HOUSE OF REPRESENTATIVES—*Tuesday, September 11, 1990*

The House met at 12 noon.

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

We admit, O gracious God, that even our best acts do not always bring a sense of justice and our best efforts do not always bring the peace and respect among people that we so earnestly desire. May Your good spirit, O God, that transcends all we do, lift our eyes to see the full measure of Your whole creation and the responsibilities we have to do the works of justice for all people. May Your blessing encourage those who truly labor for righteousness and for peace, this day and in all the days to come. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Missouri [Mr. VOLKMER] please come forward and lead the House in the Pledge of Allegiance?

Mr. VOLKMER led the Pledge of Allegiance as follows:

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

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Kalbaugh, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 365. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

UNITED STATES ENERGY INDEPENDENCE BY 2000

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

Mr. VOLKMER. Mr. Speaker, today I am introducing legislation to reauthorize a number of alternative fuels and energy conservation programs to address the energy crisis which has been brought to a head by the Iraqi invasion of Kuwait, but more importantly is the result of 10 years of neglect by the Reagan and Bush administrations.

Mr. Speaker, my legislation—the Commercialization of Alternative Energy Sources and Energy Conservation Technology Act of 1990 is designed to put back on the books programs which Congress started in 1979 and 1980 but which have been underfunded, downplayed, and ignored over the past decade. Had these programs been on the books and funded as the Congress intended, our private businesses, farmers, Federal, State, and local government agencies, homeowners and individual citizens would not be faced with the skyrocketing costs of fuel, and our American fighting forces would not be stationed in the Middle East, because we would not have needed to rely on imported oil as we do under the Reagan-Bush policy. Frankly, had these alternative fuels and conservation programs been carried through the 1980's, our lifestyle would not be threatened in 1990.

Mr. Speaker, my legislation encourages the production and use of electric vehicles by Federal, State, and local government agencies, it extends the 6-cent tax exemption on gasohol made with ethanol and methanol—corn derivatives, it provides loan guarantees for individuals and firms building commercial refineries to liquefy coal and crack oil shale, a 20-percent tax credit for equipment for businesses who use 20 percent or less natural gas or oil for heating purposes, and a solar bank to provide loans to homeowners to install solar heating devices is reestablished. Finally, this legislation increases funding for programs providing low income weatherization assistance, increases conservation assistance to schools and hospitals, funds a program to assist State agencies implement conservation techniques, and provides money for an energy extension service to benefit the agriculture sector.

Mr. Speaker, I urge my colleagues to cosponsor my legislation which repeals the Reagan-Bush energy policy—which is no policy—and put in place a sensible energy policy which reduces our dependence on foreign oil and commercializes the known and newly developing energy and conservation technologies by the year 2000—a short decade away.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS TODAY

Mr. FRANK. Mr. Speaker, I ask unanimous consent that it may be in order at any time today for the Speaker to declare recesses, subject to the call of the Chair, for the purpose of receiving in joint session the President of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

THE FISCAL YEAR 1991 DEFENSE AUTHORIZATION

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

Mr. VISCLOSKY. Mr. Speaker, I want to talk about burden sharing. Sharing the burden of our country and our people.

With the budget deficit projected at over $200 billion, it is clear that the United States can no longer afford to pay the defense bill of its wealthy allies

It is time that our Japanese, Korean, and Western European allies assume their fair burden of maintaining international order and peace.

At the same time, while steelworkers, teachers, and farmers are being asked to send their sons and daughters to the deserts of the Middle East to

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risk their lives, I find it difficult to accept that the President continues to endorse a capital gains cut for the wealthiest of our land.

Are hard-working Americans who send their children to foreign lands also asked to assume the tax burden of the rich?

I think the answer is clearly no.

Any negotiated budget agreement must be fair and progressive for all, especially middle-class Americans who work.

□ 1210

SDI FUNDING LEVEL SHOULD BE MAINTAINED

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

Mr. McEWEN. Mr. Speaker, some 3 months ago Saddam Hussein said that if he had a missile that could reach New York, he would use it.

Presently we are considering the House Armed Services Committee bill which has within it a program to protect America against such attack. Only time will tell whether or not we are acting too late. Some time over the next 3 to 5 years a Qadhafi or a Hussein or someone of that caliber will have the capacity to hit New York or Washington with only one—and they need only one—ballistic missile, whether it be nuclear, whether it be chemical, or whether it be conventional.

We will vote on an amendment to freeze the strategic defense initiative at last year's level. This is the level which the Senate has proposed. The President has said that a vote to cut below that mark will delay, cast out, and force us to cancel contracts. Thus, essentially that would be a vote against the strategic defense of America.

Mr. Speaker, I do not understand it. Common sense tells me that if we are going to spend $300 billion, at least $4 billion of it ought to be used to protect America against madmen hitting us with missiles. If we pass the Armed Services Committee mark, without the Kyl amendment, we will delay even further the day at which our populace will be protected.

AMERICA NEEDS A NATIONAL ENERGY POLICY

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

Mr. CLARKE. Mr. Speaker, the invasion of Kuwait and Iraq's threat to Saudi Arabia have taught us that America must have a strong national energy policy to reduce our dependence on imported oil.

We must tighten Federal requirements for automobile fuel efficiency and conserve oil in other ways including an incentive program for better home insulation.

Research and development of alternative energy sources must be pushed. Synthetic oil from coal, motor fuel made from natural gas, solar power, alcohol fuels, shale oil, tar sands and other sources of energy all need to be researched.

As former President Jimmy Carter and others have pointed out, domestic production, which requires some degree of price stability, is much lower than it ought to be. The current increase in the price of oil should stimulate it.

Because of America's lack of an energy policy, the increase in the price of oil will hurt American industry much harder than it hits our economic competitors. For example, the impact of the oil price rise on production costs of Japanese goods will be only one-third of the impact on American products.

It won't be easy to develop an effective national energy policy, but if we miss the opportunity now, America will really be sticking its head in the sand. We must not let this happen again.

THE GINGRICH ECONOMIC GROWTH PACKAGE

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

Mr. DELAY. Mr. Speaker, I would like to take my time to applaud my colleagues, Congressman NEWT GINGRICH and Congressman BOB MCEWEN. Congressman GINGRICH and Congressman MCEWEN have developed an economic growth package which focuses on putting money back in the taxpayers pocket instead of taking it out. While the Democrats have failed to produce any kind of substantial budget package, Congressman GINGRICH and the Republican summiteers have been consistently willing to work and put substantive deficit reduction proposals on the bargaining table.

The recent economic growth package proposed by Congressman GINGRICH outlines a budget strategy which establishes as it's first duty the chore of reestablishing integrity and a bond of honesty in the political budget process. His package would avoid a recession by cutting taxes, providing jobs, and stimulating economic growth through investment incentives. Congressman GINGRICH's package is a response to our current tax system which is antifamily and probig government. Our tax system favors crippling the family by an increasing tax burden in order to fund welfare programs which continue to entrench the lower class in an archaic socialistic program. The economic growth package provides alternatives to our current antifamily tax system and provides hope for a more prosperous America. I support wholeheartedly the Gingrich economic growth package and urge my colleagues to do likewise.

JAPAN MUST ACCEPT FINANCIAL BURDEN SHARING

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

Mr. TRAFICANT. Mr. Speaker, Japanese breeders have bought the great American racehorse, Sunday Silence, and they are shipping him to Japan for stud. Meanwhile Clayton Yeutter, our Secretary of Agriculture, gave a few bags of rice as a gift to Japanese leaders. Guess what? They did not eat the rice. They sent it to a lab for testing, and lo and behold, they said the American rice is inferior to Japanese rice; therefore, they must continue restrictions on American rice.

Now, if that is not enough to rub your rhubarb here today, while Sunday Silence will be over there servicing Japanese mares, the Japanese Government is servicing the American farmers and the American taxpayers.

We are spending billions of dollars to protect Japan and now millions of dollars every day to protect their oil in the gulf. I say it is time for Japan to pay their fair share. Today is the day for burden sharing. It is time to put some of that burden on Japan and take it off the backs of American taxpayers.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to tell our guests in the gallery that we welcome their presence. We are pleased that they are here, but the rules of the House prohibit any signs of approval or disapproval as to any action or statement made on the floor of the House. The Chair requests that this rule be observed.

STRATEGIC STATEN ISLAND BASE FACES THREAT OF CLOSURE

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

Ms. MOLINARI. Mr. Speaker, for the past 5 years Congress has approved funding for new naval homeports strategically placed across the country. One of the these bases is in my district on Staten Island. Over $240 million has been spent constructing the most modern and technologically advanced pier in the country, if not the world. In addition, new housing has been constructed which the Navy itself says is the best that it has,

and it is already housing over 117 Navy families.

Yet there is still a move afoot in this body to eliminate the only port built since World War II—a move which has no national precedence and flies in the face and intent of the Base Closure and Realignment Act. This will be the first closure of a port to destroy the intent of the Base Closure and Realignment Act. I have to wonder why.

Why, since there is no economic argument to this move and since killing this port will cost the Government considerably more than it will to sustain it? If we do not complete this base, the Navy must only face closing costs, but then there would be upgrading facilities elsewhere to accommodate the Navy's newest ships.

Why, since there is no strategic argument to dismantling defenses in the Northeast?

Saddam Hussein has proven that point, and Abu Abbas has underscored it with his statement that Iraq will soon have missiles that can reach New York City. One can only conclude that it is parochial and partisan politics which spurs this dangerous move.

Mr. Speaker, I urge my colleagues not to make their first vote back since the invasion of Kuwait one that compromises our national readiness and could possibly jeopardize our national security.

COMMIT UNITED STATES TODAY FOR ENERGY INDEPENDENCE BY THE YEAR 2000

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

Mr. PICKETT. Mr. Speaker, twice during the 1970's, this Nation endured foreign oil price shocks that sent gas prices soaring and our economy reeling.

And twice, these crises faded from our memory without any lasting action being taken to ensure energy independence for our Nation.

Now, in 1990, with billions of dollars being spent to deploy our military forces in the Middle East, we are dramatically reminded of the reckless and dangerous policy of allowing this Nation to be dependent upon foreign oil in order to meet our energy needs.

In 1776, our forefathers had the courage and determination to adopt the Declaration of Independence signaling our political independence from the rest of the world.

Mr. Speaker, it is time, in 1990, for this Nation to adopt a declaration of energy independence from the rest of the world.

President Bush has drawn justifiable praise for his skillful political leadership in establishing a military presence in the Middle East.

But President Bush will be remembered for even more skill, leadership, and vision if he will commit today to making the United States of America energy independent by the year 2000.

□ 1220

BURDENSHARING

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

Mr. JAMES. Mr. Speaker, the American people have seen American troops go to the Middle East to stop a dangerous dictator. The leader of Iraq is indeed a despicable despot. He has started two wars with invasions of neighboring countries, used chemical weapons on his enemies both in and out of Iraq's borders, and has attempted to develop nuclear weapons. He must be stopped, and stopped now.

All nations should band together to stop this madness. Yet it seems that some nations do not want to pay their fair share of the burden. While our Arab allies have promised financial help, and some of our European allies have also offered help, others have done little. Japan is notable for its reluctance to make even a token gesture. Once again, Japan and others will quickly grab the benefits of our protection, while avoiding any responsible commitment of sharing the costs. It's time that our allies who are not paying their fair share ante up and pull their own weight. The people of the United States are tired of being soaked by the rest of the world, and they are not going to take it anymore.

ENERGY INDEPENDENCE, A NATIONAL PRIORITY

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

Mr. DEFAZIO. Mr. Speaker, in the sixties we set an ambitious goal, to put a man on the Moon. We met that goal. For the nineties, we should set the goal of energy self-sufficiency for the Nation. You cannot tell me that it is beyond the capabilities of the United States of America to become energy independent if we make it a national priority.

There are those who would twist the tragic events of this third energy shock in the Middle East to their own benefit. They would plunder our coasts and the fragile Alaska National Wildlife Refuge for a few more days fix.

It is time to throw off the yoke of OPEC, the multinational oil companies, and develop a national energy policy based on our own traditional values of conservation, hard work and Yankee ingenuity.

Today I am introducing legislation based on the Northwest Power Planning and Conservation Act. The Pacific Northwest has proved that we can conserve and still maintain our quality of life, indeed, we can grow and prosper. It is time we applied these lessons to our Nation as a whole. Nothing could provide more for the security of our Nation in the 21st century than energy self-sufficiency and independence.

SUPPORT HOUSE CONCURRENT RESOLUTION 366 TO SHARE BURDEN IN THE MIDDLE EAST

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

Mr. RITTER. Mr. Speaker, I and a bipartisan group of my colleagues just finished up a second round of talks today with a delegation of Japanese Diet Members where we did receive some words of encouragement about Japanese assistance in the Persian Gulf.

Today the Japanese Government announced, or it was reported they had announced, that they would be contributing some $2 billion in assistance to some of the poorer nations in the area affected by the crisis, and also some 2,000 members of the Japan self-defense force for noncombatant roles in the Persian Gulf. This is a historic step, committing the SDF outside their own country. But, Mr. Speaker, the Japanese use Persian Gulf oil at twice the rate that we use it. They have a major, major responsibility to share in its protection. It is only fair they pay a major share of the costs.

The German Government, as has been noted earlier, has been noticeably reticent, nearly silent on making their contribution, using as an excuse that NATO's interests somehow do not extend to the Persian Gulf. Well, this is a post cold war era and it is time we had a post cold war mentality on the part of our allies to share responsibilities.

I would like to encourage my colleagues to support a resolution that I have introduced, House Concurrent Resolution 366. This calls upon foreign nations to share the cost of the deployment of U.S. forces in the Persian Gulf.

We already have a large number of bipartisan cosponsors, and this is the kind of resolution that will help support the President in his negotiations.

The resolution expresses support for the President's initiative to obtain assistance from other nations. And, because the costs of Operation Desert Shield are mounting every day, my resolution urges the President to continue to determine, and request, appropriate levels of assistance—material or even more important, troops—or reimbursement from other nations that

are benefiting from the deployment of U.S. forces in the Persian Gulf region.

Mr. Speaker, with our Federal deficit, the United States simply cannot be expected to bear the brunt of paying for the security of the Persian Gulf region. The burden must be shared fairly, especially by some of the rich nations of the gulf region and other wealthy, industrial nations that are heavily dependent on Persian Gulf oil. Indeed, in what seems to be a new era, the post cold war era, it is only fair that nations who benefit from global peace and security help to underwrite it.

SUPPORT THE BRADY BILL, BAN ASSAULT WEAPONS

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

Mr. SCHEUER. Mr. Speaker, America wants to be No. 1 in everything. But there is an area where we are indisputably No. 1 and we should be ashamed.

I am referring, Mr. Speaker, to the trigger happy state we live in. The United States has a homicide rate that is 20 times that of Japan, 17 times that of the United Kingdom, and at least 4 times that of any developed nation.

