) MEMBERS OF INDIVIDUAL READY RESERVE.—Notwithstanding any other provision of this section, and pursuant to regulations issued by the Secretary, a member of the Individual Ready Reserve who becomes a member of the Selected Reserve shall not be denied eligibility to purchase insurance under this chapter upon becoming a member of the Selected Reserve unless the member previously declined to enroll in the program of insurance under this chapter while a member of the Selected Reserve.''.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. OBERSTAR OF MINNESOTA (AMDT B–12 IN HOUSE REPORT 104–570)

The amendment as modified is as follows:

At the end of subtitle A of title VII (page 274, after line 15), insert the following new section:

SEC. 702. PREVENTIVE HEALTH CARE SCREENING FOR COLON AND PROSTATE CANCER.

(a) MEMBERS AND FORMER MEMBERS.—(1) Subsection (a) of section 1074d of title 10, United States Code, is amended—

(A) by inserting ''(1)'' before ''Female''; and

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

''(2) Male members and former members of the uniformed services entitled to medical care under section 1074 or 1074a of this title shall also be entitled to preventive health care screening for colon or prostate cancer at such intervals and using such screening methods as the administering Secretaries consider appropriate.''.

(2)(A) The heading of such section is amended to read as follows:

''§ 1074d. Primary and preventive health care services

(B) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

''1074d. Primary and preventive health care services.''.

(b) DEPENDENTS.—(1) Section 1077(a) of such title is amended by adding at the end the following new paragraph:

''(14) Preventive health care screening for colon or prostate cancer at the intervals and using the screening methods prescribed under section 1074d(a)(2) of this title.''.

Section 2079(a)(2) of such title is amended—

(A) in the matter preceding subparagraph (A), by inserting ''the schedule and method of colon and prostate cancer screenings,'' after ''pap smears and mammograms,''; and

(B) in subparagraph (B), by inserting ''or colon and prostate cancer screenings'' after ''pap smears and mammograms''.

AMENDMENT TO H.R. 3230, AS REPORTED OFFERED BY MR. FARR OF CALIFORNIA (AMDT B–15 IN HOUSE REPORT 104–570)

At the end of title VIII (page 316, after line 14), insert the following new section:

SEC. . DEMONSTRATION PROJECT FOR PURCHASE OF FIRE, SECURITY, POLICE, PUBLIC WORKS, AND UTILITY SERVICES FROM LOCAL GOVERNMENT AGENCIES.

(a) EXTENSION OF DEMONSTRATION PROJECT.—Section 816 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2820) is amended by adding at the end the following new subsection:

''(c) DURATION OF PROJECT.—The authority to purchase services under the demonstration project shall expire on September 30, 1998.''.

(b) REPORTING REQUIREMENTS.—Subsection (b) of such section is amended by striking out '', 1996'' and inserting in lieu thereof ''of each of the years 1997 and 1998''.

AMENDMENT TO H.R. 3230, AS REPORTED OFFERED BY MR. OBERSTAR OF MINNESOTA (AMDT B–18 IN HOUSE REPORT 104–570)

At the end of title X (page 359, after line 20), insert the following new section:

SEC. 1041. AUTHORITY TO TRANSPORT HEALTH PROFESSIONALS SEEKING TO PROVIDE HEALTH-RELATED HUMANITARIAN RELIEF SERVICES.

Section 402 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) Notwithstanding any other provision of law, and subject to paragraph (2), the Secretary of Defense may transport to any country, without charge, health professionals who are traveling in order to furnish health-care related services as part of a humanitarian relief activity. Such transportation may be provided only on an invitational space-required noninterference basis.

''(2) Any expenses incurred as a direct result of providing such transportation shall be paid out of funds specifically appropriated to the Department of Defense for Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs of the Department.''.

AMENDMENT TO H.R. 3230, AS REPORTED OFFERED BY MR. SCARBOROUGH OF FLORIDA (AMDT. B–21 IN HOUSE REPORT 104–570)

At the end of title X (page 359, after line 20), insert the following new section:

SEC. 1041. TREATMENT OF EXCESS DEFENSE ARTICLES OF COAST GUARD UNDER FOREIGN ASSISTANCE ACT OF 1961.

(a) DEFINITION OF EXCESS DEFENSE ARTICLE.—Section 644(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(g)) is amended by adding at the end the following new sentence: ''Such term includes excess property of the Coast Guard.''.

(b) CONFORMING AMENDMENT.—Section 517 of such Act (22 U.S.C. 2321k) is amended by striking out subsection (k).

AMENDMENT TO H.R. 3230, AS REPORTED OFFERED BY MR. PICKETT OF VIRGINIA (AMDT. B–22 IN HOUSE REPORT 104–570)

At the end of title X (page 359, after line 20), insert the following new section:

SEC. . FORFEITURE OF RETIRED PAY OF MEMBERS WHO ARE ABSENT FROM THE UNITED STATES TO AVOID PROSECUTION.

