In section 210(a), in the matter preceding paragraph (1), strike out "$1,894,297,000" and insert in lieu thereof "$1,904,297,000".

In section 210(a)(1), strike out "$356,450,000" and insert in lieu thereof "$366,450,000".

**AMENDMENT NO. 433**

In section 201(3), strike out "$14,788,356,000" and insert in lieu thereof "$14,813,356,000".

**AMENDMENT NO. 434**

In section 102(3), strike out "$5,880,519,000" and insert in lieu thereof "$5,889,519,000".

**AMENDMENT NO. 435**

In section 201(3), strike out "$14,788,356,000" and insert in lieu thereof "$14,791,356,000".

**AMENDMENT NO. 436**

In section 201(4), strike out "$9,662,542,000" and insert in lieu thereof "$9,667,542,000".

**AMENDMENT NO. 437**

In section 201(4), strike out "$9,662,542,000" and insert in lieu thereof "$9,679,542,000".

**AMENDMENT NO. 438**

In section 201(4), strike out "$9,662,542,000" and insert in lieu thereof "$9,667,542,000".

**AMENDMENT NO. 439**

In section 201(3), strike out "$14,788,356,000" and insert in lieu thereof "$14,789,356,000".

**McCAIN AMENDMENT NO. 4340**

(Ordered to lie on the table.)

Mr. McCain submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

Amend section 322 of S. 1745 by striking out the current language and inserting in lieu thereof "Section 2466 of title 10, United States Code, is repealed.".

**THE CHURCH ARSON PREVENTION ACT OF 1996**

**FAIRCLOTH (AND OTHERS) AMENDMENT NO. 4341**

Mr. FAIRCLOTH (for himself, Mr. KENNEDY, Mr. HATCH, Mr. BIDEN, Mr. KOHL, Mr. NUNN, Ms. MOSELEY-BRAUN, Mr. THURMOND, Mr. EXON, Mr. BINGAMAN, Mr. CONRAD, Mr. LUTENBERG, and Mr. STEVENS) proposed an amendment to the bill (H.R. 3525) to amend title 18, United States Code, to clarify the Federal jurisdiction over offenses relating to damage to religious property.

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Church Arson Prevention Act of 1996".

**SEC. 2. FINDINGS.**

The Congress finds the following:

(1) The incidence of arson or other destruction or vandalism of places of religious worship, and the incidence of violent interference with an individual's lawful exercise or attempted exercise of the right of religious freedom at a place of religious worship pose a serious national problem.

(2) The incidence of arson of places of religious worship that serve predominantly African-American congregations.

(3) Changes in Federal law are necessary to deal properly with this problem.

(4) Although local jurisdictions have attempted to respond to the challenges posed by such acts of destruction or damage to religious property, the problem is sufficiently serious, widespread, and interstate in scope to warrant Federal intervention to assist State and local governments.

(5) Congress has authority, pursuant to the Commerce Clause of the Constitution, to make acts of destruction or damage to religious property a Federal law.

(6) Congress has authority, pursuant to section 2 of the 13th amendment to the Constitution, to act in matters of citizen rights that interfere with the ability of citizens to hold or use religious property without fear of attack, violations of Federal criminal law.

**SEC. 3. PROHIBITION OF VIOLENT INTERFERENCE WITH RELIGIOUS WORSHIP.**

Section 247 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "subsection (c) of this section and inserting "subsection (d)");

(2) by redesignating subsections (c), (d), and (e), as subsections (d), (e), and (f), respectively;

(3) by striking subsection (b) and inserting the following:

"(b) The circumstances referred to in subsection (a) are that the offense is in or affects interstate or foreign commerce.

(1) Whoever intentionally destroys, damages, or destroys any religious real property because of the race, color, or ethnic characteristics of any individual associated with that religious property, or attempts to do so, shall be punished as provided in subsection (d)."

(4) in subsection (d), as redesignated—

(A) by inserting "to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this section," after "bodily injury"; and

(b) by striking "ten years" and inserting "twenty years";

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

(C) by inserting after paragraph (1) the following:

"(2) If bodily injury results to any person, including any public safety officer performing duties as a direct or proximate result of conduct prohibited by this section, and the violence is by means of fire or an explosive, a fine under this title or imprisonment for not more that 40 years, or both;"

(5) in subsection (f), as redesignated—

(A) by striking "religious property" and inserting "religious real property" both places it appears; and

(B) by inserting "and religious objects contained within a place of religious worship" before the period; and

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

"(g) No person shall be prosecuted, tried, or punished for any noncapital offense under this section unless the indictment is found or the information is instituted not later than 7 years after the date on which the offense was committed.".

**SEC. 4. LOAN GUARANTEE RECOVERY FUND.**

(a) In General.—

(1) In General. Using amounts described in paragraph (2), the Secretary of Housing and Urban Development (referred to as the "Secretary") shall make guaranteed loans to financial institutions in connection with loans made by such institutions to assist organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 that have been damaged as a result of acts of arson or terrorism in accordance with such procedures as the Secretary shall establish by regulation.

(2) Use of Credit Subsidy.—Notwithstanding any other provision of law, for the cost of loan guarantees under this section, the Secretary may use not more than $300 million of the amounts made available for fiscal year 1996 for the credit subsidy provided under the General Insurance Fund and the Special Risk Insurance Fund.

(b) Treatment of Costs.—The costs of guaranteed loans under this section, including the cost of modifying loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

(c) Limit on Loan Principal.—Funds made available under this section shall be available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $10,000,000.

(d) Terms and Conditions.—The Secretary shall establish such terms and conditions as the Secretary considers to be appropriate to provide loan guarantees under this section, consistent with section 503 of the Credit Reform Act.

(2) in the terms and conditions a requirement that the decision to provide a loan guarantee to a financial institution and the amount of the guarantee is not dependent in any way on the purpose, function, or identity of the organization to which the financial institution has made, or intends to make, a loan.

**SEC. 5. COMPENSATION OF VICTIMS; REQUIREMENT OF INCLUSION IN LIST OF CRIMES ELIGIBLE FOR COMPENSATION.**

Section 1403(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10602(d)(3)) is amended by inserting "crimes, whose victims suffer death or personal injury, that are described in section 247 of title 18, United States Code," after "includes".

**SEC. 6. AUTHORIZATION FOR ADDITIONAL PERSONNEL TO ASSIST STATE AND LOCAL LAW ENFORCEMENT.**

There are authorized to be appropriated to the Department of the Treasury and the Department of Justice, including the Community Relations Service, in fiscal years 1996 and 1997 such sums as may be necessary to increase the number of personnel, investigators, and technical support personnel to investigate, prevent, and respond to potential violations of sections 247 and 544 of title 18, United States Code.

**SEC. 7. REAUTHORIZATION OF HATE CRIMES STATISTICS ACT.**

The first section of the Hate Crimes Statistics Act (28 U.S.C. 534 note) is amended—

(1) in subsection (b), by striking "for the calendar year 1990 and each of the succeeding 4 calendar years" and inserting "for each calendar year"; and

(2) in subsection (c), by striking "1994" and inserting "2002".

**SEC. 8. SENSE OF THE CONGRESS.**

The Congress—

(1) commends those individuals and entities that have responded to the need to assist in the rebuilding of places of worship that have been victimized by arson; and

(2) encourages the private sector to continue these efforts so that places of worship that are victimized by arson, and their affected communities, can continue the rebuilding process with maximum financial and other non-profit entities.

June 26, 1996

CONGRESSIONAL RECORD Ð SENATE
Mr. FORD (for himself and Mr. Brown) submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle B of title I, add the following:

**SEC. 113. DEMILITARIZATION OF ASSEMBLED CHEMICAL MunITIONS.**

(a) PILOT PROGRAM.—The Secretary of Defense shall designate an executive agent to carry out the pilot program as the Secretary determines appropriate.

(b) PROGRAM REQUIREMENTS.—(1) The Secretary of Defense shall designate an executive agent to carry out the pilot program required to be conducted under subsection (a).