Virtually anyone can walk into a weapons store and purchase a gun, no background check, no waiting period, nothing. Giving free and easy access to guns to anyone is the recipe for disaster. Tragically, we see this everyday in New York City.

It used to be, when people got into an argument, they would shout or throw a punch. Now they simply pull a gun. New York is paying a price for this, not in dollars and cents, but in our children's lives.

Mr. Speaker, the gun lobby is fond of saying "Guns don't kill people, people kill people." But people kill people with guns. We can stop the killings by removing the instruments of murder. And anyone who has legitimate reason to own a handgun can wait a week to get one.

Assault rifles are the stuff of nightmares. The local drug cartel in New York City has created a small war between competing factions, and no bystander is safe from their predations. No longer is this a private fight between dealers and suppliers fighting for turf. It is an out-in-the-open kill-or-be-killed frenzy, and no bystander is immune.

As we have seen in New York this summer with the murder of 5 children and the wounding of 15 more, we are not safe anywhere. Assault weapons are killing machines. And they are designed to kill large numbers of people quickly. There is no place in a civilized society for weapons of war.

ANOTHER GROUP OF HOSTAGES

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

Mrs. BENTLEY. Mr. Speaker once more the civil servants of this country are being held hostage to the deficit. The threat of unpaid furloughs for 22 days has demoralized every agency and frightened hundreds of citizens dependent upon Government checks for their livelihood, both inside and outside the Government.

The picture being painted by the Office of Management and Budget of a 37-percent cut being mandated by the first of the year is not only cruel, but totally unnecessary in its projected implementation. Two days furlough each month spread out over 11 months would satisfy the demand, however unfair it is to the workers, without having the spector of airports shutting down, Social Security checks being held up, income taxes going uncollected, and even food going uninspected.

The draconian demand by Mr. Darman belies the seriousness of the threat and highlights the proposition that Government workers have become nothing but a bargaining chip in the summit negotiations. It is a shameful thing. It is a destructive act to our Government and its people. And finally, were the sequestration to be handled in the most humane way possible, it would be totally unfair that the professional Government worker alone should bear the burden of the deficit. The Congress, the administration and all appointed officials, now exempt by law, should equally take the hit.

INTRODUCTION OF DESERT SHIELD BURDEN-SHARING ACT OF 1990

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

Mr. DINGELL. Mr. Speaker, for the past 41 days, Americans have witnessed the most rapid and expensive mobilization of our armed forces in the history of the United States. This is to show the resolve of this country that we will protect human rights and assure peace in the Persian Gulf.

The Iraqi invasion of Kuwait has provoked a crisis which threatens not only global security, but jeopardizes the economic growth of every nation in the world, especially those dependent on oil from the Persian Gulf.

While Congress supports the President's initiatives to settle this crisis and to secure a lasting peace in the Middle East, I have to join my colleagues and all citizens of this Nation in expressing my outrage at those nations who have chosen to sit upon the sidelines, hoping to reap the windfall profit of a secure and stable oil supply at the expense of American effort, American money and American lives. This is a crisis which demands a real contribution from every nation desiring to maintain world peace and to benefit from the actions of the United States.

I am therefore introducing a bill to encourage meaningful contributions from our world neighbors for resolving this crisis. The "Desert Shield Burden-Sharing Act of 1990" would impose an additional 20 percent duty on the goods of nations that the President decides are not paying their fair share for Operation Desert Shield. While attempting to accomplish justice, we are in like fashion exempting many recipient countries, such as those in the Caribbean Basin, as well as a number of emerging democricies. This bill aims to generate monies that can be used by the United States to reduce the one-billion-dollar-a-month cost of this military mission to the American taxpayer.

During this crisis, the President has been able to encourage many nations to provide support; however, it is noteworthy that the Japanese propose to give us $1 billion, less than 1 month's cost of this undertaking, and West Germany has indicated that it will pay the Soviet Union $8 billion to house and support some 300,000 Soviet troops in East Germany, while contributing only a minuscule amount to the support of our undertaking.

The 20 percent tariff that is proposed in this legislation will put our trading partners on notice that the days of free American military protection have passed, and that the emerging world order requires a fair sacrifice from all who will benefit from American lives, and our expenditures of money. Justice demands no less, and I urge my colleagues to join me in cospsonsorship of this legislation today.

□ 1230

MORALE BUILDERS

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

Mr. GIBBONS. Mr. Speaker, there is one significant thing we can do to help the morale of our troops that are over in Operation Desert Shield in Saudi Arabia. We can give them the opportunity to write home free. All soldiers in the wars that I participated in had that opportunity.

In addition, Mr. Speaker, I know from my visit over there that it is very important to our soldiers. That is an environment in which it is impossible to keep up with stamps, it is too hot and too sticky, and the stamps just do not stick to the envelopes. I have seen that with my own eyes, and one of the

good morale builders is to just let them write home free.

Mr. Speaker, I have introduced a bill to do that today.

Now, Mr. Speaker, about our foreign allies that are not cooperating as they should:

The House passed just a couple of days before we adjourned a strong piece of legislation that gave the President the authority to cut off trade in this market for those who did not cooperate in our attempt to embargo that country over there. It is resting, as many pieces of good legislation are, over in the Senate. They just have not acted. It is in the Banking Committee over there.

Therefore, Mr. Speaker, I would encourage all Members, if they know or speak to any member of the Senate Banking Committee, that they take it up, and pass it, and send it on to the President, and the President would then have the authority to suggest very strongly that those who are dragging their feet could do it.

The House has done its work. It is up to the Senate.

JAPAN SHOULD DO MORE TO HELP IN MIDDLE EAST

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

Mr. HUBBARD. Mr. Speaker, it surely is not surprising to any of us that Japan is not contributing more to the struggle against Iraq. Actually, the Japanese have been acting totally the way they usually do—if there's no profit in it for Japan, forget it.

Yes, Japan, the world's largest creditor nation, has today offered $2 billion in Middle East aid to help victims of Saddam Hussein's terror and crimes.

How much is $2 billion to the Japanese? That is the same amount of money Japanese businessmen recently paid to buy Pebble Beach, CA.

The United States will have to pay at least $15 billion per year to pay the operating costs of Operation Desert Shield and that is only if a shooting war does not break out.

Japan's $2 billion offer is a mere pittance toward efforts to stop Saddam Hussein—a modern-day Hitler whose actions threaten 70 percent of Japan's oil and the very lifeblood of Japan's economy.

The ongoing, contemptible tokenism of the Japanese Government merits the world's contempt and American hostility.

The United States awaits Japan's commitment to equitably share the international responsibilities of a world power. Japan should quit hiding behind the world's most flexible constitution which conveniently allows the Japanese to let others fight—and pay for—world order, world peace, and the recognition of basic human rights.

WHILE YOU'RE AT IT, MR. BAKER * * *

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

Mr. DORNAN of California. Mr. Speaker, our Secretary of State, Jim Baker, is off to see the Destroyer of Damascus to do something about the Butcher of Baghdad. No complaints. Any port in a storm.

Mr. President, you're doing such an excellent job, it seems like a dream that 3 or 4 years ago the liberal media was saying you couldn't handle the job. At that meeting at the White House last week we heard a distinguished liberal gentleman from this Chamber and the Senate describe your actions as an awesome array of allied power, pluperfect, flawless. You are doing a great job.

Mr. President, will you please direct Mr. Baker to ask something of the dictator of Damascus, the homeplate for the terrorists who destroyed the PanAm flight 103 with its great loss of 270 lives in the air and on the ground in Lockerbie? Ask him to release the forgotten hostages, the remaining Americans and other Europeans still being held in war-torn Beirut. When you have 3,000, 4,000, 5,000, 6,000, 8,000 hostages in Kuwait and in Iraq itself, it is a little easy to forget Tom Sutherland, and Terry Anderson, and Terry Waite and the others suffering in Beirut. But we must not forget them. And if Syria is going to benefit by our presence in the gulf region, then we must exact a price from them. The price should include the hostages.

Pray for them, everyone, and I say to our Secretary of State, "Mr. Baker, do not forget to ask about those Americans who are now well into their sixth year of captivity."

RIDICULOUS WASTE CAUSED BY HOUSE LEADERSHIP

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

Mr. BRYANT. Mr. Speaker, while the budget summiteers argue over how to tax the American people, or cut the health care of the American people, in order to reduce the budget deficit, this Congress continues to go along with spending $170 billion a year to subsidize the defense of Europe and Japan 45 years after World War II. This is a ridiculous waste of American resources, yet the leadership of this House, and I am talking about the Democratic leadership of this House, refuses to permit consideration of meaningful amendments to stop this unnecessary waste of our resources as we take up the defense authorization bill this week.

Mr. Speaker, now we are reading in the newspaper that the Europeans and the Japanese refuse to make meaningful contributions to our effort to stop the aggression in Iraq. For goodness sake, Mr. Speaker, give the Committee on Rules permission to let us offer meaningful amendments to force the Europeans and the Japanese to pay their fair share of their own defense.

My colleagues, if we want $50 billion in reductions in the budget deficit, then let us stop needling the American people by talking about cutting their medical care and taxing them. Let us start talking about reducing this waste of money we are using to subsidize the defense of Europe and Japan 45 years after World War II. Mr. Speaker, stop preventing Members of this House from offering meaningful amendments to stop this waste of our resources and this unnecessary subsidy of Europe and Japan 45 years after World War II. Revise that rule. Give us an opportunity to vote on this issue in the House of Representatives.

GIVE OUR PRESIDENT AUTHORITY TO PENALIZE PROFITEERS IN TIMES OF CRISIS

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

Mr. DURBIN. Mr. Speaker, the American people are prepared to sacrifice for the country they love. Families wait anxiously for word from their sons and daughters who are putting their lives on the line in Saudi Arabia. The American taxpayers are resigned to paying our fair share of the costs of halting the Iraqi aggression in the Middle East.

That is why, at this time of sacrifice and national unity, the prospects of price gouging and profiteering by oil companies are so shameful. Within minutes, Mr. Speaker, after word reached the United States of the crisis in the gulf, the board rooms of the largest oil companies in America were busy sending out their emergency preparedness teams to raise the price of gas on pumps across the United States. When gasoline prices skyrocket within hours after the onset of the crisis in the Kuwait, it is clear that the greed of the oil company executives is showing.

That is why I am introducing a bill this week to give the President authority to penalize such shameful profiteering, and I invite my colleagues to cosponsor the bill. We owe it to the American people who are sacrificing for this Nation in this time of crisis to let the oil companies, and any other

groups which attempt to profiteer during this crisis, know that their actions are reprehensible.

DEFINITION OF LEADERSHIP

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

Mr. TORRICELLI. Mr. Speaker, tonight the American family will meet together in this Chamber. The President will summon us to a great national purpose, to stand firm in the Arabian Peninsula. There will be no dissention in this Congress. As a Nation, we stand together.

However, Mr. Speaker, there is this reminder:

Leadership is not simply the act of rallying troops against foreign enemies. Real leadership is challenging our own people to understand the goals and the sacrifices that are a part of our heritage which are required to assure the American future. Our way of life may be jeopardized in the Arabian Peninsula, but only because we continue not to have the discipline to free ourselves of cheap and foreign oil. Our economy may be imperiled by Saddam Hussein, but only because we continue to ask courage from our soldiers that our own leadership does not display in producing budgets that meet our needs and ask for sacrifices that pay our bills.

□ 1240

ANSWERS TO DOMESTIC PROBLEMS NEEDED

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

Mr. SCHUMER. Mr. Speaker, the President will come before this House tonight with the solid and deserving support of the American people for his handling of the crisis in the Persian Gulf. Democrats and Republicans, liberals and conservatives, everyone is in strong support of the President.

This overwhelming consensus is the very reason we do not need a recitation of what we have done tonight. We need rather to hear answers to some of the very tough questions that will dominate the future.

What is this administration going to do about our stifling energy dependence? A bold national energy plan will do a great deal to ensure that America always retains control of its destiny. Will the White House lead the charge to finally impose fuel efficiency standards on the auto industry?

What will Operation Desert Shield do to our long-range defense planning? It is obvious that what we spend on defense no longer correlates with what we do with our defense. Given our huge budget deficit, should not this administration support the House to cut things like star wars and focus on conventional forces, rather than just adding to the pie?

Finally, what are this Nation's long-term plans in the Middle East? We need to know more than our immediate goals. How long will our troops be there, how much support will we receive from others, like the Western European nations and Japan; and how does this undertaking affect our alliances in the region?

Mr. Speaker, our current commitment is too deep to leave the future to the Fates.

TIME TO PUT AMERICA'S HOUSE IN ORDER

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

Mr. DORGAN of North Dakota. Mr. Speaker, as the President and congressional leaders struggle to reach an agreement on cutting the deficit, we ought to look to the area of burden sharing.

Most people use the term burden sharing to describe the amount of defense funds we use to pay to defend our allies.

And it is true, we borrow billions from Japan to protect France and Italy against an attack by Poland and Hungary. I know it sounds crazy, but it is true. Let us force our allies to start paying for their own defense. That would lower our budget deficit by over $100 billion a year.

But there's another burden sharing we ought to talk about, and that is asking the rich to share the burden of paying the taxes in this country along with the rest.

In the 1980's the rich got richer and the poor got poorer. While the rich got tax breaks, the rest got tax increases.

We ought to do some burden sharing abroad and burden sharing at home to balance our budget. Let us ask our allies to pay for their own defense. Uncle Sam cannot afford it any more. And let us ask the rich to pay their fair share of the tax bill in America. The rest are tired of bearing the burden.

And Mr. President, stop pushing your proposal for a capital gains tax break that will give a $25,000 average yearly tax cut to those whose incomes are over $200,000 a year. Mr. President, America needs to pay its bills, not give the rich another big tax cut. It's time for us to put our house in order, pay our bills and put America back on track.

A TWOFOLD CHALLENGE FACING AMERICA TODAY

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

Mr. FAZIO. Mr. Speaker, the challenge facing America today is twofold: We face dual threats from enemies that threaten both the lives of American soldiers and the economic livelihood of the American people.

As we stand our ground and defend the sovereignty of the nations of the Mideast we must insist that working Americans not share this burden alone.

And just as we ask our allies to share the cost of the Persian Gulf deployment so must we ask the wealthiest among us here at home to do their fair share in the burden of fighting the deficit.

As our budget summiteers continue to meet, the President has made it clear both to them and to the American people, that new taxes are needed as part of any agreement. However differences in priorities still remain.

The working people of this country continue to pay the lion's share of the cost of this deficit and contribute to the defense of this Nation both with their tax dollars and their sons and daughters.

For the Democrats, the battle of the budget is about tax equity among Americans—the battle in the Persian Gulf is about burden sharing among allies.