(a) DEVELOPMENT OF FORFEITURE PROCEDURES.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall develop uniform procedures under which the Secretary of a military department may cause to be forfeited the retired pay of a member or former member of

the uniformed services who willfully remains outside the United States to avoid criminal prosecution or civil liability. The types of offenses for which the procedures shall be used shall include the offenses specified in section 8312 of title 5, United States Code, and such other criminal offenses and civil proceedings as the Secretary of Defense considers to be appropriate.

(b) REPORT OF CONGRESS.—The Secretary of Defense shall submit to Congress a report describing the procedures developed under subsection (a). The report shall include recommendations regarding changes to existing law, including section 8313 of title 5, United States Code, that the Secretary determines are necessary to fully implement the procedures.

(c) RETIRED PAY DEFINED.—In this section, the term ''retired pay'' means retired pay, retirement pay, retainer pay, or equivalent pay, payable under a statute to a member or former member of a uniformed service.

AMENDMENT TO H.R. 3230, AS REPORTED OFFERED BY MR. BROWDER OF ALABAMA (AMDT. B–23 IN HOUSE REPORT 104–570)

At the end of title X (page 359, after line 20), insert the following new section:

SEC. 1041. CHEMICAL STOCKPILE EMERGENCY PREPAREDNESS PROGRAM.

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report assessing the implementation and success of the establishment of site-specific Integrated Product and Process Teams as a management tool for the Chemical Stockpile Emergency Preparedness Program.

(b) CONTINGENT MANDATED REFORMS.—If at the end of the 120-day period beginning on the date of the enactment of this Act the Secretary of the Army and the Director of the Federal Emergency Management Agency have been unsuccessful in implementing a site-specific Integrated Product and Process Team with each of the affected States, the Secretary of the Army shall—

(1) assume full control and responsibility for the Chemical Stockpile Emergency Preparedness Program (eliminating the role of the Director of the Federal Emergency Management Agency as joint manager of the program);

(2) establish programmatic agreement with each of the affected States regarding program requirements, implementation schedules, training and exercise requirements, and funding (to include direct grants for program support);

(3) clearly define the goals of the program; and

(4) establish fiscal constraints for the program.

AMENDMENT TO H.R. 3230, AS REPORTED OFFERED BY MS. MCKINNEY OF GEORGIA (AMDT. B–24 IN HOUSE REPORT 104–570)

At the end of title X (page 359, after line 20), insert the following new section:

SEC. 1041. QUARTERLY REPORTS REGARDING COPRODUCTION AGREEMENTS.

(a) QUARTERLY REPORTS ON COPRODUCTION AGREEMENTS.—Section 36(a) of the Arms Export Control Act (22 U.S.C. 2776(a)) is amended—

(1) by striking out ''and'' at the end of paragraph (10);

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof ''; and''; and

(3) by inserting after paragraph (11) the following new paragraph:

''(12) a report on all concluded government-to-government agreements regarding foreign coproduction of defense articles of United States origin and all other concluded agreements involving coproduction or licensed production outside of the United States of defense articles of United States origin (including coproduction memoranda of understanding or agreement) that have not been previously reported under this subsection, which shall include—

''(A) the identity of the foreign countries, international organizations, or foreign firms involved;

''(B) a description and the estimated value of the articles authorized to be produced, and an estimate of the quantity of the articles authorized to be produced;

''(C) a description of any restrictions on third party transfers of the foreign-manufactured articles; and

''(D) if any such agreement does not provide for United States access to and verification of quantities of articles produced overseas and their disposition in the foreign country, a description of alternative measures and controls incorporated in the coproduction or licensing program to ensure compliance with restrictions in the agreement on production quantities and third party transfers.''.

(b) EFFECTIVE DATE.—Paragraph (12) of section 36(a) of the Arms Export Control Act, as added by subsection (a)(3), does not apply with respect to an agreement described in such paragraph entered into before the date of the enactment of this Act.

AMENDMENT TO H.R. 3230, AS REPORTED OFFERED BY MR. SOLOMON OF NEW YORK (AMDT. B–25 IN HOUSE REPORT 104–570)

At the end of title X (page 359, after line 20), insert the following new section:

SEC. 1041. FAILURE TO COMPLY WITH VETERANS' PREFERENCE REQUIREMENTS TO BE TREATED AS A PROHIBITED PERSONNEL PRACTICE.

(a) IN GENERAL.—An employee of the Department of Defense who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take any personnel action with respect to an employee or applicant for employment if the taking of or failure to take such action would violate any law, rule, or regulation implementing, or directly concerning, veterans' preference.

(b) EFFECT OF NONCOMPLIANCE.—A failure to comply with subsection (a) shall be treated as a prohibited personnel practice.