(2) The executive agent shall—
   (A) be an officer or executive of the United States Government;
   (B) be accountable to the Secretary of Defense;
   (C) not be, or have been, in direct or immediate control of the chemical weapons stockpile demilitarization program established by section 4302 of the Department of Defense Authorization Act, 1986, or the other stockpile demilitarization program established by section 4302 of the Department of Defense Authorization Act, 1997, or the other stockpile demilitarization program established by section 4302 of the Department of Defense Authorization Act, 1996; and
   (D) be designated by the Secretary of Defense.

(3) The executive agent may—
   (A) enter into contracts with any private entity to carry out the pilot program; or
   (B) enter into contracts with any private entity to carry out the pilot program directly.

(4) The executive agent may—
   (A) enter into contracts with any private entity to carry out the pilot program directly;
   (B) enter into contracts with any private entity to carry out the pilot program;
   (C) transfer funds to another department or agency of the Federal Government in order to provide for such department or agency to carry out the pilot program;
   (D) enter into contracts with any private entity to carry out the pilot program directly; or
   (E) enter into contracts with any private entity to carry out the pilot program.


(c) ANNUAL REPORT.—Not later than December 15 of each year in which the Secretary carries out the pilot program, the Secretary shall submit to Congress a report on the activities under the pilot program during the preceding fiscal year.

(d) EVALUATION AND REPORT.—Not later than December 31 of each year, the Secretary of Defense shall—
   (1) evaluate each demilitarization alternative as soon as practicable and demonstrated under the pilot program to determine whether that alternative—
      (A) is as safe and cost efficient as incineration for disposing of assembled chemical munitions; and
      (B) meets the requirements of section 1412 of the Department of Defense Authorization Act, 1998, and
   (2) submit to Congress a report containing the evaluation.

(e) LIMITATION ON LONG LEAD CONTRACTS.—Notwithstanding any other provision of law and except as provided in paragraph (2), the Secretary may not enter into any contract for the purchase of long lead materials other than the baseline incinertion materials for the construction of an incinerator at any site in Kentucky or Colorado until the executive agent designated for the pilot program submits an application for such permits as are necessary under the law of the State of Kentucky or the State of Colorado, as the case may be, for the construction at that site of a plant for demilitarization of assembled chemical munitions by means of an alternative to incineration.

(2) The Secretary may enter into a contract described in paragraph (1) beginning 60 days after the date on which the Secretary submits to Congress—
   (A) the report required by subsection (d)(2); and
   (B) the certification of the executive agent that—
      (i) there exists no alternative technology as safe and cost efficient as incineration for demilitarizing assembled chemical munitions at non-bulk sites; and
      (ii) no alternative technology can meet the requirements of section 1412 of the Department of Defense Authorization Act, 1996.

(f) ASSEMBLED CHEMICAL MUNITION DEFINED.—For the purpose of this section, the term "assembled chemical munition" means an entire chemical munition, including component parts, chemical agent, propellant, and explosive.

(g) FUNDING.—(1) Of the amount authorized to be appropriated under section 107 of the Defense Authorization Act, 1998, $60,000,000 shall be available for the pilot program under this section. Such funds may not be derived from funds to be made available under the chemical demilitarization program for the alternate technologies research and development program at bulk sites.

(2) Funds made available for the pilot program pursuant to paragraph (1) shall be made available to the executive agent for use for the pilot program.

(3) No funds authorized to be appropriated by section 107 of the Appropriations Act, 1997, may be obligated for obligation on January 1, 1997, may be obligated after that date unless—
   (A) the funds referred to in that paragraph have been transferred to the executive agent for use for the pilot program; and
   (B) the pilot program has commenced.

**CHOEN AMENDMENT NO. 4343**

(Ordred to lie on the table.)

Mr. COHEN submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of title XXXIII, add the following:

**SEC. 3303. ADDITIONAL AUTHORITY TO DISPOSE OF MATERIALS IN NATIONAL DEFENSE STOCKPILE.**

(a) DISPOSAL REQUIRED.—Subject to subsection (c), the President shall dispose of materials contained in the National Defense Stockpile and specified in the table in subsection (b) so as to result in receipts to the United States on or before December 31 of each year for the fiscal year ending September 30, 2001:
   (1) $110,000,000 during the five-fiscal year period ending September 30, 2001;
   (2) $260,000,000 during the five-fiscal year period ending September 30, 2003; and
   (3) $440,000,000 during the five-fiscal year period ending September 30, 2005.

(b) LIMITATION ON DISPOSAL QUANTITY.—The total quantities of materials authorized for disposal by the President under subsection (a) may not exceed the amounts set forth in the following table:

<table>
<thead>
<tr>
<th>Authorized Stockpile Disposals</th>
<th>Material for disposal</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Columbium Ferro</td>
<td>249,195 pounds</td>
<td></td>
</tr>
<tr>
<td>Diamond, Bort</td>
<td>1,542 carats</td>
<td></td>
</tr>
<tr>
<td>Germanium</td>
<td>26,923 kilograms</td>
<td></td>
</tr>
<tr>
<td>Indium</td>
<td>55.25 tray ounces</td>
<td></td>
</tr>
<tr>
<td>Palladium</td>
<td>1,249,601 troy ounces</td>
<td></td>
</tr>
<tr>
<td>Tantalum, Carbide Powder</td>
<td>2,443 pounds</td>
<td></td>
</tr>
<tr>
<td>Tantalum, Minerals</td>
<td>1,748,947 pounds</td>
<td></td>
</tr>
<tr>
<td>Tantalum, Oxide</td>
<td>3,122,912 pounds</td>
<td></td>
</tr>
<tr>
<td>Titanium, Nitride</td>
<td>7,970 pounds</td>
<td></td>
</tr>
<tr>
<td>Tungsten, Carbide Powder</td>
<td>1,024,143 pounds</td>
<td></td>
</tr>
<tr>
<td>Tungsten, Ferro</td>
<td>2,024,143 pounds</td>
<td></td>
</tr>
</tbody>
</table>
| (c) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of materials under subsection (a) to the extent that the disposal will result in:
   (1) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or
   (2) avoidable loss to the United States.

(1) Treatment of Receipts.—Notwithstanding section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), funds received as a result of the disposal of materials under paragraph (a) shall be deposited into the general fund of the Treasury and used to offset the revenues lost as a result of the amendments made by subsection (a) of section 4303 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 658).

(2) This section shall be treated as qualifying offsetting legislation for purposes of subsection (b) of such section 4303.

(3) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in subsection (a) is in addition to, and shall not affect, any other disposal authority provided by law regarding the materials specified in such subsection.


**LOTT AMENDMENT NO. 4344**

(Ordred to lie on the table.)

Mr. LOTTE submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the appropriate place, insert the following:

**SEC. 3009. ORGANONOMIC STOCK OPERATIONS AND DATA ANALYSIS.**

(a) Of the funds provided by Section 303(2), an additional $6,200,000 may be authorized for the reduction, storage, and conversion of orthographic data for use by the navy, consistent with Navy’s requirements.

(b) Such funds identified in (a) shall be in addition to such amounts already provided for this purpose in the budget request.

**EXON (AND OTHERS) AMENDMENT NO. 4345**

Mr. EXON (for himself, Mr. KOHL, Mr. BINGNAMAN, Mr. LEVIN, Mr. DORGAN, Mr. WELLSTONE, Mr. FEINGOLD, and Mr. HARKIN) proposed an amendment to the bill, S. 1745, supra; as follows:

After section 3, insert the following:

**SEC. 4. GENERAL LIMITATION.**

Notwithstanding any other provision of this Act, the total amount appropriated to be appropriated for fiscal year 1997 under the provisions to this Act is $263,362,000,000.
Mr. THURMOND (for himself and Mr. Nunn) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of division A, add the following new title:

**TITLE XIII—DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION**

**SEC. 1303. SHORT TITLE.** This title may be cited as the “Defense Against Weapons of Mass Destruction Act of 1996.”

**SEC. 1392. FINDINGS.** Congress makes the following findings:

1. Weapons of mass destruction and related materials and technologies are increasingly available from worldwide sources. Technical information relating to such weapons is readily available on the Internet, and raw materials for chemical, biological, and radiological weapons are widely available for legitimate commercial purposes.

2. The former Soviet Union produced and maintained a vast array of nuclear, biological, and chemical weapons of mass destruction.