BUDGET DEFICIT REQUIRES PRESIDENTIAL LEADERSHIP

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

Mr. LEVIN of Michigan. Mr. Speaker, a former colleague, now a Member of the Senate, yesterday said, I guess in a peak of anger, maybe the President should go around Congress, get kind of mad, and talk to the people about the deficit.

Well, I do not think that is a bad idea, if the President talks issues and avoids political finger pointing.

Mr. Speaker, I support the President's actions in the Mideast, but that will not resolve the budget crisis here at home. Indeed, the Mideast is deepening it. So when the President comes before the Congress, I hope that in addition to a report on the Mideast, he will talk straight to the Nation about our budget deficit, and specifically how he proposes to attack it.

The Mideast required Presidential leadership. So does our budget deficit. The President could not duck the crisis abroad. He cannot duck the crisis at home.

GIVE LITTLE GUYS A BREAK WHEN BALANCING THE BUDGET

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

Mr. APPLEGATE. Mr. Speaker, the economic summiteers are meeting and have been. I am sure that when President Bush visits with us this evening, he will be talking about it. But I hope that he is not going to come before us and say, "Let us attack the little guy" again.

Studies show that the rich are getting richer and the poor are getting poorer. If you really want to start some place, let us start by eliminating the 5-percent discount that those who make $155,000 or more get from the IRS.

No. 2, let us tax the foreign companies. Last year they made $800 billion to $1 trillion profit, and they paid less than 1-percent tax on it. Let us collect the $100 billion from tax cheaters out there who are not paying their fair share. Then let us stop the waste and the abuse and the fraud to the tune of about $100 billion.

Finally, to help the Middle East conflict, let us liquidate the Iraqis' assets, and let that help pay for the cost over there.

Mr. Speaker, let us give the little guys a break, and hit the guys who soak the Government out of billions of dollars.

LEGALIZED ROBBERY BY U.S. OIL COMPANIES MUST STOP

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

Mr. HAYES of Illinois. Mr. Speaker, I rise today to address the crisis taking place in the Middle East. Iraqi leader Saddam Hussein's unprovoked attack against Kuwait is not only a violation of international law but is also morally repulsive. Arbitrarily annexing another country cannot be allowed by any leader. If we allowed this type of travesty to occur, without an appropriate response, we would be confronted with regional conflicts throughout the world. I agree with the U.N. response to the conflict, that a diplomatic settlement is the best way. However, I believe that it is a dangerous precedent when we overreact to conflicts of this magnitude by sending large numbers of troops to sit and wait, at great cost to our taxpayers and in deference to our own needs.

But what troubles me even more than the present conflict in the Middle East is the way in which U.S. oil companies are gouging the public by unnecessarily hiking the price of oil. This type of business is even more sickening than the present conflict in the Persian Gulf. The oil companies are saying that increasing oil prices are necessary, that they have no choice because the United States depends on the majority of its oil from that region. This does not make any sense. Nor is it true. The United States acquires less than 10 percent of its oil from Iraq and Kuwait which makes me question the oil company's motives. American soldiers are in Saudi Arabia protecting the interest of the oil companies, and they are robbing American citizens. This legalized robbery must stop.

I applaud my colleague from Illinois, Mr. DURBIN for having the foresight to introduce legislation that deals with this problem. His legislation places new powers in the hands of the President to deter and punish those in the energy industry who take advantage of international crisis and raise prices excessively for essential commodities. My constituents and I are upset that we are paying excessive prices for gas, Mr. DURBIN's bill is a step in the right direction.

□ 1250

SAFE AND LEGAL ABORTION BEING THREATENED AGAIN

(Mrs. LOWEY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY of New York. Mr. Speaker, the right to choose safe and legal abortion is being threatened again. The U.S. Solicitor General has filed a brief in the case of Rust versus Sullivan asking the Supreme Court to overturn Roe versus Wade. In doing so, the administration is trying to make a bad situation worse. In the Rust case, the administration seeks to uphold regulations promulgated by the Reagan administration to prevent federally funded family planning clinics from providing nondirective pregnancy counseling and abortion referrals. These regulations themselves are intolerable. They interfere in the relationship between medical professionals and their patients, restricting free speech and threatening their ability to provide accurate medical advice.

Now the administration wants the Court to go even farther, to strike down the right of all women to decide whether or not to have an abortion. That position is an unwarranted threat to the freedoms of American women and our right to privacy.

PROTECTING OUR FAIR-WEATHER FRIENDS AND FREE-RIDING ALLIES

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

Mr. KENNEDY. Mr. Speaker, Americans and freedom-loving people all over the world are outraged by Saddam Hussein's invasion of Kuwait and threatening actions toward Saudi Arabia. Yet, as we act against Hussein's brutal aggression, as the stock market plummets, and as oil prices begin their steep climb, serious questions arise about our presence and policies in the Persian Gulf, questions, I hope, President Bush will address tonight.

These are questions like:

Should U.S. troops be the mercenaries for feudal governments with at best a dubious record as our allies? How about in 1973 and 1979 when we were squeezed so hard by those OPEC'ers? Or should American forces be marching in step with the United Nations as part of an international peace-keeping force?

Is it really a diplomatic feather in our cap that a few Mideast trillionaires put up a few billion dollars to defray the costs of our effort? Or are they simply carving a thin slice from the windfall profits they have received since Hussein's invasion?

What of our allies in Europe and Asia? Why are they not doing more to protect their interests in the gulf?

Can we really afford to forgive $7 billion in Egyptian debt when we are on the verge of freezing COLA's and furloughing workers?

Finally, are we doing all we can to conserve energy and find alternative energy sources, so American blood is not spilled in the deserts of the Middle East simply to support a wasteful ways here at home?

Mr. Speaker, U.S. soldiers and America's poor and working people should not be put at risk just to protect our fair-weather friends and free-riding allies.

WILL OUR ALLIES SHARE THE RISK?

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

Mr. SKELTON. Mr. Speaker, August 2, Saddam Hussein came into Kuwait starting a series of problems and situations which end up with American young men and women on the Saudi Arabian sands.

I would like to say a word for those young people in our country, those who are in uniform and are willing and unquestioningly able to do their task as they leave this country to protect the interests of our Nation in Saudi Arabia and in the gulf. I have talked with a Navy corpsman aboard a hospital ship. I have talked with artillerymen and helicopter pilots. I have talked with Air Force pilots. And they are willing and ready to go and, of course, so many of them are already there.

We have heard the 1-minute speeches asking where our allies are in sup-

porting us in our efforts. Recently I led a delegation to Japan, and we met with three members of the Japanese Diet. We told them that the 1-minute speeches would begin and that the American public would also be asking, "Where is Japan," and, "Where are our allies in support of our efforts?"

I am pleased to see that Japan has made another offer today, but I think that it is not enough.

There are two aspects to this support for our people and our efforts, Mr. Speaker. No. 1 is financially. Will our allies come forward and help with the dollars and cents of this? The second is, "Will they share the risk with our young men and young women? Will they plant their flag on the Saudi Arabian sands and share the risk as we are sharing it over there in the interests of this country and of the industrialized world?" I hope they will understand and get the message from these 1-minute speeches that we, representing people across America, wnat them not only to participate financially but to share the risk with our young men and women in uniform who are in the Persian Gulf and in the sands of Saudi Arabia.

INTRODUCTION OF FEDERAL EMPLOYEE FAIR TREATMENT ACT OF 1990 WOULD BE TRIGGERED BY SEQUESTRATION

(Mr. McMILLEN of Maryland asked ans was given permission to address the House for 1 minute and to reivse and extend his remarks.)

Mr. McMILLEN of Maryland. Mr. Speaker, I rise today to bring this House's attention to the unfair treatment of Federal employees. While 350,000 Federal employees in the Baltimore-Washington area have gotten furlough notices, there are certain Federal employees who will not feel the same pain. Under present law, the Vice President, Presidential appointees, Cabinet members, and Members of Congress are exempted from the furlough axe.

While the administration has failed to lead us to a budget solution, its appointees are coldly proposing furloughs that only affect dedicated civil servants while exempting Presidential appointees and others from these cuts. The people who have led us into this crisis should feel its pain as much as Federal employees. I am getting calls from hundreds of people who will experience extreme hardship if we do not reach a budget agreement—everyone in Government, should be subject to the same financial hit.

If the sequestration order goes into effect on October 15, 1990, then I will introduce a bill, the Federal Employee Fair Treatment Act of 1990 to extend the proposed furlough penalty to all Members of Congress, members of the President's Cabinet, high-level political appointees, and the Vice President. Only by equal treatment of all Federal employees can we hope to maintain the trust of the American people.

THE PERSIAN GULF CRISIS

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

Ms. KAPTUR. Mr. Speaker, we await the President's remarks this evening.

The American people initially supported the President's move to send troops to the Persian Gulf.

Unwisely, our Nation still imports over half the oil necessary to make our economy hum. But my constituents are now raising serious questions about America's long-term plans in the area. Should we be investing $1 billion a month in Middle Eastern deserts when we could be taking that money here at home and investing it to develop our own energy resources in coal, in hydrogen, in solar power, in agricultural energy of various types?

My constituents are asking me, "MARCY, what happened to the energy conservation program started in the 1970's? Why do we not invest here in America?" Others are saying that since the end of World War II, the rest of the free world has either rightly or wrongly looked upon the United States as the policeman of the world. What happened to the United Nations? They ask me, "If we are again to bear the main burden as is presently the case in the Middle East, why should not monetary contributions also come from our allies in Europe and in the Far East?

Mr. George Dixon of Waverly, OH, wrote me,

> We now follow the news and have the feeling that most of our political and military leaders are far from unhappy about this current rush to war, and it is a headlong, nonplanned and totally un-American rush that leaves the rest of us out here very perturbed. MARCY, do what you can to make it end, now, not later.

TIME FOR THE WEALTHY TO SHARE THE BURDEN

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

Mr. FROST. Mr. Speaker, we can all be proud of our Nation's response to the brutal invasion of Kuwait by Saddam Hussein, and I applaud President Bush for his decisive action in formulating an American response and working to convince other nations around the World to share the burden of stemming aggression in the Middle East.

However, Mr. Speaker, while I applaud the President's actions in the Middle East and his call for other nations to assist in the effort, I also ask why he had not called on the financially elite of this nation to share the burden of eliminating our deficit and preserving the long-term health of our economy.

Over the last 10 years, the rich, those in the very highest income brackets, have seen their marginal tax rates decrease dramatically and have their buying power skyrocket. At the same time, middle-income working families—those struggling to make mortgage payments, meet health care costs, educate their children, have seen their buying power decline. However, the President still wants to cut the Capital gains rate and to keep the maximum rate for the wealth at 28 percent.

As we work with the President to produce a plan to reduce the enormous deficit that has built up over the past decade, I hope he will acknowledge that its now time for the wealthy to share the burden of reducing our deficit and protecing the financial security of our Nation.

□ 1300

GETTING OUR YOUNG MEN AND WOMEN OUT OF THE MIDDLE EAST

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

Mrs. BOXER. Mr. Speaker, there are two things we must do for our young men and women in Saudi Arabia so they can come home soon and not have to go back again.

First, ask other countries to do their part, dollars and people on the ground. The sacrifice must be shared fairly, and so far it has not been. There are a lot of words, but when we look at it, the sacrifice is not being shared fairly.

Second, we must enact fuel efficiency standards for automobiles as we did back in the 1970's. In those days our autos got about 14 miles per gallon until Congress acted. It is time to act again and to bring the Bryant/Boxer bill to the floor, the fuel economy bill. Fuel economy will save us three times the amount of oil we get from the Persian Gulf. Let us free ourselves at last from tyrants like Saddam Hussein. Let us save our young people, and let us save our environment by enacting fuel economy. That is where we will save all of that oil.

FAIRNESS IN THE INCOME TAX CODE

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

Mr. SLATTERY. Mr. Speaker, I would like to draw the attention of my

colleagues to one basic point. If someone is making $50,000 a year in taxable income, and if they earn another $1,000 in taxable income, they will pay to the Federal Government $330 in additional income tax plus $76.10 in additional Social Security for a total of $406.100. If they are self-employed and earn that additional $1,000 with $50,000 of taxable income, they will have to pay an additional $76.10 in self-employment tax for a total of $482.20 in total additional Federal taxes on the last $1,000 of taxable income.

Guess what? If someone is making $200,000 and earns another $1,000 in taxable income, their tax bill to the Federal Government is $280. That is $200 less than the self-employed farmer or businessman who is making $50,000 a year in taxable income.

Mr. Speaker, when we hear talk about not touching the income tax rates in this country, what the President specifically is saying is he wants to defend the status quo. He does not want to change that.

I believe, and Democrats believe, that that is fundamentally unfair, that these rates should be changed so that the people making $200,000 a year or more are at least paying the same income tax rate on that last $1,000 of taxable income as someone making $50,000 a year.

Granted, the discrepancy that I just described is due partially to the fact that the Social Security tax terminates at $53,100 in income, and above that people do not pay the Social Security tax. But nevertheless, the fact remains that those making $200,000 a year or more are paying a lot less to the Federal Government on that last $1,000 of taxable income than those making $50,000 a year, and that needs to be changed.

PERMISSION FOR SUBCOMMITTEE ON POLICY RESEARCH AND INSURANCE OF COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. ERDREICH. Mr. Speaker, I ask unanimous consent that the Subcommittee on Policy Research and Insurance of the Committee on Banking, Finance and Urban Affairs be permitted to sit today, September 11, 1990, to consider a sequential referral of H.R. 2840, the Coastal Barrier Improvement Act.

I have discussed this with the ranking minority member, Mr. BEREUTER, who concurs with this request.

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

There was no objection.

IS THE ADMINISTRATION DOING ENOUGH FOR THE SOVIET UNION?

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

Mr. NAGLE. Mr. Speaker, this past weekend the President of the United States and the leader of the Soviet Union met in Helsinki to discuss the Persian Gulf crisis. The comments by both leaders reflect a unique and unprecedented response by two superpowers to this international situation.

And while not wishing in any way to diminish the sense of this accomplishment, one has to ask the question: Is the administration doing enough to see that the current Soviet leadership succeeds in their own battle of internal reform? The clear answer is no.

The Soviets are, as we know, struggling with an economy that is in shambles. Basic commodities, such as food, are lacking from the shelves of the grocery stores. I know. I have been in their shops. They requested of us, at the summit, that we grant them $3 billion worth of credit to make immediate purchases of wheat and soybean oil under the provisions of GSM, and we reportedly said we would think about it.

The trade provisions they asked for, for which they would pay in cash over time, are nothing more than was available to Iraq 1 month ago.

What is our thinking? It does not make sense to deny them this credit, gamble that they can overcome the problems of their domestic economy, and risk that this Soviet leadership will be replaced with one much more hostile to our interests. The President, in his address to this body tonight, should announce his decision to grant this simple request.

ANNUAL REPORT OF DEPARTMENT OF ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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 Energy and Commerce.

(For message, see proceedings of the Senate of today, Tuesday, September 11, 1990.)