(c) REPORTING REQUIREMENT.—The Secretary of Defense shall, not later than 6 months after the date of the enactment of this Act, submit a written report to each House of Congress with respect to—

(1) the implementation of this section; and

(2) the administration of veterans' preference requirements by the Department of Defense generally.

(d) DEFINITIONS.—For the purpose of this section, the terms ''personnel action'' and ''prohibited personnel practice'' shall have the respective meanings given them by section 2302 of title 5, United States Code.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. MARKEY OF MASSACHUSETTS (AMENDMENT B–26 IN HOUSE REPORT 104–570)

The amendment as modified is as follows:

At the end of title X (page 359, after line 20), insert the following new section:

SEC. 1041. SENSE OF CONGRESS AND PRESIDENTIAL REPORT REGARDING NUCLEAR WEAPONS PROLIFERATION AND POLICIES OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS.—The Congress finds that—

(1) intelligence investigations by the United States have revealed transfers from the People's Republic of China to Pakistan of sophisticated equipment important to the development of nuclear weapons;

(2) the People's Republic of China acceded to the Treaty on the Non-Proliferation of Nuclear Weapons (hereafter in this section referred to as the ''NPT'') as a nuclear-weapon state on March 9, 1992;

(3) Article I of the NPT stipulates that a nuclear-weapon state party to the treaty shall not in any way encourage, assist, or induce any non-nuclear-weapon state to manufacture or otherwise acquire nuclear weapons;

(4) the NPT establishes a non-nuclear-weapon state as one which has not manufactured and exploded a nuclear weapon by January 1, 1967;

(5) Pakistan had not manufactured and exploded a nuclear weapon by January 1, 1967;

(6) Article III of the NPT requires each party to the treaty not to provide to any non-nuclear-weapon state equipment or material designed or prepared for the processing, use, or production of special fissionable material, unless the material is subject to the safeguards stipulated in the treaty;

(7) Pakistan has not acceded to the NPT, and nuclear-related equipment and material provided to Pakistan is not subject to international safeguards;

(8) under the NPT, assisting a non-nuclear-weapon state to acquire unsafeguarded nuclear material important to the manufacture of nuclear weapons is a violation of Articles I and III of the NPT;

(9) this transfer constitutes the latest example in a consistent pattern of nuclear weapon-related exports by the People's Republic of China to non-nuclear-weapon states in violation of international treaties and agreements and United States laws relating to the nonproliferation of nuclear weapons;

(10) failure to enforce the applicable sanctions available under United States law in this case compromises vital security interests and undermines the credibility of United States and international efforts to discourage commerce in nuclear-related equipment, technology, and materials;

(11) recent claims by senior Chinese officials that the Government of the People's Republic of China was unaware of any transfers of ring magnets by a goverment-owned entity, if true, call into question the reliability and effectiveness of Chinese export controls; and

(12) recent exports of sophisticated nuclear-related technologies reduce the credibility of previous assurances by the People's Republic of China concerning its nonproliferation policies since the ratification of the NPT.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that in responding to the transfer from the People's Republic of China to Pakistan of equipment important to the development of a nuclear weapons program—

(1) the President should not have decided that there was not a sufficient basis to warrant a determination that sanctionable activity occurred under section 2(b)(4) of the Export-Import Bank Act of 1945, as amended by section 825 of the Nuclear Proliferation Prevention Act of 1994; and

(2) the President should have imposed the strongest possible sanctions available under United States law on all Chinese official and commercial entities associated directly or indirectly with the research, development, sale, transportation, or financing of any nuclear or military industrial product or service made available for export since March 9, 1992.

(c) REPORT.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to the Congress a report on the response of the United States to the transfer from the People's Republic of

China to Pakistan of equipment important to the development of a nuclear weapons program. The President shall include in the report the following:

(1) The specific justification of the Secretary of State for determining that there was not sufficient basis for imposing sanctions under section 2(b)(4) of the Export-Import Bank Act of 1945, as amended by section 825 of the Nuclear Proliferation Prevention Act of 1994, by reason of such transfer from the People's Republic of China to Pakistan.

(2) What commitment the United States Government is seeking from the People's Republic of China to ensure that the People's Republic of China establishes a fully effective export control system that will prevent transfers (such as the Pakistan sale) from taking place in the future.

(3) Whether, in light of the recent assurances provided by the People's Republic of China, the President intends to make the certification and submit the report required by section 902(a)(6)(B) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 2151 note), and make the certification and submit the report required by Public Law 99–183, relating to the approval and implementation of the agreement for nuclear cooperation between the United States and the People's Republic of China, and, if not, why not.

(4) Whether the Secretary of State considers the recent assurances and clarifications provided by the People's Republic of China to have provided sufficient information to allow the United States to determine that the People's Republic of China is not in violation of paragraph (2) of section 129 of the Atomic Energy Act of 1954, as required by Public Law 99–183.