3. Many of the states of the former Soviet Union retain the facilities, materials, and technologies capable of producing additional quantities of weapons of mass destruction.

4. The disintegration of the former Soviet Union was accompanied by disruptions of command and control systems, deficiencies in accountability for weapons, weapons-related materials, economic hardships, and significant gaps in border control among the states of the former Soviet Union. The problems of organized crime and corruption in the states of the former Soviet Union increase the potential for proliferation of nuclear, radiological, biological, and chemical weapons and related materials.

5. The findings in paragraph (4) have substantially increased the ability of potentially hostile nations, terrorist groups, and individuals to acquire weapons of mass destruction and related materials and technologies from within the states of the former Soviet Union and from unemployed scientists who worked on those programs.

6. As a result of such conditions, the capability of potentially hostile nations and terrorist groups to acquire nuclear, radiological, biological, and chemical weapons is greater than any time in history.

7. The President has identified North Korea, Iraq, Libya, and Iran as hostile states, several of which already possess some weapons of mass destruction and are developing others.

8. The acquisition or the development and use of weapons of mass destruction is well within the capability of many extremist and terrorist movements, acting independently or as proxies for foreign states.

9. Foreign states can transfer weapons to or otherwise aid extremist and terrorist movements indirectly and with plausible deniability.

10. Terrorist groups have already conducted chemical attacks against civilian targets in the United States and Japan, and a radiological attack in Russia.

11. The potential for the national security of the United States to be threatened by nuclear, radiological, chemical, or biological terrorism must be taken as seriously as the risk of an attack by long-range ballistic missiles carrying nuclear weapons.

12. There is a significant and growing threat of attack by weapons of mass destruction on targets using military targets in the usual sense of the term.

13. Concomitantly, the threat posed to the citizens of the United States by nuclear, radiological, chemical, and biological weapons delivered by unconventional means is significant and growing.

14. Mass terror may result from terrorist incidents involving nuclear, radiological, biological, or chemical materials, even if such materials are not configured as military weapons.

15. Facilities required for production of radiological, biological, and chemical weapons are much smaller and harder to detect than nuclear weapons; and radiological, chemical, and biological weapons can be deployed by alternative delivery means that are much harder to detect than long-range ballistic missiles.

16. Such delivery systems have no assignment of responsibility, unlike ballistic missiles, for which a launch location would be unambiguously known.

17. Covert or unconventional means of delivery of nuclear, radiological, biological, and chemical weapons, which might be preferable to foreign states and nonstate organizations, include cargo ships, passenger aircraft, commercial and private vehicles and vessels, and commercial cargo shipments routed through multiple destinations.

18. Traditional arms control efforts assume large state efforts with detectable manufacturing programs and weapon production programs, but inadequate in cases of small, covert, and politically smaller, though potentially more dangerous, unconventional proliferation efforts.

19. Counterproliferation efforts would do little to detect or prevent the rapid development of a capability to suddenly manufacture several hundred chemical and biological weapons without conventional supplies and equipment.

20. The United States lacks adequate planning and countermeasures to address the threat of nuclear, radiological, biological, and chemical terrorism.

21. The Department of Energy has established a Nuclear Emergency Response Team which is available in case of nuclear or radiological emergencies, but no comparable units exist to deal with emergencies involving biological, or chemical weapons or related materials.

22. State and local emergency response personnel are not adequately prepared or trained for incidents involving nuclear, radiological, biological, or chemical weapons.

23. Exercises of the Federal, State, and local response to nuclear, radiological, biological, or chemical terrorism have revealed serious deficiencies and shortcomings in accountability for weapons, weapons-related materials, and technologies capable of producing additional quantities of weapons of mass destruction.

24. The development of, and allocation of responsibilities for, effective countermeasures to weapons of mass destruction is well beyond the capability of the Federal Government and State and local governments.

25. Training and exercises can significantly improve the preparedness of State and local emergency response personnel for emergencies involving nuclear, radiological, biological, or chemical weapons or related materials.

26. Sharing of the expertise and capabilities of the Department of Defense, which traditionally has provided assistance to Federal, State, and local officials in neutralizing, dismantling, and disposing of explosive ordnance, as well as radiological, biological, and chemical materials, can be a vital contribution to the development and deployment of countermeasures against nuclear, biological, and chemical weapons of mass destruction.

27. The United States lacks effective policies and coordination regarding the threat posed by the proliferation of weapons of mass destruction.
S7044
CONGRESSIONAL RECORD — SENATE
June 26, 1996
SEC. 1303. DEFINITIONS.
In this title:
(I) The term “weapon of mass destruction” means any weapon or device that is intended to cause death or serious bodily injury to a significant number of people through the release, dissemination, or impact of—
(A) toxic or poisonous chemicals or their precursors;
(B) a disease organism; or
(C) radiation or radioactivity.
(2) The term “capable of producing nuclear weapons or related materials” means uranium enriched to 20 percent or more in the isotope U-235.