ANNUAL REPORT OF RAILROAD RETIREMENT BOARD, FISCAL YEAR 1989—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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 Energy and Commerce and the Committee on Ways and Means.

(For message, see proceedings of the Senate of today, Tuesday, September 11, 1990.)

NATIONAL DEFENSE AUTHORIZATION ACT FISCAL YEAR 1991

The SPEAKER pro tempore (Mr. BONIOR). Pursuant to House Resolution 457 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. 4739.

The Chair designates the gentleman from Illinois [Mr. ROSTENKOWSKI] as Chairman of the Committee of the Whole, and requests the gentleman from Illinois [Mr. DURBIN] to assume the chair temporarily.

□ 1310

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. 4739) to authorize appropriations for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, and for other purposes, with Mr. DURBIN (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. ASPIN] will be recognized for 1 hour and the gentleman from Alabama [Mr. DICKINSON] will be recognized for 1 hour.

The Chair recognizes the gentleman from Wisconsin [Mr. ASPIN].

Mr. ASPIN. Mr. Chairman, I would like to tell the Chair that at this point the Republicans are meeting in a Republican conference. They asked if, in fact, we would take a good chunk of our time on the general debate to start off here. Therefore, for the first half hour or so, it will mostly be on the Democratic side, and the Republicans will come later.

Mr. Chairman, we convene here today amid changes in the international security environment undreamed of just a few years or even a few months ago. Look to the Persian Gulf. Our troops are in Saudi Arabia, invited there to stand with Arab nations against an Arab aggressor. If that is not enough, the Soviet Union is our partner, not our opponent, in seeking a solution to this regional crisis.

In Europe, a strong, effective Warsaw Pact fighting force is a mere memory as Eastern Europe rids itself of communism and the Germans rush to unite. And in Moscow, the very future of the Soviet Union is up for grabs as its leaders struggle with mountainous economic troubles and independence-minded republics.

For the last 2 years, your Committee on Armed Services has made an extraordinary effort to understand the implications of these enormous international changes for our national security so that we might embody them in this bill.

Your committee has worked as a team to cope with these historic and uncertain times—to buy the right defense for the dawn of a new era. During this period, three events marked the great changes in the superpower landscape.

First was Gorbachev's announcement on December 7, 1988, that he would be making substantial unilateral reductions in Soviet forces west of the Urals, and in particular in Eastern Europe. Second was the political change that swept through Eastern Europe in 1989, decimating the Warsaw Pact as a military alliance. And third was Gorbachev's agreement to large asymmetrical cuts in Warsaw Pact forces as part of the negotiations with NATO on conventional forces in Europe [CFE].

These events have dramatically changed the threat in Europe that we have feared and prepared for for so long. This will allow us to reduce the forces that we have to meet this kind of attack.

The changes have been hard to digest. We are only now beginning to reach a broad consensus on how to react. Three basic schools of thought on how we should respond developed in the wake of these changes. In some ways they compete with one another, in other ways they are complementary.

One school of thought says we should stick to the tried and true responses to the eastern bloc threat that have worked for decades. This school acknowledges that there have been changes in Eastern Europe and the Soviet Union. But it says keep your powder dry. It says we have not nailed down an agreement reducing conventional arms in Europe. It says we haven't executed an agreement reducing strategic arms. It says we don't know how long Gorbachev or his policies will be around. It says the Soviet Union retains massive military forces, including up-to-the-minute strategic nuclear forces. So this school says we had better keep the old responses to the old threat for a while longer.

The second school also realizes there have been a lot of changes in the threat. With the collapse of the Warsaw Pact, the threat of a short-warning blitzkrieg against Western Europe has collapsed as well. But this school also gives credit to the testimony of CIA Director William Webster.

Judge Webster told the House and Armed Services Committee in March that many of these changes are irreversible no matter who rules in Moscow. Therefore, this school says we can now look for new, cheaper, smarter ways to respond to the old—but diminished—threat.

The Senate Armed Services Committee and to a lesser degree the House Armed Service Committee wrote Defense authorizations bills for the next fiscal year that primarily represent this second school of new responses to the old threat.

The third school is the most challenging. This school of thought says the end of the cold war means a new era. We are no longer preoccupied with the East-West conflict. This school of thought says we can act to deal with dangers to our national security that were obscured by the cold war. To do this, this school says we have to find new solutions for the national security problems of this new era.

In its deliberations in July the committee took important first steps to meet the realities of this new, post-cold-war world. Of course the committee did not anticipate Saddam Hussein's invasion of Kuwait. But the committee fully recognized that we should begin the reorientation of our defense priorities away from our nearly total preoccupation with the Soviet threat in Europe.

As we pursued the kinds of policies that would guide our deliberations, key themes emerged:

We should protect the readiness and morale of our military people instead of preserving a larger force structure as the administration planned;

We should emphasize near-term weapons improvements and future-oriented research and development instead of the lockstep movement to the next generation of weapons platforms proposed by the administration;

We should favor deployable forces in place of the administration's emphasis on strategic nuclear weapons modernization.

In sum, the right approach for now and the future is building real conventional capability that can be deployed outside of Europe. In order to achieve these policy goals, the bill before you does these things:

It protects operations and training funds for contingency deployments such as Operation Desert Shield;

It preserves the morale of our active-duty troops by providing a full 4.1-percent pay raise and not skimping on their pay and benefits as the administration wished;

It begins the replacement of our concurrent buy and fix system of weapons acquisition with a more flexible approach to research and development that will lead us to buy only needed and fully tested equipment. The new R&D approach protects the defense technical base, gains immediate improvements in capability through modifications of existing weapons, and focuses more R&D effort on dramatic departures in technical approach. It will enable us to respond more quickly to a changing world.

Saddam Hussein's brutal invasion of Kuwait provided a test of our priorities a matter of days after our committee markup. Operation Desert Shield proves the wisdom of many specific actions the committee took in its bill:

Building on its own initiative of the previous year, the committee devised a program that would result in the development and purchase of the first sealift ships in a decade. The Bush administration refused to spend the money appropriated for this purpose last year and objected to the program again this year. Yet these are precisely the type of ships that were urgently needed to transport heavy forces to the gulf. The committee also endorsed the C–17 Airlifter Program that will result in an airplane that can deliver men and materiel quickly to short fields at intercontinental range.

Recognizing that Reserve Forces would become more important as the active military was reduced, the committee allocated $1.5 billion—$1 billion more than the administration request—for the improvement of selected National Guard and Reserve Force capabilities. DOD has placed many crucial capabilities for non-Soviet contingencies in the Reserves.

For example much military transport, all our water desalinizing and chemical decontamination capability for the Army, and our Navy minesweepers are in the Reserves.

Over half of the committee's additions for Reserve modernization was for transport aircraft and MH–53 minesweeping helicopters, capabilities that could become painfully needed if hostilities escalate in the gulf.

The committee supported development and initial production of the tilt-rotor V–22. Because of its capability to fly long distances and then to land and take off like a helicopter, this system is also especially suited to small-unit special operations over long distances, as might be needed for hostage rescue missions.

The committee redirected the Armored Systems Modernization Program away from a new heavy tank for Europe and toward a lighter, more survivable tank that could be more readily deployed in an operation such as Desert Shield.

The committee also denied the administration's request to mothball our M–1 tank factories, deciding instead to use the plants to upgrade all our M–1 tanks to the latest standard. The factories may now be needed to produce additional tanks for the Saudis.

The committee also took a first step toward reorienting our intelligence and communications systems away from the confrontation with the Soviet Union and toward more unpredictable regional contingencies by providing funding over the administration request for the Lightsat Program, which may eventually provide a means for more timely coverage of crises and conflicts outside the Soviet Union, as well as providing some insurance against the failure of our large satellites.

The committee provided for these programs in a fiscally responsible manner. Some adjustments are required, but nothing that has occurred in the gulf has called into question the wisdom of the approach the committee took in July. Indeed the gulf crisis should, if anything, move us farther in the direction already marked out.

Mr. Chairman, I want to assure my colleagues in this regard that in the fiscal year 1991 Defense Authorization Act and amendments we will protect the interests of our men and women in uniform while they are far away protecting the interests of our Nation. We will have a number of specific proposals in this area for consideration by the House.

CLARIFICATION OF COMMITTEE ACTION REGARDING THE ARMY LH PROGRAM

Mr. Chairman, in the scramble to report out H.R. 4739 before the August break, a minor amount of confusion was created over the intent of the Committee on Armed Services with regard to the Army's light helicopter or "LH" program.

For the record, I would like to take a minute to clarify the committee's position on this program to ensure there is no lingering doubt or ambiguity found in the legislative history.

During full committee markup on July 31, the position taken by the Subcommittee on

Research and Development on the LH program was modified by an amendment offered by the gentleman from Kentucky [Mr. HOPKINS].

This amendment was considered and adopted by the full committee on a rollcall vote of 32 to 22.

The Hopkins amendment reduced the amount of funding authorized for the Army to pursue development of a new combat helicopter in fiscal year 1991 from a level of $375 million to $300 million.

The Army requested $411 million for the program.

Adoption of the Hopkins amendment brought funding for this program in line with the new acquisition strategy endorsed by the committee for the development of a next generation Army combat helicopter.

The confusion stems partly from the fact that the language on the LH program in the committee report accompanying H.R. 4739 has not been revised to conform with the policy objectives of the Hopkins amendment as adopted by the Committee on Armed Services.

For this reason, I find it necessary to use this forum to clarify the point.

Mr. Chairman, in evaluating the Army's fiscal year 1991 request for full-scale development of the LH program, the committee determined it necessary to direct a fundamental restructuring of the program.

As Mr. HOPKINS stated during full committee debate on the issue, the committee's challenge was "to devise an approach to the LHX which recognizes the Army's legitimate needs to retain an advanced helicopter capability while also facing up to the changing budget and security situation."

The position adopted by the committee does just that.

It acknowledges and affirms the existence of a requirement for a next generation combat helicopter, but disagrees with the Army's present acquisition strategy to fulfill this requirement.

For this reason, the committee denied the request to begin full scale development of the LH and instead directed the Secretary of the Army to restructure the existing LH program into a new advanced combat helicopter development effort.

This new program, dubbed the "Army Scout/Attack helicopter," should be developed by restructuring existing elements of the LH program to serve as the foundation of a new effort to conduct demonstration and validation of prototype aircraft as a prelude to future possible full scale development of a new combat helicopter.

An important element of this new approach should be the Army's "down-selection" of a contractor team for this prototype development effort based on proposals already submitted for the old LH program.

This new approach will require that any prototype helicopter developed fully demonstrate all essential systems of a new Army Scout/Attack helicopter including propulsion, avionics, combat mission elements, and composite manufacturing technologies.

The prototype demonstration program should also fully exploit the concept of rolling over the initial demonstration technology to subsequent follow-on prototypes should unsatisfactory performance or other significant problems be demonstrated.

This roll-over concept is founded on the basic requirement that FSD and production should not commence until prototype testing validates the maturity of the technology and design contemplated.

The roll-over approach provides the Army the option to advance one or possibly more generations of technology until clear and convincing evidence of performance is available to justify a production commitment.

In considering the application of this concept for the LH, the committee was sensitive to the sizeable investment by industry toward development of the program.

The committee specifically recognizes that any prototype/roll-over acquisition strategy will require changes in the existing acquisition process.

Therefore, the committee believes that this approach requires the Department to fund the advanced development phase of the program on a pay-as-you-go basis.

Contractual and financial incentives should encourage robust research and development funding and avoid highly concurrent acquisition strategies that promote rapid decisions to enter FSD and premature initiation of initial production.

It is important to note at this point that Secretary Cheney completed the major program review on the Army LH program a few weeks ago, but his decision was released subsequent to the Armed Services Committee's action on the defense bill.

So we had to act without the benefit of his guidance in revising the Army's combat helicopter program.

However, I am pleased to note that Mr. Cheney's decision on the Army's LH program fits almost hand in glove with the approach already endorsed by our committee.

First, he agreed that any FSD decision should be delayed until after completion of a full prototype test program, thus delaying FSD for a minimum of 2 years. Second, Mr. Cheney agreed to reduce the fiscal year 1991 funding request for the LH program by $120 million to $291 million, or just $9 million below the $300 million we authorized. Lastly, the programmed buy has been scaled back from 2,096 helicopters to 1,292.

Mr. Chairman, I believe Mr. Cheney's decision begins to show a willingness on the part of DOD to rethink the old way of doing business and to take advantage of changing circumstances.

While the particular development strategy the Armed Services Committee prescribes for Army combat helicopters goes beyond what Mr. Cheney has proposed, it is clear that the department has taken an important first step toward bringing this program in line with new realities.

Mr. Chairman, as these changes represent a significant departure from the present Army helicopter acquisition strategy, the committee directs the Army to submit a revised acquisition plan for the new Army Scout/Attack Helicopte prototype development program that fully conforms to the guidance just described.

This plan should be provided to the Committees on Armed Services of the Senate and House of Representatives by February 1, 1991.

In closing, Mr. Chairman, we recognize that what is being proposed is a significant revision to one of the Army's highest priority R&D programs.

But the confluence of events resulting from the changing global security picture and increasing budgetary pressures provide us with a golden opportunity to adopt a more rational and prudent strategy for weapons systems acquisition.

The committee's action on the Army's next generation combat helicopter is a perfect example of this new acquisition strategy and could serve as a model for the entire range of weapon systems scheduled to ramp up into production during the coming decade.

Mr. Chairman, I yield 10 minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I rise in support of H.R. 4739, the National Defense Authorization Act for fiscal year 1991. The Armed Services Committee has, in my view, fashioned a bill that makes real progress toward restructuring U.S. military forces to meet the changing circumstances of the 1990's and beyond. At the same time the bill reflects the fiscal reality that the budget dollars for national defense under the House-passed budget resolution are less than last year.

SUMMARY OF SHIPBUILDING RECOMMENDATIONS

The Seapower Subcommittee, which I chair, was faced with the challenge of reducing the President's request for Navy shipbuilding and related programs by $3 billion, the Seapower Subcommittee share of the $24 billion reduction in the President's budget called for under the House passed budget resolution. At the same time that we were making reductions we sought to assure that national security needs were met.

The shipbuilding request for 1991 included 15 new construction ships and the bill before us would authorize 10 ships, building 1 Trident submarine, 1 SSN-21 submarine, 5 DDG-51 destroyers, 1 LHD-1 class amphibious assault ship, 1 LSD-41 class amphibious landing ship dock, and 1 oceanographic ship. Personnally, I favor production of more ships and have never abandoned the 600-ship Navy goal.

I want to address a number of programs in additional detail.

TRIDENT SUBMARINE

In recommending that the 18th Trident submarine be authorized for 1991, the committee recommends that the Trident submarine construction program be terminated, based on an assessment that 18 submarines will meet United States military needs and a believe that additional ships would not be permitted under likely arms control agreements in any event. Long lead funds for future Trident submarines would be denied and long lead

funds provided last year would be applied against the 18th Trident submarine.