(5) If the President is unable or unwilling to make the certifications and reports referred to in paragraph (3), a description of what the President considers to be the significance of the clarifications and assurances provided by the People's Republic of China in the course of the recent discussions regarding the transfer by the People's Republic of China of nuclear-weapon-related equipment to Pakistan.

AMENDMENT TO H.R. 3230, AS REPORTED OFFERED BY MR. MILLER OF CALIFORNIA (AMENDMENT B–27 IN HOUSE REPORT 104–570)

At the end of title X (page 359, after line 20), insert the following new section:

SEC. 1041. TRANSFER OF U.S.S. DRUM TO CITY OF VALLEJO, CALIFORNIA.

(a) TRANSFER.—The Secretary of the Navy shall transfer the U.S.S. Drum (SSN–677) to the city of Vallejo, California, in accordance with this section and upon satisfactory completion of a ship donation application. Before making such transfer, the Secretary of the Navy shall remove from the vessel the reactor compartment and other classified and sensitive military equipment.

(b) FUNDING.—As provided in section 7306(c) of title 10, United States Code, the transfer of the vessel authorized by this section shall be made at no cost to the United States (beyond the cost which the United States would otherwise incur for dismantling and recycling of the vessel).

(c) APPLICABLE LAW.—The transfer under this section shall be subject to subsection (b) of section 7306 of title 10, United States Code, but the provisions of subsection (d) of such section shall not be applicable to such transfer.

AMENDMENT TO H.R. 3230, AS REPORTED OFFERED BY MR. CHAMBLISS OF GEORGIA (AMENDMENT B–29 IN HOUSE REPORT 104–570)

At the end of title X (page 359, after line 20), insert the following new section:

SEC. 1041. EVALUATION OF DIGITAL VIDEO NETWORK EQUIPMENT USED IN OLYMPIC GAMES.

(a) EVALUATION.—The Secretary of Defense shall evaluate the digital video network equipment used in the 1996 Olympic Games to determine whether such equipment would be appropriate for use as a test bed for the military application of commercial off-the-shelf advanced technology linking multiple continents, multiple satellites, and multiple theaters of operations by compressed digital audio and visual broadcasting technology.

(b) REPORT.—Not later than December 31, 1996, the Secretary of Defense shall submit to Congress a report on the results of the evaluation conducted under subsection (a).

AMENDMENT TO H.R. 3230, AS REPORTED OFFERED BY MR. SPENCE OF SOUTH CAROLINA (AMENDMENT B–30 IN HOUSE REPORT 104–570)

At the end of title X (page 359, after line 20), insert the following new section:

SEC. . MISSION OF THE WHITE HOUSE COMMUNICATIONS AGENCY.

The Secretary of Defense shall ensure that the activities of the White House Communications Agency (or any successor agency) in providing support services for the President from funds appropriated for the Department of Defense for any fiscal year (beginning with fiscal year 1997) are limited to the provision of telecommunications support to the President and Vice President and related elements (as defined in regulations of that agency and specified by the President with respect to particular individuals within those related elements).

AMENDMENT TO H.R. 3230, AS REPORTED OFFERED BY MR. PORTER OF ILLINOIS (AMENDMENT B–33 IN HOUSE REPORT 104–570)

At the end of part I of subtitle C of title XXVIII (page 462, after line 25), insert the following new section:

SEC. 2824. REAFFIRMATION OF LAND CONVEYANCES, FORT SHERIDAN, ILLINOIS.

As soon as practicable after the date of the enactment of this Act, the Secretary of the Army shall complete the land conveyances involving Fort Sheridan, Illinois, required or authorized under section 125 of the Military Construction Appropriations Act, 1996 (Public Law 104–32; 109 Stat. 290).

Mr. SPENCE (during the reading). Mr. Chairman, I ask unanimous consent that the modifications be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the gentleman from South Carolina [Mr. SPENCE] and the gentleman from California [Mr. DELLUMS] each will control 10 minutes.

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

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SOLOMON] the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Chairman, I thank Chairman SPENCE and the National Security Committee for accepting my amendment dealing with veterans' preference as part of this en bloc amendment.

Mr. Chairman, it is unclear whether managers, not necessarily within the Department of Defense but throughout this Government, are fully aware of the proper hiring procedures when it comes to giving veterans a priority.

My amendment seeks to remedy enforcement problems when it comes to veterans' preference that might be rooted within the Federal bureaucracy.

It does that by holding those managers and supervisors in a position to hire and fire directly responsible for failing to implement veterans preference procedures.

In other words, failure to do so is defined as a prohibited personnel practice, and will be punishable by DOD procedures reserved for those found guilty of engaging in such prohibited practices.

Mr. Chairman, I will be offering the same amendment to all bills reauthorizing each department of Government as we proceed through this session of Congress.