Subtitle A—Domestic Preparedness
SEC. 1311. EMERGENCY RESPONSE ASSISTANCE PROGRAM.
(a) PROGRAM REQUIRED.—(1) The Secretary of Defense shall carry out a program to provide civil defense personnel of Federal, State, and local agencies with training and expert advice regarding emergency responses to a use or threatened use of a weapon of mass destruction or related materials.
(2) The Secretary shall designate the head of an agency other than the Department of Defense to assume the responsibility for carrying out the program on or after October 1, 1999, and relieve the Secretary of Defense of that responsibility upon the assumption of the responsibility by the designated official.
(3) Hereafter in this section, the official responsible for carrying out the program is referred to as the “lead official”.
(b) COORDINATION.—In carrying out the program referred to in subsection (a), the lead official shall coordinate with each of the following officials who is not serving as the lead official:
(1) The Director of the Federal Emergency Management Agency.
(2) The Secretary of Energy.
(3) The Secretary of Defense.
(4) The heads of any other Federal, State, and local government agencies that have expertise or responsibilities relevant to emergency responses described in subsection (a).
(c) ELIGIBLE PARTICIPANTS.—The civilian personnel eligible to receive assistance under the program are civilian personnel of Federal, State, and local agencies who have emergency response responsibilities.
(d) INVOLVEMENT OF OTHER FEDERAL AGENCIES.—(1) The lead official may use personnel and capabilities of Federal agencies outside the agency of the lead official to provide training and expert advice under the program.
(2)(A) Personnel used under paragraph (1) shall be personnel who have special skills relevant to the particular assistance that the personnel are to provide.
(B) Capabilities used under paragraph (1) shall be capabilities that are special skills relevant to the particular assistance for which the capabilities are used.
(3) AVAILABLE ASSISTANCE.—Assistance available under this program shall include the following:
(I) Training in the use, operation, and maintenance of equipment—
(A) chemical or biological agent or nuclear radiation;
(B) monitoring the presence of such an agent or radiation;
(C) protection of emergency personnel and the public; and
(D) decontamination.
(2) Establishment of a designated telephone number (commonly referred to as a “hot line”) to a designated source of relevant data and expert advice for the use of State or local officials responding to emergencies involving a weapon of mass destruction or related materials.
(3) Use of the National Guard and other reserve services authorized under this section that are specified by the lead official (with the concurrence of the Secretary of Defense if the Secretary is not the lead official).
(4) Loan of appropriate equipment.
(f) LIMITATIONS ON DEPARTMENT OF DEFENSE ASSISTANCE.—Authority delegated by the Secretary of Defense to law enforcement agencies under this section shall be provided under the authority of, and subject to the restrictions provided in, chapter 18 of title 10, United States Code.
(g) ADMINISTRATION OF DEPARTMENT OF DEFENSE ASSISTANCE.—The Secretary of Defense shall designate an official within the Department of Defense to serve as the executive agent of the Secretary for the coordination of the provision of Department of Defense assistance under this section.
(h) FUNDING.—(1) Of the total amount authorized to be appropriated under section 301, $35,000,000 is available for the program required under this section.
(2) Of the amount available for the program pursuant to paragraph (1), $10,950,000 is available for the provision of support for the Surgeon General of the United States in the establishment of metropolitan medical strike force teams (commonly referred to as “Metropolitan Medical Strike Force Teams”) to provide medical services that are necessary or potentially necessary by reason of a use or threatened use of a weapon of mass destruction.
(3) The amount available for the program under paragraph (1) is in addition to any other amounts authorized to be appropriated for the program under section 301.
SEC. 1312. NUCLEAR, CHEMICAL, AND BIOLOGICAL EMERGENCY RESPONSE.
(a) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall designate an official within the Department of Defense as the executive agent for—
(1) the coordination of Department of Defense assistance to Federal, State, and local officials in responding to threats involving biological or chemical weapons or related materials; and
(2) the coordination of Department of Defense assistance to the Department of Energy in carrying out that department’s responsibilities under subsection (b).
(b) DEPARTMENT OF ENERGY.—The Secretary of Energy shall designate an official within the Department of Energy as the executive agent for—
(1) the coordination of Department of Energy assistance to Federal, State, and local officials in responding to threats involving nuclear weapons or related materials; and
(2) the coordination of Department of Energy assistance to the Department of Defense in carrying out that department’s responsibilities under section 301.
(c) FUNDING.—(1)(A) Of the total amount authorized to be appropriated under section 301, $15,000,000 is available for providing assistance described in subsection (a).
(B) The amount made available under subparagraph (A) for providing assistance is in addition to any other amounts authorized to be appropriated under title XXXI for that purpose.
SEC. 1313. MILITARY ASSISTANCE TO CIVILIAN LAW ENFORCEMENT OFFICIALS IN EMERGENCY SITUATIONS INVOLVING BIOLOGICAL OR CHEMICAL WEAPONS OF MASS DESTRUCTION.
(a) ASSISTANCE AUTHORIZED.—(1) The chapter 18 of title 10, United States Code, is amended by adding at the end the following:
(2) (A) Of the total amount authorized to be appropriated under title XXXI, $15,000,000 is available for providing assistance described in subsection (b).
(B) The amount available under subparagraph (A) for providing assistance is in addition to any other amounts authorized to be appropriated under title XXXI for that purpose.
SEC. 1314. MILITARY ASSISTANCE TO CIVILIAN LAW ENFORCEMENT OFFICIALS IN EMERGENCY SITUATIONS INVOLVING NUCLEAR, CHEMICAL, OR BIOLOGICAL WEAPONS OF MASS DESTRUCTION.
"(a) IN GENERAL.—The Secretary of Defense, upon the request of the Attorney General, may provide assistance in support of Department of Justice activities relating to the enforcement of section 175 or 2332c of title 18 during an emergency situation involving a biological or chemical weapon of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—
(1) the Secretary of Defense and the Attorney General jointly determine that an emergency situation involving a biological or chemical weapon of mass destruction.
(2) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.
"(b) EMERGENCY SITUATIONS COVERED.—As used in this section, the term ‘emergency situation involving a biological or chemical weapon of mass destruction’ means—
(1) that poses a serious threat to the interests of the United States; and
(2) in which—
(A) civilian expertise and capabilities are not readily available to provide the required assistance to counter the threat immediately posed by the weapon involved;
(B) special capabilities and expertise of the Department of Defense are necessary and critical to counter the threat posed by the weapon involved; and
(C) enforcement of section 175 or 2332c of title 18 would be seriously impaired if the Department of Defense assistance were not provided.
"(c) FORMS OF ASSISTANCE.—The assistance required in subsection (a) includes the operation of equipment (including equipment made available under section 302 of this title) to monitor, contain, destroy, or destroy the weapon involved or elements of the weapon.
"(d) REGULATIONS.—(1) The Secretary of Defense and the Attorney General shall jointly issue regulations concerning the types of assistance that may be provided under this section. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this section.
(2)(A) Except as provided in subparagraph (B), the regulations may not authorize the following actions:
(I) Arrest.
(II) Any direct participation in conducting a search for or seizure of evidence related to a violation of section 175 or 2332c of title 18.
(III) Any direct participation in the collection of intelligence for law enforcement purposes.
(3) The regulations may authorize an action described in subparagraph (A) to be taken under the following conditions:
"(i) The action is considered necessary for the immediate protection of human life, and civilian law enforcement officials are not capable of taking the action.

(ii) The action is otherwise authorized under subsection (c) or under otherwise applicable law.

(e) Reimbursements.—The Secretary of Defense may require reimbursement, as a condition for providing assistance under this section to the extent required under section 317 of this title.

(f) Delegations of Authority.—(1) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this section. The Secretary of Defense may delegate the Secretary's authority under this section only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.

(2) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this section. The Attorney General may delegate that authority only to the Associate Attorney General or an Assistant Attorney General and may only delegate to an Under Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

(g) Relationship to Other Authority.—Nothing in this section shall be construed to effect any transfer of functions or any delegation of the general powers of, the Secretary.

(h) Use of Biological and Chemical Weapons of Mass Destruction. —Nothing in this section shall be construed to authorize the use of biological and chemical weapons of mass destruction.

(1) The table of sections at the beginning of this chapter is amended by inserting after section 2332c the following:

"§ 2332d. Requests for military assistance to enforce prohibition in certain emergencies. —The Attorney General may request the Secretary of Defense to provide assistance under section 382 of title 10 in support of Department of Justice activities relating to the enforcement of section 2332c of this title during an emergency situation involving a chemical weapons of mass destruction. The authority to request such assistance may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2332c the following:

"2332d. Requests for military assistance to enforce prohibition in certain emergencies."

(d) Civilian Expertise.—The President shall take reasonable measures to reduce the reliance on civilian enforcement officials on Department of Defense resources to counter the threat posed by the use or potential use of biological and chemical weapons by mass destruction on the United States. The measures shall include—

(1) actions to increase civilian law enforcement expertise to counter such a threat; and

(2) actions to enhance coordination between civilian law enforcement officials and other civilian sources of expertise, within and outside the Federal Government, to counter such a threat.

(e) Reports.—The President shall submit to Congress the following reports:

(1) Not later than the date of the enactment of this Act, a report describing the respective policy functions and operational roles of Federal agencies in countering the threat posed by the use or potential use of biological and chemical weapons of mass destruction within the United States.

(2) Not later than one year after such date, a report describing—

(A) the actions planned to be taken to carry out subsection (d); and

(B) the costs of such actions.

(3) Not later than one year after such date, a report updating the information provided in the reports submitted pursuant to paragraphs (1) and (2), including the measures taken since the most recent report.

SEC. 133A. TESTING OF PREPARATION FOR EMERGENCIES INVOLVING NUCLEAR, RADIOLOGICAL, CHEMICAL, AND BIOLOGICAL WEAPONS.

(a) Emergencies Involving Chemical or Biological Weapons.—(1) The Secretary of Defense shall develop and carry out a program to counter the threat posed by the use or potential use of biological and chemical weapons of mass destruction within the United States;

(b) The annual revisions of programs referred to in subsection (a) shall include—

(1) exercises to improve coordination between Federal, State, and local agencies and the Department of Defense described in subsection (a), and related emergency plans within other Federal, State, and local agencies.

SEC. 133B. UNITED STATES BORDER SECURITY.

(a) Procurement of Detection Equipment.—(1) Of the amount authorized to be appropriated by section 301, $15,000,000 is available for the procurement of—

(A) equipment capable of detecting the movement of weapons of mass destruction and related materials into the United States; and

(B) material and technologies related to use of equipment described in subparagraph (A) or (B).

(2) The amount available under paragraph (1) is in addition to any other amounts authorized to be appropriated under section 301 for such purpose.
Commissioner of Customs for use in detecting and interdicting the movement of weapons of mass destruction into the United States.

SEC. 1323. NONPROLIFERATION AND COUNTERPROLIFERATION RESEARCH AND DEVELOPMENT.
(a) ACTIVITIES AUTHORIZED.—The Secretary of Defense and the Secretary of Energy are each authorized to carry out research on and development of technical means for detecting the presence, transportation, production, and use of weapons of mass destruction and technologies and materials that are precursors of weapons of mass destruction.

(b) The amount authorized to be appropriated for the Department of Energy for fiscal year 1997, $10,000,000 for research and development carried out by the Secretary of Defense pursuant to subsection (a).