SSN-21 SEAWOLF PROGRAM

The budget request included the second and third SSN-21 submarines and contemplated six submarines in fiscal year 1993. The committee recommends one SSN-21 submarine in 1991 and $649 million for advance procurement for two SSN-21 submarines in fiscal year 1992 and two SSN-21 submarines in fiscal year 1993.

We held two lengthy hearings on the Seawolf submarine program in July shortly before marking up the Defense authorization bill seeking the most current and best information available on the need for the SSN-21 in light of dramatic changes in the world, as well as the status of the development and construction of the lead ship.

We concluded that the greatly improved capabilities that the SSN-21 is designed to possess, as compared to those available in the improved SSN-688 are essential in light of the steadily improving performance of new Soviet submarines and that the necessary improvements in capabilities cannot be adequately incorporated in the SSN-688 class submarine.

The SSN-21 design seeks to achieve major gains in capability in a number of essential areas. Testimony demonstrated that the risks are well understood and amenable to management so that, when the continuing construction of ever more capable submarines by the Soviet Union is taken into account, it is appropriate and prudent that construction of additional Seawolf submarines go forward at a measured pace. There is also extensive testing of components and subsystems that increase confidence in the performance of the completed submarine.

We considered the matter of concurrency. I think that it needs to be understood that concurrency in shipbuilding programs is a fact of life. The issues that we must deal with are the acceptable level of concurrency, and the management of the risks inherent in concurrency. I say this because the time to design, construct, and test the SSN-21, submarine is approximately 15 years—that is the timespan from when initial design studies that began in the early 1980's until the first submarine is delivered and fully tested at sea in operational tests that will extend into 1997. We cannot wait until 1997 to begin construction of the second SSN-21, because the submarine that is needed then will likely be more capable than the SSN-21. At a minimum the submarine that is authorized in 1997 will incorporate a number of improvements, and it is quite likely that a new submarine design will begin by 1997 with the prospect of going to sea for operational testing in about 2010.

We also considered the industrial base in recommending construction of the SSN-21 in 1991. The design and construction of nuclear attack submarines is a complex and difficult task. The capability present today in only two submarine builders has evolved over the past 40 years and, if not maintained through continuing submarine construction programs, will disappear quickly as the highly capable individuals engaged in the enterprise move on to other employment.

Since there is only one nuclear ship construction yard building the Trident submarine, and that same yard won the competition for the lead ship of the Seawolf, the committee concluded that the Navy should try to bring the other nuclear submarine construction yard into the Seawolf program as a second source, so that the opportunity for future competition can be protected. The committee recommendation recognizes that a continuity of work is necessary to maintain the capability to construct nuclear submarines.

DDG-51 "ARLEIGH BURKE" DESTROYER

The bill as reported by the committee would authorize five DDG-51 guided missile destroyers as contained in the President's request. Subsequent to the committee action the Secretary of Defense notified the committee that, as the result of a review of the DDG-51 program, the DDG-51 program was being reduced to four ships per year and that this would reduce the fiscal year 1991 budget by one ship and $457 million. The Secretary's decision to reduce the procurement rate was based on, and I quote, "the changed world situation and fiscal considerations." In light of the Secretary's action I will support Chairman ASPIN's amendment that will reduce the DDG-51 program to incorporate the Secretary of Defense's action and add authorization for other shipbuilding programs.

Aside from the question of whether four or five ships will be authorized for fiscal year 1991, several basic issues were considered by the committee in its deliberations. Concerns have been raised that the DDG-51 will be particularly vulnerable to antiradiation missiles [ARM's]. The ARM's that are of concern are antiship missiles that could be launched from ships, aircraft, or land and that employ guidance systems that detect and home on radar signals from the target ship.

In summary we concluded that the Aegis system installed on the DDG-51 can destroy ARM missiles. The Navy had demonstrated that Aegis can destroy missiles flying profiles representative of ARM's and we concluded that this is sufficient to demonstrate operational effectiveness against ARM's. The absence of an ARM seeker on target missiles in no way detracts from the validity of the tests because the Aegis capability against attacking missiles is dependent instead on the physical characteristics and flight profile of the missile.

There have also been questions raised about whether there is adequate testing of Aegis. It is perhaps unfortunate that the technological capabilities of the Aegis system, when combined with the great number of missiles that potential adversaries have built or could build, mean that it is not possible to test every possible missile in every possible circumstance. But we concluded that this is insufficient reason not to go forward with the construction of Aegis ships. After all, there are no other ships in the world that have as much defensive ability.

There has also been concern about an absence of certain countermeasures against ARM's. Evidence before the Armed Services Committee indicates that present day technology does not yet provide such capability at acceptable cost. But this is no reason to abandon the Aegis ship with all of its other great capabilities.

There have also been allegations of wrongdoing by one of the contractors building the DDG-51. This issue continues to be under active investigation. However the committee concluded that this matter should not prevent proceeding with the construction of additional Aegis ships because they can be built by more than one contractor.

In summary, the DDG-51 provides the capability necessary to prevail against potential adversaries and construction of Aegis ships should proceed this year. In coming to that conclusion it is recognized that Aegis ships are not perfect, and that it would be possible for an adversary to destroy an Aegis ship in war. However, Aegis ships are less susceptible to being destroyed than anything yet invented so we should have them.

Mr. Chairman, the Defense authorization bill will provide ships that are needed for the national defense and I believe that the bill deserves the support of the Members of the House.

□ 1320

Mr. ASPIN. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, today, as we take up our defense bill, I think it should be incumbent upon us as Members of Congress and also as Americans to keep ever mindful of the young men and young women wearing our uniform today. Those who at Norfolk, VA, wave goodbye to their families as their ship leaves for the Persian Gulf, those marines who embark and land on the shores of Saudi Arabia, the artillerymen who are getting ready to leave with their division, and the pilots who have flown over there,

using the tankers that we have provided them in our bills of yesterday—all of these people are doing the bidding of our President, with the great support of our Nation. That is what we are here about today.

Mr. Chairman, this bill, as we all know, is constrained by the budget resolution that has been passed, and we cannot speak above the figures that it has set for us.

I think this bill is an extremely good bill, considering the limitations of the budget. I compliment our chairman, the gentleman from Wisconsin [Mr. ASPIN], for the painstaking work that he has done, and I compliment the other members of our committee, as well as the subcommittee chairmen, for what they have done to put this piece of legislation together. It is not easy when we have constrained resources, with great challenges. Yet I think we have done that.

Since we last passed this bill out of the Armed Services Committee, Saddam Hussein went into Kuwait. Of course, there will be a need for additional taxpayer dollars to go into this effort. That, of course, will come in due time.

Besides that, I think what this event caused all of us in this country to understand is that this is still a very dangerous world in which we live. Though we feel euphoria and a great deal of satisfaction as a result of our prolonged efforts over the years in Europe, culminating in the collapse of the Berlin Wall and all of the Eastern European changes and reforms, as well as the reforms in the Soviet Union, we still live in a very uncertain world. Saddam Hussein has told us this in no uncertain terms.

This is the bill that we have before us, and we should look at it and see where it leads us. Hopefully, we will end up with a positive piece of legislation to back those men and women of whom I spoke a moment ago.

Mr. Chairman, the Navy has a phrase, "steady as she goes," and that should be our guide on national security. We should not bend to the ups and downs and be reacting to events and let the budget and other matters reflect those ups and downs and uncertainties.

It was Army Maj. George C. Marshall who gave a speech in 1923 in which he noted "the regular cycle in the doing and undoing of measures in national defense." Major Marshall also observed this:

> We start in the making of adequate provisions and then turn abruptly in the opposite direction and abolish what has just been done.

That is why it is important, Mr. Chairman, to go, as the Navy says, "steady as she goes," and not have the ups and downs that we have seen throughout the years.

Of course, we can cut our national defense budget, but we should do so based upon policy and based upon need, not based upon the mere fact that there are reactions to various events going on elsewhere.

In this whole scheme of things, Mr. Chairman, there is one system that is so very important that it might be called the pole star of this year. This system, of course, is the Stealth technology, the Stealth bomber, also known as the B-2. It is a terribly important system. This is very, very important technology.

There is a need for manned bombers. Manned bombers, as we all know, can be recalled. The START talks which are ongoing now at the present time favor the penetrating bomber. The penetrating bomber carrying internal weapons systems counts only as one weapon under the START agreements, but B-52's and B-1's carrying cruise missiles count at least as 10 weapons. So the START talks gear toward us having a substantial B-2 fleet.

When the START agreement does come and is finally signed and comes before the U.S. Senate, there could very well be debate there. Should we not proceed with the B-2 system, there could very well be debate on that START agreement and Senators would ask and the American people would ask them, Why didn't we develop more B-2's, because that is what the START agreement is geared toward?

Since last year at this time we have had more operational testings of this B-2 system. We have had more experience, and we see also that other Stealth vehicles such as the F-117 have worked and worked well.

There is a revolution, Mr. Chairman, in air technology. This is a revolution very much the same as what occurred at the advent of the submarine. When the submarines came along, the submarines were invisible to the naked eye. They could not be seen. This was very important during World War II. Stealth technology during the 1990's brings us an invisible airplane, one that cannot be detected by sophisticated radar systems.

It is important that we as a nation, as long as we are the bulwark of freedom in this world, have the best in technology and in our national security systems. That, of course, is what the B-52 does for us.

We see also in this changing world a diminishing number of military bases which we will be able to use, a limited number where we can deploy our systems and our young men and young women. The B-2 takes that into account because it has very long ranges and it is not necessary that we have B-2's stationed all over the world. We can have them and should have them stationed all over our country.

This development is a very important one for us as a nation. It will have a long-range effect on the decision made, and this decision, I think, will be made in conference between the House and the Senate. But let us review now where we are at this time.

□ 1330

If the B-2 system were stopped right now, we would have a mere 15, that is one squadron of Stealth bombers. One wing equals two squadrons, or roughly 30 airplanes.

The Secretary of Defense originally asked for 132 Stealth bombers, some four wings. He recently changed that to two wings, that is 75 such bombers. I think that is in line with his request, this is reasonable considering the budgetary constraints in which we find ourselves.

Much has been said, Mr. Chairman, about the cost of this system, but I think we should concern ourselves with the value of this system, rather than just the cost. What is its value? Of course, there is great strategic value. It keeps the air leg, the air breathing leg of the triad viable. It will not put the U.S. Air Force out of the bomber business. The B-2 will be maintaining a bomber force well into the next decade.

The B-52's that we have are being retired. They are becoming ancient.

The B-1's, as you know, are limited in number; 97 is all that we have. That is why it is important that we proceed to the next level of strategic deterrence in this leg of the triad with the Stealth bomber.

We also see, Mr. Chairman, the Soviet threat has not changed that much. The United States sees itself being paced with strategic forces being modernized throughout the U.S.S.R. and the only way to penetrate and defend against these on a long-range basis would be with the Stealth B-2 bomber.

We all know that bombers are different than other weapons systems. They can be recalled. Missiles, standoff Cruise missiles, you cannot change your mind once the trigger is pulled. That is why it is important to know that.

Under arms control, as I have already mentioned, it is important that we keep our arms control guidelines and followthrough with this.

The CHAIRMAN pro tempore (Mr. DURBIN). The time of the gentleman from Missouri has expired.

Mr. BENNETT. Mr. Chairman, I yield 5 additional minutes to the gentleman.

Mr. SKELTON. We discuss a great deal when we speak of the Stealth bomber in its nuclear or strategic role, but what we should not do is overlook its importance as a conventional system. We can compare, if we had the

B-2 system available during the Libyan raid what it would have been like then. Well, first, during the Libyan raid we had to use eight foreign military bases. We had to have 84 combat aircraft in use. We had to have 35 support combat in use, and we put 134 crew members at risk.

With the B-2 being part of that equation, we would have had to use no foreign bases. We would have had to use only four B-2's refueled by a few KC-10 tankers and only 8 crew members would be put at risk. Thus we see that the conventional use is a very important one for this Stealth technology.

We have had working tests. There are no surprises on the data that has come through. We have had 10 flights and 45 hours and all those tests are parallel to the flight test projections that have been given.

When we speak of the cost, we should remember that we need to put good money after other good money. We have already spent some $28 billion in this area. We have already spent over 80 percent of the research and development. We have another $33 billion to go to get 75 of these airplanes. We are about half way there now.

In looking at the proportionate cost of other systems in the past, the B-52 costs 1.4 percent of that era's defense budget. The B-1 is 1.6 percent and the B-2 only 1.1 percent; so when we speak of cost, it is well within the limits and the constraints that we have before us in this day and time.

I think, Mr. Chairman, it is incumbent upon us to look upon the value of this system, to look at the importance to us as a nation and to look long range as to what we want our national security to be in the years and decades ahead.

When this conference is ended between the House and the Senate, it is my hope that we will have a stronger national defense, a defense that deals with the realities of today a defense that deals with the uncertainties of tomorrow and the pole star of that is the B-2 Stealth bomber.

Mr. BENNETT. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. HUTTO], the chairman of the subcommittee.

Mr. HUTTO. Mr. Chairman, I appreciate the gentleman yielding this time to me.

Mr. Chairman, there has been a great change in the world situation just in the last few weeks since we voted this bill out of committee. I think it has proven for the whole world that the Soviet Union does not pose the only threat to the free world. As my colleague who spoke before me has said, there is still a threat from the Soviet Union because we have not negotiated a START treaty yet. They have not taken down any of their ICBM's pointed at the United States. They have not taken any of their submarines out of the water. There is a threat, yet we are all encouraged by what has happened in the Soviet Union and in the Eastern Bloc. It is good to know that these oppressed peoples, many people in these countries are beginning to see a little light at the end of the tunnel and to relish the thought that they may, too, one day enjoy the freedoms that you and I enjoy; but I think world events have proven to us that America has to remain strong.

I believe that all Americans are very proud of those young people, and some that are not so young, who are still willing to stand up and serve in our armed services and to protect our freedoms wherever the need is. We are especially proud of those who are in the Mideast at this time.

It is obvious to me and I appreciate the fact that our Secretary of State, Jim Baker, is prevailing on other countries to help us. Certainly they should share the burden, but it is obvious that we will have to come back and get a request from the Administration and have an additional authorization bill, an appropriations bill to take care of what is happening in Desert Shield; but Mr. Chairman, our committee is recommending a total of $85 billion in title III which contains the operations, maintenance and working capital accounts. This is a reduction of $6.8 billion from the President's request. Making a reduction of this magnitude, of course, was not an easy task, and I appreciate the good work of the members of our Readiness Subcommittee; but the committee believes that the Department can cope with a smaller budget without impairing the readiness of our fighting forces, of course contingent on further funding of Desert Shield.