This amendment has the endorsement of the American Legion and the Veterans of Foreign Wars and I urge all of my colleagues to support my amendment and America's veterans.

Mr. DELLUMS. Mr. Chairman, I submit for the RECORD at this point the comments of the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I am pleased to join with my distinguished colleague Congressman GERRY SOLOMON in offering a bipartisan which we hope will put China and other would-be proliferators on notice that the United States will punish nations that trample our arms control laws and violate international treaties designed to curb the spread of nuclear weapons.

China is a pathological proliferator, plain and simple. Over the years, Beijing's rulers have compiled a mile-long radioactive rapsheet of weapons offenses that make China the Al Capone of atomic commerce.

Despite rock solid evidence that China broke United States law by selling nuclear-related equipment to Pakistan and cruise missiles to Iran, the State Department has decided to let Beijing off the hook. No sanctions will be imposed in response to China's latest violations.

The amendment which Congressman SOLOMON and I are offering today expresses the sense of the Congress that sanctions should have been imposed on China for its most recent illegal sales.

Our amendment also contains a tough reporting requirement. Within 60 days after the enactment of the authorization bill, the amendment requires the President to report to Congress on what commitment our Government is seeking from China to ensure that China establishes an effective border enforcement system to prevent future transfers such as the Pakistan sale from taking place.

The reporting requirement also directs the President to explain the significance of China's assurances made last week that it won't misbehave again.

This bipartisan amendment has the support of Members on both sides of the aisle, and I urge its adoption.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the gentlewoman from Georgia [Ms. MCKINNEY], my distinguished colleague.

Ms. MCKINNEY. Mr. Chairman, I rise to thank the distinguished chairman and ranking member of the National

Security Committee for their cooperation in accepting my co-production reporting amendment.

The committee bill devotes significant additional resources to modernization, because in the words of the committee, ''the U.S. military's technical superiority depends on a steady investment in modernization of new and upgraded weapons systems and equipment.''

The taxpayers' investment in modernization and new military technologies should be carefully guarded just as we seek to protect patented products and intellectual property from pirating overseas.

Mr. Chairman, Congress and the public must be fully informed about our arms production technologies being exported abroad. My co-production reporting amendment would do just that with a simple reporting requirement on all co-production agreements between the United States and foreign countries.

Again I thank the distinguished chairman and the ranking member.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BUYER].

Mr. BUYER. Mr. Chairman, I rise tonight to speak on two amendments that are in the en bloc. First is the McInnis amendment on chem demil. I rise in strong support of the McInnis amendment to add $5 million to the chemical demilitarization technology approaches on that project.

Mr. Chairman, the U.S. stockpile consists of 30,000 tons of chemical weapons. Four percent of its total is stored in my district, the Newport Army ammunition plant in Indiana. To destroy this stockpile the Army has undertaken a 12-year plan to incinerate this material at an estimated cost of $12.5 billion. I expect this figure to rise dramatically as the program proceeds.

Alternative technologies to safe incineration could offer us—alternative technologies to incineration could offer a safe, effective, and more cost efficient method of destroying certain agents and material in the stockpile, such as bulk nerve gas stored at Newport. Currently the Army and the National Research Council are evaluating five alternative technologies to incineration. A decision to proceed with this pilot program will be made later this year. This additional $5 million will help accelerate this process.

Mr. Chairman, I commend my colleague for offering this amendment and urge a ''yes'' vote on his amendment which will be offered en bloc.

The other for which I rise in strong support is on the Solomon amendment with regard to veterans preference. I serve as chairman on the Subcommittee on Veterans Affairs with regards to the veterans preference issue. I am very concerned right now and I lay most of my concerns at the feet of a professional bureaucracy within the Federal Government which seems dedicated to routing out veterans through an avoidance of proper hiring and downsizing procedures. Veterans preference must remain the first criteria in hiring, promotion, and retention. To me, veterans preference is blind as to race, gender, age, and religion, and I believe that America understands the sacrifices of veterans and that we must maintain veterans preference in regard to our hiring of veterans in the country.

Mr. DELLUMS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Alabama [Mr. BROWDER] a member of the committee.

Mr. BROWDER. Mr. Chairman, I want to speak on this amendment, particularly the part dealing with the chemical stockpile emergency preparedness program. We have got chemical weapons stored all around this country. They need to be destroyed. We need to get some focus to this program. We need to ask ourselves, first, do we really want to get rid of these weapons and why; second, how do we want to get rid of them; and, thirds, what are we willing to pay to get rid of them?

Those questions have not been adequately addressed by this country, and this amendment would cause us to stop and focus on this issue.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER] for the purposes of a colloquy.