SEC. 1324. INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.
Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) is amended in subsection (a)(1) by striking "importation or exportation of," and inserting in lieu thereof "importation, exportation, or attempted importation or exportation of;" and
in subsection (b)(3), by striking "importation from any country, or the exportation and inserting in lieu thereof "importation, exportation, or attempted importation or exportation from any country, or the exportation or attempted exportation from any country;"

SEC. 1325. CRIMINAL PENALTIES.
It is the sense of Congress that—
(1) the sentencing guidelines prescribed by the United States Sentencing Commission for the offenses of importation, attempted importation, exportation, and attempted exportation of nuclear, biological, and chemical weapons materials constitute inadequate punishment for such offenses; and
(2) Congress urges the United States Sentencing Commission to revise the sentencing guidelines to provide for increased penalties for offenses relating to importation, attempted importation, exportation, and attempted exportation of nuclear, biological, or chemical weapons or related materials or technologies under—
(A) section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2401);
(B) sections 38 and 40 the Arms Export Control Act (22 U.S.C. 2778 and 2780);
(C) sections 28 and 30 of the Energy Security Act (22 U.S.C. 2791 et seq.); and
(D) section 309(c) of the Nuclear Non-Proliferation Act (22 U.S.C. 2729(c)).

SEC. 1326. INTERNATIONAL BORDER SECURITY.
(a) SECRETARY OF DEFENSE RESPONSIBILITY.—The Secretary of Defense, in consultation and cooperation with the Commissioner of Customs, shall carry out programs for existing customs officials and border guard officials in the independent states of the former Soviet Union, the Baltic states, and other countries of Eastern Europe in preventing unauthorized transfer and transportation of nuclear, biological, and chemical weapons materials and technologies, including, but not limited to, expert advice, maintenance of equipment, loan of equipment, and audits may be provided under or in connection with the programs.

(b) The amount authorized to be appropriated under title XXXI for materials protection, control, and accounting assistance of the Department of Energy may, under materials protection, control, and accounting assistance of the Department of Energy, provide assistance for securing from theft or other unauthorized disposition nuclear materials that are not so secured and are located at any site within or outside the former Soviet Union where effective controls for securing such materials are not in place.

SEC. 1331. PROTECTION AND CONTROL OF MATERIALS CONSTITUTING A THREAT TO THE UNITED STATES.
(a) DEPARTMENT OF ENERGY PROGRAM.—Subject to subsection (c) (1), the Secretary of Energy, may, under materials protection, control, and accounting assistance of the Department of Energy, provide materials protection, control, and accounting assistance under the Cooperative Threat Reduction Program of the Department of Defense for securing from theft or other unauthorized disposition, or for destroying, nuclear, biological, or chemical weapons or related materials that are not so secure and are located at any site within the former Soviet Union where effective controls for securing such weapons are not in place.

(b) DEPARTMENT OF DEFENSE PROGRAM.—Subject to subsection (c) (1), the Secretary of Defense may provide materials protection, control, and accounting assistance under the Cooperative Threat Reduction Program of the Department of Defense for securing from theft or other unauthorized disposition, or for destroying, nuclear, biological, or chemical weapons or related materials that are not so secure and are located at any site within the former Soviet Union where effective controls for securing such weapons are not in place.

(c) FUNDING.—(1) Of the total amount authorized to be appropriated under title XXXI, $15,000,000 is available for materials protection, control, and accounting assistance of the Department of Energy.

(2) Of the total amount authorized to be appropriated under title XXXI for materials protection, control, and accounting assistance of the Department of Energy, $20,000,000 is available for providing materials protection, control, and accounting assistance under subsection (b).

(3) A comparison of the benefits of the program with the benefits of other nonproliferation programs.

SEC. 1332. VERIFICATION OF DISMANTLEMENT FACILITIES FOR DISPOSAL OF WEAPONS AND MATERIALS.
(a) FUNDING FOR COOPERATIVE ACTIVITIES FOR DEVELOPMENT OF TECHNOLOGIES.—Of the total amount authorized to be appropriated under title XXXI, $10,000,000 is available for continuing and expediting cooperative activities with the Government of Russia to develop technologies for converting plutonium from weapons use into forms that—
(i) are better suited for long-term storage than are the forms from which converted;
(ii) are suitable for nonweapons use; and
(iii) are technologies that promote openness in Russian production, storage, use, and final disposition of weapons-grade fissile material, including at tritium/sootope production reactors, uranium enrichment plants, chemical separation plants, and other facilities that may be of use in nondefense purposes. The Secretary may carry out such program in conjunction with, or
separately from, the organization designated as the Defense Enterprise Fund (formerly designated as the "Demilitarization Enterprise Fund" under section 1204 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 22 U.S.C. 5953)).

(c) Funding for Department of Defense Program.—(1)(A) Of the total amount authorized to be appropriated under section 301, $15,000,000 is available for the program under subsection (b).

(B) The amount available under subparagraph (A) for the industrial partnership program of the Department of Defense established under section 1342 of title 10, United States Code, is in addition to the amount authorized to be appropriated for Cooperative Threat Reduction programs under section 301.

(2) It is the sense of Congress that the Secretary of Defense should transfer to the Defense Enterprise Fund, $20,000,000 out of the funds appropriated for Cooperative Threat Reduction programs for fiscal years before fiscal year 1997 that remain available for obligation.

SEC. 1335. Lab-to-Lab Program to Improve the Safety and Security of Nuclear Materials.

(a) Program Required.—The Secretary of Energy is authorized to expand the Lab-to-Lab program of the Department of Energy to improve the safety and security of nuclear materials in the independent states of the former Soviet Union where the Lab-to-Lab program is not being carried out on the date of the enactment of this Act.

(b) Program Authorization.—The Secretary of Energy is authorized to be appropriated under title XXXI, $20,000,000 is available for expanding the Lab-to-Lab program as authorized under subsection (a).

(c) Amount Available.—The amount available under paragraph (1) is in addition to any other amount otherwise available for the Lab-to-Lab program.

SEC. 1336. Cooperative Activities on Security of Highly Enriched Uranium Used for Propulsion of Russian Ships.

(a) Responsible United States Official.—The Secretary of Energy shall be responsible for carrying out United States cooperative activities with the Government of the Russian Federation on improving the security of highly enriched uranium that is used for propulsion of Russian military and civilian ships.

(b) Plan Required.—(1) The Secretary shall develop and periodically update a plan for cooperative activities referred to in subsection (a).

(2) The Secretary shall coordinate the development and updating of the plan with the Secretary of Defense. The Secretary of Defense shall involve the joint Chiefs of Staff in the coordination.

(c) Funding.—(1) Of the total amount authorized to be appropriated by title XXXI, $5,000,000 is available for materials protection, control, and accounting program of the Department of Energy for the cooperative activities referred to in subsection (a).

(2) The amount available for the Department of Energy for materials protection, control, and accounting program of the Department of Energy for the cooperative activities referred to in paragraph (1) is in addition to other amounts authorized to be appropriated by title XXXI for such program.

SEC. 1337. Military-to-Military Relations.

(a) Funding.—Of the total amount authorized to be appropriated under section 301, $2,000,000 is available for expanding military-to-military relations in the United States that focus on countering the threats of proliferation of weapons of mass destruction so as to include the security forces of independent states of the former Soviet Union, particularly states in the Caucasus region and Central Asia.

(b) Relationship to Other Funding Authority.—The amount available for expanding military-to-military programs under subsection (a) is in addition to the amount authorized to be appropriated for Cooperative Threat Reduction programs under section 301.

SEC. 1338. Transfer Authority.

(a) Secretary of Defense.—(1) To the extent provided in appropriations Acts, the Secretary of Defense may transfer amounts appropriated pursuant to this subtitle for the Department of Energy for programs and authorities under this subtitle to appropriations available for programs authorized under subtitle A.

(2) Amounts so transferred shall be merged with the appropriations to which transferred and shall be available for the programs for which the amounts are transferred.

(3) The transfer authority under paragraph (1) is in addition to any other transfer authority provided by this Act.