During the past few years the Congress has adopted a strategy of protecting readiness at the expense of the investment accounts. The recent operation in Panama and the current Desert Shield deployment are dramatic examples of the success of this strategy. Our forces are ready, well trained and highly motivated.

The biggest challenge facing Congress and the Defense Department in the coming years will be to downsize the force structure and budget while maintaining acceptable levels of readiness to meet current and emerging threats to our national security.

I would like to take a minute to highlight some of the significant actions contained in title III. First, our recommendation would fully fund the President's request for field training and other direct operating combat support activities. We fully support Operation Desert Shield and realize that additional funds will be necessary to cope with the deployment.

The committee is currently studying alternatives to fund the additional incremental cost of the operation and will present options to the House in the near future.

Second, the committee took several positive steps to lessen the impact of civilian personnel reductions. We do not want to RIF people, to cause people to lose their jobs, but while we all realize that the civilian work force must be reduced as the Department is downsized, this can and must be done smartly.

□ 1340

Across-the-board reductions or furloughs make no sense and are an abdication by DOD officials to manage its work force. We are proposing that DOD continue a selective hiring freeze in 1991 that should preclude the need for major reductions and RIF's. We also recommend that priorities be established for any further reductions. In a major burden sharing initiative we are calling for allies to begin assuming a major portion of our overseas basing costs. We are beginning this process by proposing that host nations pay for more of the cost of foreign national labor on U.S. bases overseas and have reduced funding for this purpose by 25 percent.

Our proposed recommendations continue the committee's long-term interest to improve management and performance by emphasizing economy, efficiency and accountability within DOD. One major subcommittee initiative this year will improve the financial systems within DOD and provide decision makers with more accurate and complete data on the actual cost of programs and operations.

Finally, our recommendations also include almost a billion dollars for drug interdiction and other counterdrug activities by the Defense Department. We fully expect this account to grow substantially in the future as the department comes on line in attacking this increasing threat to our Nation.

So, Mr. Chairman, these are some of the highlights of the material contained in title III. I sully support title III and ask that the membership adopt it as it has been presented by the Readiness Subcommittee.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I rise in support of this bill and would like to thank the chairman of the Committee on Armed Services, the gentleman from Wisconsin [Mr. ASPIN], and the Investigations Subcommittee chairman, the gentleman from Massachusetts [Mr. MAVROULES] and their staffs for their support and inclusion of legislation I sponsored to help State, county and local police departments in upgrading their equipment. I am de-

lighted to say that because of language adopted in section 832 of this bill a test program will be started in 10 States allowing our local police departments to participate in Department of Defense purchases of equipment related to their work, particularly their work in fighting the drug war.

For instance, Mr. Chairman, a semiautomatic pistol presently costing $450 to police departments will be able to be purchased for $150. This program will allow our police departments on tight budgets to capitalize on economies of scale resulting from the vast size of Department of Defense purchases. Because of this our police officers now know that they may be able to afford the new semiautomatic pistols they desperately need to keep pace with the increasing danger these officers face on the streets.

Mr. Chairman, I urge my colleagues to support this important piece of legislation.

Mr. BENNETT. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, the last 6 weeks provide ample justification for moving in the direction outlined in the armed services committee version of the fiscal year 1991 defense authorization bill.

As a general rule, we tended to emphasize conventional forces as opposed to strategic forces. Thus far, the events of the last few weeks prove us right.

I know some of my colleagues on the other side of the aisle disagree and, like the administration, would invest more money in strategic programs.

Some of my colleagues on this side of the aisle, at least before August, would have preferred to spend less money. They have Saddam Hussein to thank for gutting the peace dividend.

A lot of us, including myself, think it is justified to add back funding that would have been left out of the bill in other circumstances.

As the hard reality of maintaining ourselves in Saudi Arabia begins to sink in, we do not want to shortchange our troops. Everyone knows defense costs money.

While no one claims this bill is perfect, it moves in the right direction. It combines enhanced conventional capability with changes reflecting an austere budget climate.

Like it or not, we must learn to cope with those realities. This bill is a good effort. It sustains a conventional force that is both deployable and manuverable.

It puts our military in the position of being able to command the air and the sea, thereby giving aid, assistance and advantage to our ground forces.

We have seen these principles at work in Saudi Arabia.

Carriers give us strike power superior to the air forces of most nations. No one seriously doubts our ability to control the air battle, should that eventually happen.

Our Navy has the ability to enforce the U.N. embargo in whatever degree we have the political will to decide. This bill would enhance that ability.

Our highly mobile ground forces are perfectly appropriate for a situation that more closely resembles World War II in North Africa than Southeast Asia.

I do not want to make light of the difficulties. I do say we are prepared and ready for whatever is necessary. I support this bill because it moves further in the right direction.

Mr. BENNETT. Mr. Chairman, I yield 4 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I rise in support of House Resolution 4739. This is one of the most important bills the Armed Services Committee has reported out in years. It contains the authorization to operate our military for the next fiscal year. The bill addresses the rapidly changing world situation in Eastern Europe, and the Middle East and our relationship with the Soviet Union.

We have included active component personnel reductions totaling 129,500 while at the same time restoring the National Guard and Reserve cuts made in fiscal year 1990.

As we reduce our active military personnel over the next 5 years, we have included a comprehensive package of transition benefits for those who will be forced out early. Congresswoman BEVERLY BYRON and I have cosponsored this package in an effort to be fair to our separating service members. The package includes severance pay, an opportunity to enroll in the Montgomery GI bill, employment assistance, and other benefits to ease the transition to civilian life.

I am concerned that the Defense Department has not seen fit to call up National Guard and Reserve combat units during this Persian Gulf crisis. Some airlift and other support units have been called, but not combat units that have trained right alongside the active forces.

The 48th Infantry Brigade from the Georgia National Guard is the Roundout Brigade of the 24th Division and the 155th Armored Brigade from the Mississippi National Guard is the Roundabout Brigade of the 1st Cavalry Division. Both the 24th and the 1st Cav Divisions have been sent to Saudi Arabia and the Army has substituted regular Army Brigades to roundout the divisions.

The Air Guard and Air Force Reserve combat elements are just as capable. Their A-10, F-15, and F-16 units are trained and ready. These units and pilots are as good as any in the world. By not calling up combat units of the Reserves, the Pentagon is not employing the total force as Congress intended. Active and reserves are trained side by side, and when there is a crisis, the Reserves are used just like the regulars. Chairman ASPIN, NEWT GINGRICH, BEVERLY BYRON, DAVE MCCURDY, and many others agree with me on this issue. In fact, Mr. ASPIN will offer an amendment that is a sense of Congress that combat units of the Reserve and National Guard will be called out. I would like to read a statement by an army general:

> Roundout is a fact of life * * * the 48th Brigade, Georgia Army National Guard, is the third brigade of my division. I expect them to fight alongside us. They have demonstrated their capability through three demanding rotations at the National Training Center * * *. They are, in fact, combat ready.

This statement was made by Gen. Norman Schwarzkopf, the Commander in Chief in the Persian Gulf, when he was the commander of the 24th Division.

Also in this authorization bill, we have added an additional $794 million for equipment for the Guard and Reserve, which shows the strong commitment of your Armed Services Committee toward the Guard and Reserve. This is the opportune time to test the total force policy to prove it works.

Mr. Chairman, I urge support for this bill.

□ 1350

Mr. BENNETT. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, all of us recognize the national responsibility and the global responsibility we have when we vote on this defense bill. The balance of our needs as a Nation and our responsibilities around the globe are significant. But it would be indeed a crime and a shame if this Government, that has been so considerate of others, has spent so much of its efforts to protect other nationals around the world, with an administration that is ready to forgive the debt of the Egyptians, where we continue to subsidize the defense of Western Europe and Japan to the tune of $100 billion, if we do not in this bill pass the Mavroules amendment, the one that the gentleman from Massachusetts [Mr. MAVROULES], myself, the gentleman from Missouri [Mr. WHEAT], the gentlewoman from Ohio [Ms. OAKAR], and others have worked on to deal with diversification and conversion.

Mr. Chairman, it would be a crime if this country had compassion for all others except for America's defense workers. In my district, as in many around this country, the changing realities have already caused dislocation. At UNC, Electric Boat, we are already feeling the first peace dividend. The peace dividend for American workers

cannot be unemployment. We cannot deal with them as if they were disposable.

Mr. Chairman, these are the men and women who built the strongest defense on the face of this Earth. These are communities that have focused all their resources on the defense of the free world.

As we approach this new defense bill, it is critical that we give them some options besides simply unemployment. We need to make sure that these workers are treated fairly, that these communities are not forgotten. If we can provide funds for the conversion of the economies of Eastern Europe, if we can provide funds for the economies around the globe, then we need to be able to provide for the workers in the communities that we live in an opportunity to evolve from total defense dependence.

Mr. Chairman, we need to make sure we buy those defense systems that we need as a Nation, but no Member would get up on the floor and argue that we need to buy systems simply to provide jobs back in our districts. If we are to make rational decisions as a country and as a Congress, we need to make sure as Members of Congress that the workers and communities have some alternative to unemployment and economic decay. So I ask Members to think of the times they have been on this floor to help out the farmers, to help out people in foreign countries, and remember that America's defense workers and those communities are at least that important. They have developed the strongest defense in the free world, indeed the entire world, and they ought not be left to dangle in the wind. They ought not be dealt with as if they are just one more disposable commodity in this disposable society.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Chairman, several months ago our committee, under the leadership of the gentleman from Wisconsin [Mr. ASPIN], began the very difficult task of writing a defense budget within changing priorities. We had been to the Soviet Union approximately 1 year ago and knew that in effect the cold war was over. Our chairman determined at that time that it was time to write a defense budget for a new era, and we proceeded to do that. However, our committee chairman and subcommittee chairmen had the foresight to see that we needed a new defense budget for a new era in America.

Mr. Chairman, it turned out that their effort has been somewhat prophetic. The situation of the last 30 days certainly bears out the fact that this is the right bill for the right time. I respectfully ask the entire House to vote it into law overwhelmingly.

Mr. Chairman, I rise in strong support of this legislation and want to commend the chairman of the Committee on Armed Services, the gentleman from Wisconsin, and the individual subcommittee chairmen for their efforts and leadership in drafting this historic legislation.

The Armed Services Committee began hearings on this legislation back in February. Although this was the beginning of formal hearings for drafting this specific bill. The chairman actually began laying the groundwork for this defense budget several years ago when he began defense policy panel hearings dealing with the changing threat presented by the Soviet Union.

These policy panel hearings were expanded to include a visit by most of the members of the committee to the Soviet Union to obtain first-hand knowledge of their military capabilities. More importantly, we were able to sit down with members of the Soviet Government and military and discuss the changing world.

Although at the time of our visit, almost a year ago, the Berlin Wall was still standing, and Eastern Europe remained under the domination of the Soviets, there was clear evidence that the Soviet Union was in a state of change. It was obvious that even the smallest of catalysts could bring about significant change.

Mr. Chairman, the events that have taken place in the Soviet Union and Eastern Europe during the past year have forced our committee to look at America's defense priorities in new and innovative ways. We began drafting this legislation realizing that, although the Soviet Union was the only nation in the world which could destroy us, the potential military actions which most threatened us or our allies would probably originate from another source.

Accordingly, we made, what I believe to be, significant alterations to a Presidential request that was based on old, if not unrealistic, assumptions. The committee made the assumption that future conflicts would be won by well-trained, well-equipped, and qualified personnel. We continue to support new weapon systems but only if these weapon systems are proven to work, are affordable, and meet stringent requirements for the changing mission.

An important point to me personally is the continued enhancement of our technology base. Last year, the chairman of the Research and Development Subcommittee, the gentleman from California, led the way in improving our technology base. We were quick to realize that even though we must meet our military needs now, we could not forfeit our future by neglecting to explore the basic advanced technologies that would ensure our continued success 15 or 20 years from now. This year, we have expanded this technology base enhancement program into one which is truly a research and development program, instead of a research and buy program.

Mr. Chairman, when we drafted this legislation, our hope was to take the initial steps necessary for addressing the new threat. We had little idea that the new threat of Third World powers attempting to control specific portions of the globe would be upon us so quickly. The events of the last 30 days have shown us that the alterations we have originated in this legislation are indeed the proper ones. However, let me remind the committee that this bill, as it was reported out of committee, does not address all the concerns that we have about the current Persian Gulf crisis. Accordingly, the chairman will include specifics to deal with this crisis in a separate amendment.

Mr. Chairman, in closing, a new type of military threat exists. This bill is a first step toward addressing this new challenge. I strongly support this legislation and urge its adoption by this body.

Mr. BENNETT. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. Mr. Chairman, as chair of the Subcommittee on Research and Development, I am pleased to report to the House on the actions taken by the subcommittee and full committee in this area.

Title II of H.R. 4739, the National Defense Authorization Act for fiscal year 1991 provides authorization of $36.2 billion for research, development, test, and evaluation. This is approximately $2 billion less than requested by the administration.

As you may remember, last year the committee started an initiative that would increase the amount of funds that go to support the technology base, what we call 6.1 and 6.2 categories. This was done to correct the downward trends of the past and to redirect certain efforts in the defense technology base to insure a vigorous, modern, and advancing pool of technology that will be available to provide the needs of the Nation's defenses in the future.

This year we continued that effort and increased authorization for programs in these categories by around $450 million. This is an attempt to foster and encourage linkages among the Department of Defense, industry, and universities and to bolster the defense industrial base and provide greater opportunity to spin off technology into the civilian sector for commercialization. The projects we supported include such things as high performance computing, advanced material processes, materials and manufacturing technologies, environmental research, advanced display technology, and science and engineering fellowships.

In conjunction with the full committee, the R&D Subcommittee also began to focus on restructuring programs to be sure that we have the right technology before proceeding with full scale development of new weapon systems. Examples of this are the actions taken in connecting with the Army's armored systems modernization program, the Army's scout/attack helicopter, the Air Force's advanced tactical aircraft, and the Navy's Sea Lance missile system.

However, we also felt that the time was right to make some tough decisions and cancel certain weapon sys-

tems whose mission had become questionable. These include the follow-on to Lance [FOTL] missile, the short range attack missile—tactical [SRAM-T], chemical weapons, the vertical launch system, the joint surveillance target attack radar system [JSTARS] and the Navy's nuclear depth bomb.

Further action by the committee resulted in the antisatellite [Asat] request being reduced by $108 million, authorization increased for the light satellite program under DARPA, increased authorization for high altitude unmanned aerial vehicles, and continuation of authorization for laser verification research program. The committee also retained the prohibition against any test using MIRACL [Mid-Infrared Advanced Chemical Laser] against an object in space unless specifically approved by Congress.

In a major action, the committee reduced the strategic defense initiative [SDI] request from $4.46 billion to $2.9 billion, the same level as approved by the full House for fiscal year 1990. In a related action, the committee directed that the boost surveillance and tracking system [BSTS] be transferred to the Air Force and that full-scale development of the system be delayed until fiscal year 1992 to allow adequate time for the new requirements from the Air Force to be evaluated.