Mr. BEREUTER. Mr. Chairman, this Member would like to take a brief moment to raise a point associated with a portion of the en bloc amendment, the amendment offered by the distinguished gentleman from California [Mr. FARR]. The gentleman's amendment addresses legitimate concerns related to problems experienced at a military facility in his district; specifically, unnecessary regulatory requirements that impede the implementation of more cost-effective alternatives to providing municipal services at the facility.

These problems are not unique to California. A military facility in this Member's district, the Lincoln Municipal Airport, has experienced cost-ineffective practices related to fire services. Although a commonsense solution exists to solve the problems involving the international guard unit, this Member has been told that their cost-saving initiative has been stalled at the national level of the National Guard. Clearly this is an issue that merits examination.

This Member would ask the chairman of the National Security Committee, the distinguished gentleman from South Carolina [Mr. SPENCE], to work with him to address these concerns in a constructive manner.

Mr. SPENCE. Mr. Chairman, if the gentleman will yield, I would be pleased to work with the gentleman on this issue.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for that assurance.

Mr. DELLUMS. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Mississippi [Mr. TAYLOR], a member of the committee.

Mr. TAYLOR of Mississippi. Mr. Chairman, I want to thank the distinguished ranking minority member of the committee for yielding this time to me. I rise in support of the en bloc amendment. Contained in it is language that would require the President of the United States within 15 days to certify to Congress whether or not this Nation possesses the ability to detect the smuggling or importation of nuclear, biological, or chemical weapons into our country.

Mr. Chairman, there are 4 million cargo containers a year that come into this country, 40-foot container equivalents. There are also between 20 and 30 nations that possess either nuclear, biological, or chemical weapons. While the gentleman from Pennsylvania [Mr. WELDON], and the gentleman from California [Mr. HUNTER], in particular have done a great job of making the Nation aware of our Nation's vulnerability to the two nations that possess ballistic missiles that can strike our Nation, there are at least 5 rogue nations—including Iran, Iraq, Libya, Cuba and North Korea—that possess chemical weapons, biological weapons and, some fear, nuclear weapons, that could smuggle them into our country. The purpose of this amendment is to make the commander in chief, the Department of Defense, and this administration aware of that threat to our Nation, and hopefully in next year's defense bill that is presented to the Congress, they will take some steps to address that threat to the people of this country.

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In my opinion, it is a bigger threat to this country than the threat of ballistic attack.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. EVERETT].

Mr. EVERETT. Mr. Chairman, I rise to engage our distinguished chairman of the Subcommittee on Military Procurement, the gentleman from California [Mr. HUNTER], in a brief colloquy regarding the Army's Hellfire II missile. It is my understanding that the Army's fiscal year 1997 budget request contains $108 million for 1,800 Hellfire II missiles. This is the first year of a plan for 7,569 missiles over a 5-year period, is that correct?

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

Mr. EVERETT. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, the very distinguished gentleman from Alabama is correct in his understanding. The Subcommittee on Military Procurement recommended, as did the full committee, approval of the request for Hellfire II procurement.

Mr. EVERETT. I also understand that the Army proposed fiscal year 1997 as a stand-alone year, followed by a 4-

year multiyear procurement of the balance of the 5,769 Hellfire II missiles. Does the chairman support the Army's acquisition plan for Hellfire II and will he give full consideration of a proposed 4-year multiyear procurement Hellfire II next year?

Mr. HUNTER. I acknowledge that the Chairman of the Joint Chiefs has recommended that the modernization of the semiactive laser Hellfire inventory be continued, and I support the Army's proposed procurement to achieve that goal. The gentleman from Alabama has my assurance that the subcommittee will give full consideration to any proposed multiyear plan submitted with the fiscal year 1998 budget.

Mr. EVERETT. I thank the distinguished chairman for his comments and his support.

Mr. HUNTER. We thank the gentleman for his hard work on this program.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. BARTLETT] for the purpose of a colloquy.

Mr. BARTLETT of Maryland. Mr. Chairman, I would ask the gentleman from California [Mr. HUNTER], chairman of the Subcommittee on Military Procurement, during the committee's markup of this defense authorization bill we discussed the urgent requirements facing the Navy's FA–18C/D aircraft to prove their self-detection capability. Following the shootdown of the F–16 over Bosnia last June, Secretary Perry directed the installation of the limited numbers of the ALQ–165 jammer on Navy and Marine Corps F/A–18–C/D's operating in the Bosnia theater. It is my understanding that without this jammer, the Navy and Marine Corps' F/A–18–C/D aircraft have no electronic self-detection against pulse doppler or continuous wave radar threats which characterize the most widely deployed air-to-air and surface-to-air threats to tactical aircraft.

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

Mr. BARTLETT of Maryland. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, the gentleman is correct.

Mr. BARTLETT of Maryland. Mr. Chairman, the committee is concerned that the limited number of ALQ–165 systems in the Navy's inventory could prevent the Navy from providing adequate self-protection for its F–18–C/D aircraft in future contingencies.