(b) Secretary of Energy.—To the extent provided in appropriations Acts, the Secretary of Energy may transfer amounts appropriated pursuant to this subtitle for the Department of Energy for programs and authorities under this subtitle to appropriations available for programs authorized under subtitle A.

(2) Amounts so transferred shall be merged with the appropriations to which transferred and shall be available for the programs for which the amounts are transferred.

(3) The transfer authority under paragraph (1) is in addition to any other transfer authority provided by this Act.

Subtitle D—Coordination of Policy and Countermasures Against Proliferation of Weapons of Mass Destruction

SEC. 1341. National Coordinator on Nonproliferation.

(a) Designation of Position.—The President shall designate an individual to serve in the Executive Office of the President as the National Coordinator for Nonproliferation Matters.

(b) Duties.—The Coordinator shall have the following responsibilities:

(1) To be the principal adviser to the President on nonproliferation of weapons of mass destruction, including issues related to terrorism, arms control, and international organizations.

(2) To chair the Committee on Nonproliferation established under section 1342.

(3) To take such actions as are necessary to ensure that appropriate emphasis is given to, cooperation on, and coordination of, nonproliferation research efforts of the United States, including activities of Federal agencies as well as activities of contractors funded by the Federal Government.

(c) Relationship to Certain Senior Directors of National Security Council.—(1) The President shall advise the Coordinator regarding the following:

(i) Preventing the smuggling of weapons of mass destruction and related materials or technologies.

(ii) Promoting domestic and international law enforcement efforts against proliferation-related efforts.

(iii) Countering the involvement of organized crime groups in proliferation-related activities.

(iv) Safeguarding weapons of mass destruction materials and related technologies.

(v) Improving coordination and cooperation among intelligence activities, law enforcement, and the Departments of Defense, State, Commerce, and Energy in support of nonproliferation and counterproliferation efforts.

(vi) Ensuring the continuation of effective export controls over materials and technologies that can contribute to the acquisition of weapons of mass destruction.

(vii) Reducing proliferation of weapons of mass destruction and related materials and technologies.


(a) Program Required.—The President, acting through the National Coordinator on Nonproliferation established under section 1342, shall develop a comprehensive program for carrying out this title.

(b) Program Elements.—The program set forth in the report shall include specific plans as follows:
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(1) Plans for countering proliferation of weapons of mass destruction and related materials and technologies.
(2) Plans for training and equipping Federal, state, and local officials for managing a crisis involving a use or threatened use of a weapon of mass destruction, including the consequences of the use of such a weapon.
(3) Plans for regular sharing of information among intelligence, law enforcement, and customs agencies.
(4) Plans for training and equipping law enforcement officials in customs services, and border security personnel to counter the smuggling of weapons of mass destruction and related materials and technologies.
(5) Plans for establishing in the United States appropriate legal controls and authorities relating to the exporting of nuclear, radiological, biological, and chemical weapons, and related materials and technologies.
(6) Plans for encouraging and assisting governments of foreign countries to implement policies that set forth appropriate penalties for offenses regarding the smuggling of weapons of mass destruction and related materials and technologies.
(7) Plans for building the confidence of the United States and Russia in each other's controls over United States and Russian nuclear weapons and fissile materials, including plans for verifying the dismantlement of nuclear weapons.
(8) Plans for reducing United States and Russian stockpiles of excess plutonium, reflecting (A) consideration of the desirability and feasibility of a United States-Russian agreement governing fissile material disposition and the policies and approaches to be used for disposition of excess plutonium; and (B) an assessment of the options for United States cooperation with Russia in the disposition of Russian plutonium.
(9) Plans for studying the merits and costs of establishing a global network of means for detecting and deterring nuclear or other criminal use of biological agents against people or other forms of life in the United States and other foreign countries.
(c) REPORT.—(1) At the same time that the President submits the budget for fiscal year 1998 to Congress pursuant to section 1105(a) of title II of Public Law 104-106, the President shall submit to Congress a report that sets forth the comprehensive program developed under subsection (a).
(2) The report shall include the following:
A) The specific plans for the program that are required under subsection (b).
B) Estimates of the funds necessary for carrying out such plans in fiscal year 1998.
C) The report shall be in an unclassified form. If there is a classified version of the report, the President shall submit the classified version at the same time.
SEC. 1344. TERMINATION.
After September 30, 1999, the President—
(1) is not required to maintain a National Coordinator for Nonproliferation Matters under section 1341; and
(2) may terminate the Committee on Nonproliferation established under section 1342.

SEC. 1351. CONTRACTING POLICY.
It is the sense of the Congress that the Secretary of Defense, the Secretary of Energy, the Secretary of the Treasury, and the Secretary of State—
(1) in the administration of funds available to such officials in accordance with this title, should (to the extent possible under law) contract directly with suppliers in independent states of the former Soviet Union to facilitate the purchase of goods and services necessary to carry out effectively the programs and authorities provided or referred to in subtitle C; and
(2) to do so should seek means, consistent with law, that would enable the contracting approaches to avoid delay and increase the effectiveness of such programs and of the exercise of such authorities.
SEC. 1352. TRANCHE OF ALLOCATIONS AMONG COOPERATIVE THREAT REDUCTION PROGRAMS.
(a) FINDINGS.—Congress makes the following findings:
(1) The various Cooperative Threat Reduction programs are being carried out at different rates in the various countries covered by such programs.
(2) It is necessary to authorize transfers of funding allocations among the various programs in order to maximize the effectiveness of United States efforts under such programs.
(b) TRANSFERS AUTHORIZED.—Funds appropriated for the purposes set forth in subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 409) may be used for any such purpose without regard to the limitation on such section and without regard to subsection (b) of such section.
SEC. 1353. ADDITIONAL CERTIFICATIONS.
(a) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) the Cooperative Threat Reduction programs and other United States programs that are derived from programs established under the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102-484; 22 U.S.C. 2001 et seq.) should be expanded by offering assistance under these programs to other independent states of the former Soviet Union in addition to Russia, Ukraine, Kazakhstan, and Belarus; and
(2) the President should offer assistance to additional independent states of the former Soviet Union in each case in which the participation of such states would benefit national security of the United States by improving border controls and safeguards over materials and technology associated with weapons of mass destruction.
(b) EXTENSIONS.—Assistance under programs referred to in subsection (a) may, notwithstanding any other provision of law, be extended to include an independent state of the former Soviet Union if the President certifies to Congress that it is in the national interests of the United States to extend the assistance to that state.
SEC. 1354. RATIONAL USE OF ENRICHED URANIUM DERIVED FROM RUSSIAN HIGHLY ENRICHED URANIUM.
(a) SENSE OF CONGRESS.—It is the sense of Congress that—
(1) there is a significant risk of theft of such materials; and
(2) there is no reasonable and economically feasible alternative for securing such materials; and
(3) if it is necessary to do so in order to secure the materials, the materials should be imported into the United States, subject to the laws and regulations that are applicable to the importation of such materials into the United States.
SEC. 1356. REDUCTIONS IN AUTHORIZATION OF APPROPRIATIONS.
(a) NAVY RDT&E.—(1) The total amount authorized to be appropriated under section 201(2) is reduced by $150,000,000.
(2) The reduction in paragraph (1) shall be applied to reduce by $150,000,000 the amount authorized to be appropriated under section 201(2) for the Distributed Surveillance System.
(b) OPERATIONS AND MAINTENANCE, DEFENSE-WIDE.—The total amount authorized to be appropriated under section 201(5) is reduced by $85,000,000.

PRESSEY (AND DASCHLE) AMENDMENT NO. 4350
Mr. WARNER (for Mr. PRESSLEY, for himself and Mr. DASCHLE) proposed an amendment to the bill, S. 1745, supra; as follows:
On page 316, between lines 9 and 10, insert the following:

SEC. 1072. SENSE OF CONGRESS ON NAMING ONE OF THE NEW ATTACK SUBMARINE THE "SOUTH DAKOTA".
It is the sense of Congress that the Secretary of the Navy should name one of the new attack submarines of the Navy the "South Dakota".

WARNER AMENDMENT NO. 4351
Mr. WARNER proposed an amendment to the bill, S. 1745, supra; as follows:
At the end of subtitle B of title I, add the following:

SEC. 113. PERMANENT AUTHORITY TO CARRY OUT ARMS INITIATIVE.