The committee also continued the research and development on the V-22 Osprey aircraft at an authorization of $238 million.

Authorization for the air defense antitank system [ADATS] and tacit rainbow weapon system was increased in R&D as a result of problems identified with these systems. It was decided that additional R&D funding was needed before they should proceed further into procurement.

Perhaps the most striking action by the committee was to agree to combine the rail garrison MX and small ICBM into a generic category for ICBM modernization and reduce the request by $140 million. The committee agreed that there was some need for R&D on a mobile ICBM, but that much uncertainty remains over the future of arms control, targeting requirements, and efforts to ban MIRV'd mobile missiles. Also given the inability to reach a political consensus necessary to develop both systems and budget pressures that make it unlikely that two—if any mobile systems will be deployed, the committee agreed to fence the funds approved until the President proposes how to allocate these funds and reports to Congress on this plan. In fact, some of us continue to believe that we should be moving away from mobile strategic missile systems, a view recently supported by the new Air Force Chief of Staff.

All of the above examples give me reason to be encouraged with the advances made in bringing sanity to the defense authorization process. I believe the Armed Services Committee has done a most commendable job of reporting an authorization bill that represents extraordinary and important changes in the direction of defense policy.

The bill before the House today represents a bipartisan, collective approach to addressing the changed international situation and realities while at the same time facing up to the budget crisis. The committee has crafted a Pentagon budget for fiscal year 1991 that not only safeguards our national security in a military context but also begins to restore our national security in an economic context.

Having said this, however, I remain opposed to the bill. It is my opinion that the Congress can go much further in addressing the national security of our Nation and at the same time continue to make larger reductions in the defense budget.

If the events of the past few weeks in the Middle East have taught us anything, it should be that over the last decade, the military buildup we have been paying for at the expense of domestic needs, has bought the wrong systems to deal with the crisis we face today. We have concentrated too heavily on nuclear strategic systems and weapons that are geared to a NATO scenario against the Soviet Union, at the expense of conventional weapons. We should not be hoodwinked again into thinking that we need new strategic weapons such as the B-2, mobile missiles, or SDI to defend ourselves in situations such as this. We do not.

However, that is not to say that I agree that this situation can be resolved through military means. Until we begin to realize that not every dispute in the world can be solved by military power, but must be addressed through diplomatic, social, and economic avenues, we will never stop wasting our defense dollars and fashion a defense budget that reflects only what is truly needed to protect our national security.

□ 1400

Mr. BENNETT. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, I rise in support of H.R. 4739, the fiscal year 1991 Defense Authorization Act. Throughout the past year, we have grappled with the astonishing changes in Eastern Europe and the Soviet Union. Clearly, the conventional military threat to Western Europe from Moscow and its Warsaw Pact partners has greatly diminished. True, the Soviet Union still possesses substantial military forces—including undiminished strategic forces—but the large scale Warsaw Pact attack in Europe that we have geared up for so long is now just not in the cards.

Instead, with the cold war over, we must deal with security concerns that have been obscured by our East-West preoccupation—regional conflicts, weapons of mass destruction in the hands of international thugs, challenges to American worldwide interests.

Little did we know that the aggressive actions of Saddam Hussein would soon let us know that the direction we fashioned for the defense budget was the right one. Saddam Hussein is a one-man catalog of the dangers we face in this new era. Even the actions in Panama show us that we no longer should be focusing on the big war with the Soviet Union. In fact, Moscow has sided with us in opposing Saddam Hussein's hostile acts. Our attentions clearly must be concentrated on programs and equipment to handle desert warfare from the jungles to the desert.

Although Operation Desert Shield may force us to make some immediate budgetary adjustments, this is not the time to go back to our old way of thinking. I would urge you to make the decisions necessary to cope with the costs that this tremendous effort is incurring, and not use this as an opportunity to reinstate a pet program that is clearly not needed in today's—or even tomorrow's—defense climate.

I would like to echo Chairman ASPIN's assessment of the committee bill—this is the right stuff for the right times. As he has put it, it emphasizes people over procurement, deployable forces over redundant nuclear forces, and needed weapons over those of questionable utility.

These changes do, of course, lead us to the question of how we will cope with the disruptions to the lives of those who worked on defense production lines that we no longer need. Let me briefly highlight a proposal that I will be presenting to the full House later. The victims of the post cold war realities can be found throughout the country—workers, businesses, and communities that supported our military establishment and defense industrial base in its heyday. Many of them will be hard hit. As a nation, we owe them our gratitude. We also still need them. If we as a nation are going to compete economically with the Asian nations and with Europe after EC 1992, we are going to need our brightest minds; in short, we are going to need a redirected defense work force.

My amendment includes a core economic adjustment program, which provides expanded resources for existing Federal agencies, rather than creating new bureaucracies. The newly provided resources will be funneled into existing programs but utilized in a better coordinated, more resolute, in-

novative and timely manner than in the past. This is not a relief program—this is a transitional reinvestment effort.

In another area, I will be offering an amendment targeted to improving the quality and professionalism of the defense acquisition work force—the quarter million people who buy all our weapons and military equipment.

My amendment provides a comprehensive framework for developing a work force with the skills and attributes required for effectively managing the defense acquisition process.

I would like to touch on one final important issue—that of M accounts. I want to especially commend my colleagues, CHARLIE BENNETT, FRANK MCCLOSKEY, and ANDY IRELAND for their hard work and perseverance in bringing this to our attention.

The Congress appropriates funds annually and provides appropriations for different purposes with varying periods of obligational availability, ranging from 1 year—for example, military personnel funding—to 5 years—for example, funds for shipbuilding. When that time period expires, the unused budget authority ultimately ends up in the M accounts.

The M accounts were established in 1956 to make it easier to pay late bills for programs Congress fully intended to see to completion. The M stands for merged, which is what happens to funds added to the M accounts. There is essentially one M account for every appropriation made for the same general purpose—for example, Army aircraft procurement. All Federal agencies have M accounts.

Department of Defense M accounts currently total nearly $50 billion. They include funds to pay for things ordered, for which payment is not yet due. But they also include funds no longer needed. They aren't needed because a program was well-managed and came in under budget. Or they are unneeded because the program was poorly managed and scaled back as a result. Or they aren't needed because the cost estimates were on the high side. For whatever reason, about $38 billion of the $50 billion in the Pentagon M accounts aren't needed. While it is an exaggeration to think of the M accounts as a slush fund, there are examples of misuse by the Department of Defense of M account spending authority. Two sections of the committee's bill would clean up the controversial M accounts—one of them by killing off that $38 billion in excess funds, the other by providing for better management, and an audit, of the remaining $12 billion.

Once again, Mr. Chairman, I urge my colleagues to pass our "right stuff" bill.

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

Mr. Chairman, my concern is that this bill is pretty bad at the present time, and I guess my main concern is it is going to grow worse during the next 3 days of debate.

Over the last few months, there has been talk of the Defense Department being in a free fall by a wide variety of interest groups seeking to portion out the peace dividend. Unfortunately, nowhere was this atmosphere more pervasive than during the debate of the Committee on Armed Services. We cut people, we cut procurement, we cut weapons systems with little regard to the implications of these actions.

The evolution of the threat was deemed by the majority to be an indication of an absence of a threat. Through a magic formula of misguided priorities, pet programs, pork-barrel projects, this bill emerged.

Some have suggested that the product of this process might charitably be called a strategy. This is not strategy, Mr. Chairman. It is spin control. This bill has the same relation to national strategy as a bumper sticker may have to the study of philosophy. It is a collection of deep cuts, of some questionable add-ons, all sprinkled with a heavy dose of good old politics as usual. This was apparent to myself and several other colleagues on the Committee on Armed Services who, like myself, voted against final passage.

Mr. Chairman, I might add by way of footnote that I have been a Member of this body for 12 years. Each of those 12 years I have supported the Defense bill. This, regrettably, is the first time I cannot support the defense bill as it comes out of committee. Basically the overall thrust of this bill and its message to our enemies and allies overseas is that returning to the 1970's era of neglect of our Armed Forces is acceptable and will have no impact on the interests of the United States abroad.

Moreover, this neglect is not a benign neglect but an active one that throws careerists out of the military services and leaves those remaining without modern weapon to defend themselves.

In times when unreality seems to have taken hold of conventional wisdom, reality has had a nagging way of sneaking up on ourselves. Witness the fact that we are currently involved in a major military operation that is of uncertain duration in a far corner of the world. No one here seems to be reminded of the circumstances that were motivating factors for Operation Desert Shield or of the seriousness of the situation in the Persian Gulf.

Surely, however, we can use this opportunity to rethink the perceptions and the extreme position taken by the Committee on Armed Services. What is needed is flexibility, not extremism, in thinking about our national-security policy. Right now we are facing the possibility of military action against an adversary with a large army that is heavily armored and equipped with weapons of considerable sophistication. I am confident in our capability today.

In thinking about our future defense priorities, however, we must not only concentrate on the immediate threat but whatever threat may face the United States of America and the free world in the future.

Does this bill allow the United States a reasonable measure of security against such threats? It does not. Does it provide for a response to a variety of strategic, conventional, chemical, or biological scenarios? It does not.

Ultimately, does this legislation provide for the common defense in a responsible manner with a coherent, cost-effective strategy? Unfortunately, the answers to those questions are no.

Mr. Chairman, more specifically, the bill in its present form eliminates or underfunds crucial programs for the security of this Nation. It terminates the B-2 Stealth bomber program. It underfunds the SDI by about $3 billion, and it underfunds the A-12 attack plane that is vitally necessary for upgrading the A-6. It underfunds and overrestricts the C-17 cargo plane. It underfunds and overrestricts the advanced tactical fighter. The bill requires excessive cuts in military personnel by about 100,000.

Mr. Chairman, the bill, as well, would impose ill-advised and, in some cases, unconstitutionally suspect provisions that purport to limit the authority of the executive branch of the United States of America. These include geographical and numerical restrictions on deployment of personnel and equipment, two provisions that are of particular importance which we will get into later.

□ 1410

Mr. Chairman, as I mentioned, this bill is not a good bill. It was based I think during a time when everybody was tripping over themselves feeling that we could dismantle the Department of Defense of the United States.

It is definitely unfair to the 100,000 men and women that 6 months ago were not in Saudi Arabia but are there upon the request of the President of the American people today.

Mr. Chairman, unless this bill improves dramatically during the next 3 days, I and many of my colleagues will recommend that we vote no on final passage.

Mr. Chairman, I yield 7 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, one of the specific administration criticisms of this bill has been insufficient funding for the strategic modernization pro-

gram of the administration. Specifically, both the President and the Secretary of Defense have indicated that the level of funding provided by the House committee mark for the strategic defense initiative is inadequate. The President requested $4.6 billion for fiscal year 1991. The House committee's mark is $2.9 billion.

Last year the President signed a bill that provided for $3.57 billion in Department of Defense funding for SDI. That is the same level that the Senate adopted earlier this year.

My amendment, which will be offered later, is for that same amount of money for SDI funding, $3.75 billion. That is last year's level, but without any inflation adjustment, and without any additional funding from the Department of Energy which has been eliminated now from the bill.

Let me quote from the President of the United States in a letter to Senator WARNER from last month. He said:

A vote to cut SDI below the Senate Armed Services Committee mark will force us to delay critical tests and cancel contracts, and therefore is essentially a vote against strategic defense for America.

Mr. Chairman, for that reason I will urge my colleagues to support the Kyl amendment which funds SDI at a level of $3.57 billion.

Why do we need SDI in this day when relations are falling in the Soviet Union? The fact of the matter is that missiles are a reality. The genie is out of the bottle. They have not only been invented by the United States, Great Britain, France and the Soviet Union, but now are being built by more and more countries. CIA Director Webster has testified before the committee that before the end of this decade 15 Third World countries will possess ballistic missile capability, and probably six of them will have a nuclear capability as well. In addition to that, we have reason to believe some of these countries will marry up chemical warheads with their ballistic missiles.

A good example of this proliferation is Iraq. Mr. Chairman, the fact of the matter is that these missiles are going to be around for a long long time. We are going to have to do something about defending against missiles. Iraq was able to successfully use ballistic missiles against Iran and thereby end the war that they had. These were not sophisticated missiles. They were used as terrorist weapons against the people of the city of Tehran primarily, and because of their fear that these missiles might contain chemical warheads, and because of the destruction which they rained upon that city, Iran finally sued for peace with Iraq.

We can see the destructive capability of these weapons fast with respect to potential use in the Middle East today, and clearly while we are not talking about it we are concerned because Iraqis have three different weapons, all of which could reach the troops we have deployed in the region. They could reach ships we have deployed in the region, and they could certainly reach our allies and, of course, they could reach other enemies of Iraq including the State of Israel.

Israel, with the United States, as part of the SDI Program, is developing a response to this. It is called the Arrow missile, and one of the suggestions that we have here is that the SDI Program must move forward robustly so that we can provide our own defense against these same kinds of missiles. It may not be the Arrow, it may be something called Arent, for example, but it is something we have to develop and deploy.

There is a misconception, and that is that SDI is only a space-based kind of defense. SDI has both ground-based and space-based components, both of which could defend against the Iraqi missiles. All three of the Iraqi missiles have the kind of trajectory which both space-based and ground-based assets could interdict, and for that reason it is the kind of defense which would not only protect us from these kinds of theater missiles, but the kind of strategic missiles which the program was originally designed to interdict.

I have just spoken with Secretary Cheney and he confirmed that while Iraq was not a new argument for the strategic defense initiative, it is a confirmation that we cannot delay the program with budget cuts, and that is what cuts of the level of the committee mark or other amendments would in fact do.

The basic argument for SDI remains the same as it has always been. Mr. Chairman, No. 1, Soviet modernization in the strategic area has continued apace. The Soviets still have on the order of 12,000 warheads aimed directly at the United States, and the fact of the matter is that the Soviets are not the only country that is going to possess this missile in the future, as I said.

That brings in the second reason. Because of the proliferation of missiles we are going to have to have a missile defense. Sometime, somewhere in the future, the United States is going to have an enemy with ballistic missiles, who is not afraid to use those missiles either against the Continental United States or against deployed forces abroad.

There is a third reason for the strategic defense initiative which is embodied in the fabric of our entire strategy for arms control, and that is that SDI will help us achieve arms control. It provides us the assurance we need to make those kinds of deep cuts that all of us would like to see in the ballistic missile and nuclear warhead proliferation.

As a matter of fact, I would like to quote from a letter just this last week from Ambassador David Smith who is our chief arms negotiator in the defense and space talks in Geneva. With specific respect to the two amendments which would have a very crippling effect on the SDI Program, both the Bennett amendment and the Spratt amendment, Ambassador Smith said:

I urge you and you House colleagues to oppose these amendments to the defense authorization bill. These amendments would also undercut the United States in the defense and space talks.