For this reason, the committee added $50 million to the budget request for common ECM equipment in the aircraft procurement Navy account to be used to purchase ALQ–165 jammers. Is that correct?

Mr. HUNTER. The gentleman is correct, and we are grateful to the gentleman for his leadership in this area.

Mr. BARTLETT of Maryland. Mr. Chairman, I thank the gentleman very much for the clarification.

Mr. SPENCE. Mr. Chairman, I am pleased to yield such time as he may consume to the gentleman from Florida [Mr. MICA] for a colloquy.

Mr. MICA. Mr. Chairman, I rise to engage the chairman of the Committee on National Security in a colloquy.

Mr. Chairman, it is my understanding that the fiscal year 1997 defense authorization bill includes a provision which would permit the Secretary of Defense to waive certain requirements for full-scale live fire testing of the V–22 tiltrotor and F–22 fighter aircraft.

I know the gentleman agrees that the live-fire test program plays a critical role in assuring the operational suitability of new equipment for use by our Armed Forces.

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

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

Mr. SPENCE. Mr. Chairman, the gentleman is correct.

Mr. MICA. The Defense Department is making great uses of advances in modeling and simulation technologies of our military services, defense agencies, industry, and academia. These advances are being used for a wide range of activities, including development of new materiel, testing and evaluation, manufacturing, training, and operational planning.

I believe the application of these technologies to the Department's live-fire test program would permit more thorough and realistic evaluation of new equipment for our Armed Forces and would reduce testing costs and time. Their transfer to the private sector would also increase the fidelity of testing in the automotive, aircraft, and other industrial sectors.

Mr. Chairman, I would ask the gentleman from South Carolina if he would assist me in working with the Department of Defense to extend the advanced modeling and simulation technology to the live-fire test program, and if possible, would he address this potential issue with the other body as we complete the defense authorization bill?

Mr. SPENCE. I thank the gentleman from Florida, Mr. Chairman, for his observations, and agree that the Department's advances in development, modeling, and simulation technology may hold significant promise for more cost-effective and comprehensive tests and evaluation of new materiel for our Armed Forces, including live-fire testing. I would be pleased to work with the gentleman from Florida and the Department of Defense in this area.

Mr. MICA. Mr. Chairman, I thank the gentleman for his assistance.

Mr. SPENCE. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, I thank the chairman for his outstanding leadership in moving forward the National Defense Authorization Act. This bill is very important because it supports troops and their families by ensuring quality medical care for military families and enhances military readiness by increasing key underfunded readiness accounts. It funds key modernization programs identified by the service chiefs and, Mr. Chairman, it also builds a smarter Pentagon for innovation reform.

Finally, I think what is very important for our colleagues and our constituents, it ensures veterans preference protection. I believe that this legislation is very much one that should be embraced by both sides of the aisle, and I look forward to its passage.

Mr. CLINGER. Mr. Chairman, I appreciate the gentleman's yielding and rise in strong support of the Spence en bloc amendment and the bill.

Let me begin, Mr. Chairman, by once again thanking Chairman SPENCE for his hard work on the significant procurement reforms our committees have achieved in the past 2 years. I would also like to offer my support for the report language he has included in H.R. 3230 on the acquisition process. The report recognizes that the work of Congress in enacting new reforms is winding down and that the burden for continuing has now shifted to the executive branch. In addition, the report clarifies the intent of Congress with respect to the Government's audit rights for commercial pricing data. Although we believe that Congress has spoken clearly on Truth in Negotiations Act audit rights, the report's language should eliminate any remaining doubts as to congressional intent.

Turning to the gentleman's en bloc amendment, I commend him for including as part of that amendment much-needed reforms to the White House Communications Agency.

The Committee on Government Reform and Oversight initiated a review of the management and operations of the White House Communications Agency nearly 3 years ago. Our inquiry began after discussions with White House staff indicated that WHCA maintained a very broad, but ill-defined role in the Executive Mansion. WHCA's own staff admitted to being uncomfortable with the breadth of services they were sometimes asked to provide and with the Agency's lack of clear mission control. Those concerns led me to ask first the GAO, and then the Department of Defense inspector general to review WHCA's mission, role and activities.

Last month, the DOD IG issued its final WHCA report showing an agency rife with mismanagement, lacking in oversight, and suffering mission creep. The IG found that although a military unit within DOD, WHCA has functioned outside the Department's operational control and with little or no Defense Department oversight. The IG concluded that WHCA's budgets have gone largely unreviewed; its annual performance plan has failed to meet DOD standards; its acquisition planning has been inadequate and resulted in wasteful purchases; and that the agency has ignored Federal procurement law, purchasing goods and services without contracts or legal authority. The IG further reported that inadequate financial controls have resulted in excess and sometimes duplicate payment of unverified bills. Finally, the IG concluded that WHCA is providing the White House with services and equipment outside the scope of its mission of telecommunications support to the President.