JOHNSTON (AND BREAUXX) AMENDMENT NO. 4352
Mr. NUNN (for Mr. JOHNSTON, for himself and Mr. BREAUXX) proposed an amendment to the bill, S. 1745, supra; as follows:
At the end of subtitle C of title XXVIII, add the following:

SEC. 2828. LAND TRANSFER, VERNON RANGER DISTRICT, KISATCHIE NATIONAL FOREST, LOUISIANA.
(a) TRANSFER PURSUANT TO ADMINISTRATIVE AGREEMENT.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of the Army and the Secretary of Agriculture shall enter into an agreement providing for the transfer to the Secretary of the Army of administrative jurisdiction over the Vernon Ranger District of the Kisatchie
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National Forest, Louisiana, as the Secretary of the Army and the Secretary of Agriculture jointly determine appropriate for military training activities in connection with Fort Polk, Louisiana. The agreement shall allocate responsibility for land management and conservation activities with respect to property transferred under this Act.

(2) The Secretary of the Army and the Secretary of Agriculture may jointly extend the deadline for entering into an agreement under paragraph (1). The deadline may be extended in no more than six months.

(2) The Secretary of the Army and the Secretary of Agriculture shall begin an agreement referred to paragraph (1) within the time provided for in that subsection, the Secretary of Agriculture shall, at the end of such time, transfer to the Secretary of the Army administrative jurisdiction over property consisting of approximately 84,825 acres of land currently owned by the United States and located in the Vernon Ranger District of the Kisatchie National Forest, Louisiana, as generally depicted on the map entitled "Fort Polk Military Installation map," dated June 1995.

(c) Limitation on Acquisition of Private Property. — The Secretary of the Army may acquire privately-owned land within the property described under subsection (a) with the consent of the owner of the land.

(d) Use of Property. — (1) Subject to paragraph (2), the Secretary of the Army shall use the property transferred under this section for military maneuvers, training and other military activities in connection with Fort Polk, Louisiana.

(2) The Secretary of the Army may not permit the firing of live ammunition on or over any portion of the property unless the firing of such ammunition on or over such portion is permitted as of the date of the enactment of this Act.

(e) Map and Legal Description. — (1) As soon as practicable after the date of the transfer of property under this section, the Secretary of Agriculture shall publish in the Federal Register a notice containing the legal description of the property transferred.

(2) A map and the legal description of the property transferred under this Act shall be retained by the Army for possible use by the Forest Service.

(f) Reversion. — If at any time after the transfer of property under this section occurs under subsection (b), the Secretary of the Army and the Secretary of Agriculture shall manage the property in accordance with the agreement entered into under that subsection.

(2)(A) If the transfer of property under this section occurs under subsection (b), the Secretary of the Army and the Secretary of Agriculture shall manage the property in accordance with the agreement entered into under that subsection.

(B) If purposes of managing the property under this paragraph, the Secretary of the Army shall, with the concurrence of the Secretary of Agriculture, develop a plan for the management of the property not later than two years after the transfer of the property.

(i) The Secretary of the Army shall provide for a period of public comment in developing the plan in order to ensure that the concerns of local citizens are taken into account in the development of the plan. The Secretary of the Army may enter into a memorandum of understanding under subparagraph (A) and the memorandum of understanding under subparagraph (A) of this section and under the jurisdiction of the Department of Agriculture, to be retained by the Army for possible use by the Forest Service.

(g) Reversion. — If the Secretary does not have administrative jurisdiction over the parcel on the date of the enactment of this Act, the conveyance shall be made by the Federal official who has administrative jurisdiction over the parcel as of that date.

(h) Requirement for Federal Screening. — The Federal official may not carry out the conveyance of property authorized in subsection (a) unless the Federal official determines, in consultation with the Administrator of General Services, that no department or agency of the Federal Government will accept the transfer of the property.

(2) The conveyance required under subsection (a) shall be subject to the condition that the Administrator use the conveyed property for public airport purposes.

(i) 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 Federal official making the conveyance. The cost of the survey shall be borne by the Authority.

(j) Additional Terms and Conditions. — The Federal official making the conveyance of property under subsection (a) may require such additional terms and conditions in connection with the conveyance as such official considers appropriate to protect the interests of the United States.

FORD AMENDMENT NO. 4354

Mr. NUNN (for Mr. FORD) proposed an amendment to the bill, S. 1745, supra; as follows:

In the table in section 210(a), strike out the item relating to Fort Campbell, Kentucky, and insert in lieu thereof the following:

<table>
<thead>
<tr>
<th>Kentucky</th>
<th>Fort Campbell</th>
</tr>
</thead>
<tbody>
<tr>
<td>$67,600,000</td>
<td></td>
</tr>
</tbody>
</table>

Strike out the amount set forth as the total amount at the end of the table in section 210(a), and insert in lieu thereof "$363,050,000".

In section 210(a), in the matter preceding paragraph (1), strike out "$1,894,297,000" and insert in lieu thereof "$1,900,897,000".
In section 2104(a)(1), strike out "$356,450,000" and insert in lieu thereof "$363,050,000".

In section 2502, strike out "$317,000,000" and insert in lieu thereof "$372,000,000".

In section 2601(3)(A), strike out "$79,628,000" and insert in lieu thereof "$90,428,000".

McCAIN AMENDMENT NO. 4355
Mr. WARNER (for Mr. McCaIN) proposed an amendment to amendment No. 4354 proposed by Mr. FORD to the bill, S. 1745, supra; as follows:

At the end of the amendment, add the following:

SEC. 2706. PROHIBITION ON USE OF FUNDS FOR CERTAIN PROJECTS.

(a) PROHIBITION.—Notwithstanding any other provision of this Act, no funds authorized to be appropriated by this Act may be obligated or expended for the military construction project listed under subsection (b) until the Secretary of Defense certifies to each congressional defense committee that the project is included in the current defense budget submission.

(b) COVERED PROJECT.—Subsection (a) applies to the following military construction projects:

(1) Phase II Construction, Consolidated Education Center, Ft. Campbell, KY
(2) Phase III, Construction, Western Kentucky Training Site.

ROBB (AND WARNER) AMENDMENT NO. 4356
Mr. NUNN (for Mr. ROBB, for himself and Mr. WARNER) proposed an amendment to the bill, S. 1745, supra; as follows:

Strike out subsection (a) of section 2821 and insert in lieu thereof the following new subsection:

(a) REQUIREMENT FOR SECRETARY OF INTERIOR TO TRANSFER CERTAIN LANDS.—(1) Subject to paragraph (2), the Secretary of the Interior shall transfer to the Secretary of the Army administrative jurisdiction over the following lands located in section 90 of the National Park System at Arlington National Cemetery, Virginia:

(A) The lands known as the Arlington National Cemetery Interment Zone.
(B) All lands in the Robert E. Lee Memorial Preservation Zone, other than those lands in the Preservation Zone that the Secretary of the Interior determines must be retained because of the historical significance of such lands or for the maintenance of nearby roads or facilities.

(2)(A) The Secretary of the Interior may not make the transfer referred to in paragraph (1)(B) until 60 days after the date on which the Secretary submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives—

(i) a summary of the document entitled "Cultural Landscape and Archaeological Study, Section 29, Arlington House, The Robert E. Lee Memorial";
(ii) a summary of any environmental analysis required with respect to the transfer under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
(iii) the proposal of the Secretary and the Secretary of the Army setting forth the lands to be transferred and the general manner in which the Secretary of the Army will develop such lands after transfer.

(B) The Secretary of the Interior shall submit the information required under subparagraph (A) not later than October 31, 1997.

(3) The transfer of lands under paragraph (1) shall be carried out in accordance with the Interagency Agreement Between the Department of the Interior, the National Park Service, and the Department of the Army, Dated February 22, 1996.

(4) The exact acreage and legal descriptions of the lands to be transferred under paragraph (1) shall be determined by survey satisfactory to the Secretary of the Interior and the Secretary of the Army.

LIEBERMAN (AND NUNN) AMENDMENT NO. 4357
Mr. NUNN (for Mr. LiebERMAN, for himself and Mr. NUNN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title II add the following:

SEC. 237. CORPS SAMMEADS PROGRAM.