The Assistant Secretary of Defense concurred with the IG's findings. He promised corrective action in the areas of budgeting, management, acquisition and oversight. The administration disagreed, however, with the IG's recommendation that unauthorized services be stopped. This sole remaining area of disagreement is the subject of the Spence amendment.

The Spence WHCA amendment simply reaffirms the Agency's traditional role by limiting its use of DOD appropriations to providing telecommunications support to the President, the Vice President, and others specified by the President. Adoption of the amendment will refocus WHCA's mission and prohibit the improper funding of nontelecommunications activities through Defense dollars. Those activities will be returned to the White House for executive funding, management, and control.

While Chairman SPENCE, Subcommittee Chairman ZELIFF, and I had hoped to pursue this correction informally, we have been stymied by the administration's refusal to address the problem. The White House has even prohibited its witnesses from appearing at the oversight hearing which Mr. ZELIFF will chair on Thursday. Because the administration has rejected the inspector general's recommendation and refused to discuss informal correction, we have no choice but to proceed with the amendment.

I appreciate the gentleman's sponsorship of this small, but important reform, commend him on his work, and urge the amendment's adoption.

Mr. DELLUMS. Mr. Chairman, I yield back the balance of my time.

Mr. SPENCE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendments en bloc, as modified, offered by the gentleman from South Carolina [Mr. SPENCE].

The amendments en bloc, as modified, were agreed to.

Mr. SPENCE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CHABOT) having assumed the chair, Mr. BARRETT of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 3230) to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1997, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3230.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PERMISSION FOR COMMITTEE ON THE BUDGET TO FILE REPORT ON AND PROVIDING FOR CONSIDERATION OF CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1997

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that the Committee on the Budget may have until midnight tonight to file a report on the concurrent resolution on the budget for fiscal year 1997, and that it be in order on Wednesday, May 15, 1996, to consider that concurrent resolution under the following terms:

One, the Speaker may declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the concurrent resolution;

Two, the first reading of the concurrent resolution shall be dispensed with;

Three, all points of order against consideration of the concurrent resolution shall be waived;

Four, general debate shall be confined to the congressional budget and shall not exceed 3 hours, including 1 hour on the subject of economic goals and policies, equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget;

Five, after general debate, the Committee shall rise without motion;

And six, no further consideration of the concurrent resolution shall be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

NOTIFICATION OF INTENT TO OFFER HOUSE RESOLUTION 303 RAISING A QUESTION OF PRIVILEGE

Mr. MOAKLEY. Mr. Speaker, pursuant to clause 4(C) of rule XI, I announce my intention to call up House Resolution 303 as a question of privilege. The resolution was reported on December 13, 1995.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. MEEHAN] is recognized for 5 minutes.

[Mr. MEEHAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

[Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

THE AVIATION SAFETY PROTECTION ACT OF 1996

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. CLYBURN] is recognized for 5 minutes.

Mr. CLYBURN. Mr. Speaker, I regret the crash of ValuJet flight 592 was the catalyst for renewed attention on airline safety. However, I hope that a productive dialog on the future safety of the aviation industry will result from this tragedy.

For me, a similar tragedy brought home the need for greater air safety measures. July 4th weekend, 1994, a USAir flight that originated in my hometown, of Columbia, SC, crashed just outside of Charlotte, NC. Several of my constituents were among the victims. That single event heightened my awareness of aviation safety concerns and prompted me to begin a search for solutions.

That search led me to the first step of what I believe is the long journey to restoring public confidence in air travel—the enactment of the Aviation Safety Protection Act of 1996 (H.R. 3187). I introduced this legislation on March 28 to provide whistle-blower protection for airline employees who supply information to the Federal Government relating to air safety.

The intent of this legislation is to encourage airline employees to become actively involved in the safety of airline passengers and to feel free to come forward if they believe that safety is being jeopardized due to negligence or oversight. The same job protections afforded to most of the work force should be extended to the airline industry, especially since lives are at stake.

Under the legislation, an employee who believes he or she has been fired or otherwise retaliated against for reporting air safety violations may file a complaint with the U.S. Secretary of Labor. If the employee's claim is found to be valid he or she would be entitled to reinstatement and compensatory damages.

On the other hand, if the Secretary of Labor determines that the complaint has been filed frivolously, the offending employee will be required to pay up to $5,000 of the employer's legal fees.

This is an issue of safety and fairness. The Aviation Safety Protection Act of 1996 will provide security for airline employees who may be afraid to report safety violations for fear of losing their jobs and the income they need to support their families.

In addition, the Federal Aviation Administration has recently recognized the need to require the same safety standards for commuter airlines as for major carriers. Commuter planes carry an estimated 60 million passengers annually. With the tremendous growth of