(a) FUNDING.—Of the amount authorized to be appropriated under section 2014—

(1) $56,200,000 is available for the Corps surface-to-air missile (SAM)/Medium Extended Air Defense System (MEADS) program (PE 6839EC); and
(2) $535,711,000 is available for Other Theater Missile Defense programs, projects, and activities (PE 6837EC).

(b) INTERNATIONAL COOPERATION.—The Secretary of Defense may carry out the program referred to in subsection (a) in accordance with the memorandum of understanding entered into on May 25, 1996 by the governments of the United States, Germany, and Italy regarding international cooperation on such program (including any amendments to the memorandum of understanding).

(c) LIMITATIONS.—Not more than $15,000,000 of the amount available for the Corps SAM/MEADS program under subsection (a) may be obligated until the Secretary of Defense submits to the congressional defense committees the following:

(1) An initial program estimate for the Corps SAM/MEADS program to, including a tentative schedule of major milestones and an estimate of the total program cost through initial operational capability.
(2) A report on the options associated with the use of existing systems, technologies, and program management methodologies to satisfy the requirement for the Corps surface-to-air missile, including an assessment of cost and schedule implications in relation to the program estimate submitted under paragraph (1).
(3) A certification that there will be no increase in overall United States funding commitment to the project definition and validation phase of the Corps SAM/MEADS program as a result of the withdrawal of France from participation in the program.

THURMOND (AND OTHERS) AMENDMENT NO. 4358
Mr. WARNER (for Mr. THURMOND, for himself, Mr. FORD, Mr. SARBANES, Mr. Breaux, Mr. DOMENICI, Mr. SANTORUM, Mr. HOLLINGS, Mr. WARNER, and Mr. JOHNSTON) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title V, add the following:

SEC. 523. PROHIBITION ON REORGANIZATION OF ARMY ROTC CADET COMMAND OR TRAINING OF SELECTED RESERVE ROTC UNITS PENDING REPORT ON ROTC.

(a) PROHIBITION.—Notwithstanding any other provision of law, the Secretary of the Army shall not reorganize or restructure the Reserve Officers Training Corps Cadet Command or terminate any Senior Reserve Officer Training Corps units identified in the information for Members of Congress concerning Senior Reserve Officer Training Corps (ROTC) Unit Closures dated May 20, 1996, until 180 days after the date on which the Secretary submits to the congressional defense committees the report described in subsection (b).

(b) REPORT.—The report referred to in subsection (a) shall—

(1) describe the selection process used to identify the Reserve Officer Training Corps units of the Army to be terminated; and
(2) list the criteria used by the Army to select Reserve Officer Training Corps units for termination;

(3) set forth the specific ranking of each unit of the Reserve Officer Training Corps of the Army to be terminated as against all other such units;
(4) set forth the authorized and actual cadre staffing of each such unit to be terminated for each fiscal year of the 10–fiscal year period ending with fiscal year 1996;
(5) set forth the production goals and performance evaluations of each Reserve Officer Training Corps unit of the Army on the closure list for each fiscal year of the 10–fiscal year period ending with fiscal year 1997;
(6) describe how cadets currently enrolled in the units referred to in paragraph (3) will be accommodated after the closure of such units;
(7) describe the incentives to enhance the Reserve Officer Training Corps program that would be provided by each of the colleges on the closure list; and
(8) include the projected officer accession plan by source of commission for the active–active Army, the Army Reserve, and the Army National Guard.

(9) describe whether the closure of any ROTC unit will adversely affect the recruitment of minority officer candidates.

BYRD AMENDMENT NO. 4359
Mr. NUNN (for Mr. BYRD) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtext A of title V add the following:

SEC. 506. SERVICE CREDIT FOR SENIOR R.O.T.C. CADETS AND MIDSHIPMEN IN SIMULTANEOUS MEMBERSHIP PROGRAM.

(a) AMENDMENTS TO TITLE 10.—(1) Section 2106(c) of title 10, United States Code, is amended by striking out "active duty other than for training after July 31, 1990, while a member of the Selected Reserve" and inserting in lieu thereof "performed on or after August 1, 1993, as a member of the Selected Reserve".

(2) Section 2107(g) of such title is amended by striking out "while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve" and inserting in lieu thereof "performed on or after August 1, 1993, as a member of the Selected Reserve".

(3) Section 2107a(g) of such title is amended by inserting ", other than enlisted service performed after August 1, 1993, as a member of Selected Reserve", after "service as a cadet or with concurrent enlisted service".

(b) AMENDMENT TO TITLE 37.—Section 205(d) of title 37, United States Code, is amended by striking out "that service after July 31, 1990, that the officer performed while serving on active duty" and inserting in lieu thereof "that service after July 31, 1990, that the officer performed on or after August 1, 1993,".

(c) BENEFITS NOT TO ACCRUE FOR PRIOR PERIODS.—No increase in pay or retired or retainer pay shall accrue for periods before the date of the enactment of this Act by reason of the amendments made by this section.
BOXER AMENDMENT NO. 4360

Mr. NUNN (for Mrs. BOXER) proposed an amendment to the bill S. 1745, supra; as follows:

At the end of subtitle E of title III, add the following:

SEC. 636. PREVENTION OF CIRCUMVENTION OF FUNDING FOR CIVILIAN STUDENTS AT FOREIGN LANGUAGE INSTITUTE OF THE DEFENSE LANGUAGE INSTITUTE.

Section 559a(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 104 Stat. 2776; 10 U.S.C. 4411 note) is amended by striking out “(3) a reimbursable, space-available basis” and inserting in lieu thereof “an ‘on a space-available basis and for such reimbursement (whether in whole or in part) as the Secretary considers appropriate.”

MOSELEY-BRAUN AMENDMENT NO. 4361

Mr. NUNN (for Ms. MOSELEY-BRAUN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle D of title VI, add the following:

SEC. 636. PREVENTION OF CIRCUMVENTION OF COURT ORDER BY WAIVER OF RETIREMENT SYSTEM SERVICE RETIREMENT ANNUITY.

(a) CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8332 of title 5, United States Code, is amended by adding at the end the following:

“(4) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this subchapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee’s or Member’s retired pay and paid to that former spouse covered by the court order, the amount made available under this heading. $30,723,000 shall be available for construction, phase III, at the Western Kentucky Training Site, Kentucky, with the amount made available for such construction to be derived from sums otherwise available under this heading for major construction.”

(b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8411 of title 5, United States Code, is amended by adding at the end the following:

“(4) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this chapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee’s or Member’s retired pay and paid to that former spouse covered by the court order, the amount made available under this heading. $10,800,000 shall be made available under this heading. $10,800,000 shall be available for construction, phase III, at the Western Kentucky Training Site, Kentucky, with the amount made available for such construction to be derived from sums otherwise available under this heading for major construction.”

MR. WARNER (for Mr. BURNS) proposed an amendment to the bill (H.R. 3517) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for fiscal year ending September 30, 1997, and for other purposes; as follows:

On page 2, line 13, strike out “$37,323,000” and insert in lieu thereof “$20,723,000.”

On page 3, line 11, strike out “$45,709,000” and insert in lieu thereof “$44,809,000.”

On page 6, line 24, strike out “September 30, 2001.” and insert in lieu thereof “September 30, 2001.” Provided, That of the amount made available under this heading, $10,800,000 shall be available for construction, phase III, at the Western Kentucky Training Site, Kentucky, with the amount made available for such construction to be derived from sums otherwise available under this heading for minor construction.”

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 26, 1996, at 10:30 a.m. to hold a hearing.

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 26, 1996, at 2 p.m. to conduct a markup on S. 1795.

The PRESIDENT OF THE SENATE. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet Wednesday, June 26, 1996, at 9:30 a.m. for a markup.

The PRESIDENT OF THE SENATE. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet Wednesday, June 26, 1996, at 11:30 a.m. to conduct a markup hearing on S. 200.

The PRESIDENT OF THE SENATE. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be permitted to meet Thursday, July 3, 1996, beginning at 9:30 a.m. to conduct a markup on S. 200.