I must tell you frankly, our work in Geneva to seek Soviet agreement on ways to strengthen deterrence will be insufficient without a strong SDI Program.

This is just this last week that he wrote the letter. He said:

• • • if our SDI Program is progressing in accordance with the realistic timetable established by President Bush, there will be an opportunity for success in the defense and space talks. If, however, Secretary Cheney and Ambassador Cooper are prevented from running the SDI Program in a way which supports President Bush's plan to make a decision within his first term in office, I see no hope of success at the Geneva talks. Insufficient funding, inflexible program restrictions, or a combination of the two, will create such a situation. I am convinced that the Bennett and Spratt amendments would constrain the program in ways that could only pull the rug out from under my negotiating team and me.

So Mr. Chairman, I would urge my colleagues, both because of need to provide defense against future proliferation of missiles, of the kind of weapons which we are programming to go away, and which we ultimately have to have a defense against, and because it would be useful in our defense and space talks in Geneva to support a robust funding level for the SDI Program, at least to the Kyl amendment level, and oppose any Bennett or Spratt amendments which would cut that funding.

Mr. COURTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia, [Mr. RAY].

Mr. RAY. Mr. Chairman, during its deliberations of this legislation, the committee cut the CHAMPUS benefit for the first time. I doubt very much whether many of my colleagues in the House are even aware of this provision—and I think they would be concerned if they were.

The bill reduces the time a psychiatric patient can stay in the hospital from 60 days to 30 days and imposes—for the first time—a 90-day limit on lengths of stay in residential treatment facilities. These facilities are often used to treat children and adolescents suffering from substance abuse. It seems to me that enactment of such a cut just as we are placing great stress on our service personnel and their families is untimely and harsh.

There were no hearings held on this proposal. Futher, I am told that even DOD admits

that their data on CHAMPUS is unreliable. There are already two cost control mechanisms which Congress has placed on CHAMPUS mental health care. The first is a per diem cap on expenses, and the second institutes a system of pretreatment authorizations. As yet, we do not know how much these efforts have reduced costs, and we should have that knowledge soon.

We had no knowledge of this effort until shortly before our mark, and I am not a member of the subcommittee. But I have been gathering information as rapidly as I can in this compressed time frame, and I might say that much of what I am learning casts even further doubt on the wisdom of this course. We may need to make changes, but we shouldn't do so until we have all the facts we need, and have had adequate time to consider them. There is no comparable Senate provision, and I intend to do all that I can to get this issue resolved in conference in a way that is more equitable and compassionate.

Mr. COURTER. Mr. Chairman, I yield 6 minutes to the gentleman from Florida [Mr. IRELAND].

Mr. IRELAND. Mr. Chairman, we bring this bill to the floor for consideration at a time of unprecedented change and uncertainty in national defense planning. The way we think about defense is being completely reshaped. Traditional loyalties and new realities are pulling in opposite directions and creating powerful cross pressures. Just about every facet of defense planning to topsy-turvy.

Over the past year, much of our thinking on national defense has become irrelevant. We have witnessed more change in the last 12 months than I would expect to see in a lifetime.

NEW WORLD ORDER UNFOLDING

Uncertainty is being generated by several momentous events: Dramatic and continuing change in United States-Soviet relations; political revolution in Eastern Europe and the Soviet Union; and Saddam Hussein's invasion of Kuwait.

Our relationship with our principal cold war adversary—the Soviet Union—is undergoing profound change. This change is most certainly for the better, but it still requires some serious rethinking of some of the more basic tenets of our Nation's defense.

The centerpiece of our defense posture—the defense of Europe against a Soviet led invasion—is very much in question in the wake of the political revolution that has swept through Eastern Europe this year.

NATO and the Warsaw Pact are evolving—but we cannot yet say where they will end up. Major conventional and strategic negotiations are underway and future prospects look good for a long-term reduction in the threat of a major conflict between the superpowers.

Then suddenly, like a bolt of lightning out of the blue, comes Saddam Hussein's invasion of Kuwait—a move that threatens our vital national interests in the Middle East and precipitates a massive development of our forces in Saudi Arabia, the Persian Gulf, and Red Sea.

What is the net result of Hussein's unprovoked aggression? The United States and Soviet Union, along with the United Nations and most Arab States are now working together to force Hussein out of Kuwait. This kind of cooperation has not existed since World War II.

Were it not for vastly improved relations between superpowers, President Bush would never have moved to confront Iraq in such a decisive way. A new world order seems to be unfolding. But how do we respond to something we don't yet fully comprehend? What kind of force will we need in this decade?

Such dramatic and rapid change is enough to overwhelm and cripple a rigid, bureaucratic planning and budgeting process and leave it in a state of utter confusion. We must not allow that to happen. We must adapt to change however rapid and unpredictable. We must not be afraid to act and to move forward with this bill.

I commend Chairman ASPIN and ranking minority member DICKINSON for having the courage to bring this bill to the floor today., Now, is the time for leadership. We must decide whether to continue to hang onto old ideas—thereby turning defense into a truly dedicated jobs program, or whether to seek new directions. We have a golden opportunity to craft an affordable defense posture that meets our national security objectives.

NEW DIRECTIONS

Mr. Chairman the President needs to lay down fiscal guidance for defense for the next 5 years that is both affordable and realistic.

The Joint Chiefs of Staff need to develop a strategy that is consistent with the President's long-range fiscal guidance.

The Secretary of Defense, for his part, needs to structure the programs and budget to conform with the strategy and fiscal guidance.

Congress must begin to act in a more responsible manner.

As a first step, we must come to grips with economic realities. There is a massive budget deficit. We must move to reduce it, and defense must be part of the process and ultimately the solution.

SHORT-TERM BUDGET PROBLEM

The situation in the Soviet Union and Eastern European nations is placing downward pressure on defense spending. At the same time, the Iraqi invasion of Kuwait is generating short-term upward pressures. It's our job to determine the net result of those cross pressures.

I will be the first to admit that the bill is not completely in tune with the times. For example, cutting personnel end-strengths, originally viewed as a quick fix for the deficit, need to be deferred at least until crisis is over. Similarly, planned cuts in operations and support must also be put on hold. But I firmly believe that needed adjustments can be made in conference or in a supplemental action later on.

So the hand writing is on the wall. The bulk of fiscal year 1991 cuts must be applied to acquisition programs. Programs like the B-2, LH and the A-12—to name a few—belong on the chopping block where the Armed Services Committee put them in July.

LONG-TERM SOLUTIONS

As a second step, we must reevaluate our national military strategy and link it to economic reality. The bill before you helps to end the gap between strategy and resources and the mismatch between programs and strategy.

NATIONAL STRATEGY REPORT

Section 153 of the Goldwater-Nichols Act of 1986 gives the Chairman of the Joint Chiefs of Staff new responsibilities. It requires that he prepare "strategic plans, including plans which conform with resource levels projected by the Secretary of Defense."

He is also required to advise the Secretary "on the extent to which the program and budget proposals of the military departments conform with strategic plans" and to provide the Secretary with "alternative program and budget proposals within projected resources levels provided by the Secretary."

But required linkages still don't exist. DOD still has not developed a coherent long-range strategic plan that is anchored to a fiscally realistic budget plan as required by the Goldwater-Nichols Act. The committee has therefore moved to put some teeth in the law.

Under section 1032 of the bill, which was proposed by Mr. SKELTON and which I have supported from the start, the Secretary of Defense would have to submit a national military strategy report to Congress.

It would be based on alternative strategic plans developed by the JCS chairman using three budget toplines—$200 billion, $250 billion, and $280 billion in 1996. The Secretary would then select one or a combination of those options and tie the whole package to the current 5-year defense plan now called the multiyear Defense Program.

MULTI-YEAR DEFENSE PLAN

In line with the national strategy report, the committee has moved to beef up the law governing submission of the multiyear Defense Program to Congress—section 114, title 10, U.S. Code.

DOD failed to comply with that law this year. To force the issue, the committee has strengthened and clarified the law with two amendments—section 109 and section 1304. These provisions now make submission mandatory, and—as an incentive—withhold all advance procurement money until the department complies.

The message is simple and clear: Submit a plan that conforms with the President's budget. That's all that's required by these two sections. We can't act on the budget in an intelligent way until we understand the policy and fiscal consequences of that document. Those conditions do not exist today.

As Senator NUNN and his committee have repeatedly stated this year:

> The absence of a long-range plan outlining the administration's proposals for the future direction of U.S. military forces during this period of profound change seriously impeded the committee's work this year.

All the major assumptions underlying the budget President Bush submitted in January have gone out the window. The bill before you attempts to fill the void. We have provided the legislative framework for developing a strategic plan that accurately reflects our vital interests under the changing world order.

Hopefully, the new strategic plan will be consistent with the President's budget. And hopefully it will produce a multiyear Defense Program that conforms both with the strategic plan and the President's budget.

In conclusion, Mr. Chairman, we are at a serious crossroads. The decisions we make today will determine our ability to maintain our status as a world superpower—both militarily and economically.

The authorization bill we are considering today would go a long way toward assuring that we meet those goals. I plan to vote for the bill, and I urge my colleagues to do the same.

□ 1420

The CHAIRMAN pro tempore (Mr. DURBIN). Does the gentleman from Wisconsin [Mr. ASPIN] seek recognition?

Mr. ASPIN. Mr. Chairman, pursuant to House Resolution 457, I want to give notice of the order for consideration of amendments to H.R. 4739.

Today, after the conclusion of general debate, we will first consider the amendments listed in the report accompanying House Resolution 457, relating to the acquisition work force, which is the Mavroules and Gilman amendments. We will then proceed to three amendments on burden sharing, one by the gentleman from New York [Mr. MARTIN], one by the gentleman from Michigan [Mr. BONIOR], and one by the gentleman from New York [Mr. MRAZEK].

If we have time, we might then proceed to other amendments relating to burden sharing—the homeporting issue. But at this point, according to the rule, we must give notice of the order in which the amendments would be brought up.

I would like to announce at this point that it is the intention of the chairman here to call up the amendments in the following order: Acquisition, first; burden sharing, second; and homeporting, third.

Mr. COURTER. Mr. Chairman, reserving the right to object, is the gentlewoman from New York [Ms. MOLINARI]——

The CHAIRMAN pro tempore. The Chair would make the point that there is no request pending.

Mr. COURTER. I thought there was a unanimous-consent request, Mr. Chairman.

Mr. ASPIN. There is no unanimous consent, Mr. Chairman, but at this point I would like to yield to the gentleman.

The CHAIRMAN pro tempore. If the Chair may clarify the matter, it is the Chair's understanding that the gentleman from Wisconsin asked unanimous consent to revise and extend his remarks.

Mr. ASPIN. That is true, yes.

The CHAIRMAN pro tempore. The Chair's understanding is that under the rule no unanimous request is necessary. It is only a notice being given by the manager of the bill.

Mr. ASPIN. But I do want to engage the gentleman from New Jersey in a colloquy here, and I yield for that purpose.

Mr. COURTER. I thank the gentleman for yielding.

I just wanted to ask the gentleman this: I know what the rule is, but I just wanted to ask whether the gentlewoman from New York [Ms. MOLINARI] is aware of this request.

Mr. ASPIN. That we would do the homeporting on this day?

Mr. COURTER. Yes.

Mr. ASPIN. That is a good question.

Mr. Chairman, she is being notified as of this moment.

Mr. COURTER. I thank the gentleman.

Mr. ASPIN. The point basically is that we want to do the acquisition work force first. As the gentleman knows, we would like to make sure that we do not have votes until 4 so we would do the acquisition first because, according to the rule, that is allowed the greatest amount of time for debate.

Mr. COURTER. If the gentleman would continue to yield to me, it is my understanding that the rule did provide for consultation, and since perhaps the gentlewoman from New York [Ms. MOLINARI] has not received the message, could the gentleman just withhold for a few moments until she is notified?

Mr. ASPIN. Mr. Chairman, I would say to the gentleman that the gentleman can talk, and I think our staffs have talked together. Unfortuantely, the gentleman from Alabama [Mr. DICKINSON], the ranking member of the committee, has not been on the floor all afternoon because he has some other concern before the Committee on the Judiciary.

But we have been in consultation with the Republican side on this issue.

Mr. COURTER. Mr. Chairman, I appreciate the gentleman's yielding to me. I understand that the gentleman has been in consultation with staff, but my concern is the fact that he is a member and it is my understanding, through the statement of the gentleman, that she has not been consulted, and the rule requires consultation.

Mr. ASPIN. The rule requires consultation, not with every member who has an amendment, but consultation with the Republican side.

By that I mean the gentleman from Alabama and the Republican staff of the Committee on Armed Services.

Mr. COURTER. Then my question is: Has the gentleman consulted with the gentleman from Alabama on this issue?

Mr. ASPIN. I have not. The gentleman from Alabama has not been here. But I have consulted with his chief staff person.

Our basic problem here is that we have to give notice an hour before we begin these amendments. The rule requires that there be an hour of notice to the House as to the order in which these amendments are coming up. We do have some more time left, an hour's debate left on this issue. So I am rising first to give notice that the order will be acquisition first, burden sharing second, this afternoon, and probably that is all we are going to have time for.

PARLIAMENTARY INQUIRIES

Mr. COURTER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. COURTER. The parliamentary inquiry is whether consultation with staff under the rule is consultation under the rule. I would argue that consultation in the rule requires consultation with the standing Member of Congress.

The CHAIRMAN pro tempore. The Chair will only state the language of the rule. The language of the rule states: "After consultation with the ranking minority member of that committee." So the Chair will leave it to the Members to reach their conclusion as to when that happens.

The Chair would notify Members there are 8 minutes remaining on the

majority side under general debate and 41½ minutes on the minority side.

Mr. MARTIN of New York. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. MARTIN of New York. Mr. Chairman, the question I have is: I think the distinguished chairman has said he did not have the opportunity, and in any event did not, consult with the ranking member. I know that the ranking member has been here working today and has advised me and others that he needed to be on the Senate side for very good reasons at 2 o'clock and expects to be back at 2:30. The parliamentary inquiry is: Are we expected, are we now put on notice officially? Is that what the Chair is saying, that this is going to be the new order of debate?

□ 1430

The CHAIRMAN pro tempore (Mr. DURBIN). This is an extraordinary procedure, and it is in the best interests of the body that the two sides confer either in the Chamber or off the floor in terms of consultation. The gentleman from Wisconsin preceded this debate by alerting the Chair that the ranking minority member of the committee was disposed to be at another meeting, and is trying to accommodate him in scheduling. That accommodation should continue off the floor. The Chair hopes the Members will meet and discuss it and get back to the floor.

In the meantime, there is time remaining on the general debate.

Mr. COURTER. Mr. Chairman. I have a parliamentary inquiry. Is the 1-hour rule in effect, by the Chair's ruling, or not?

The CHAIRMAN pro tempore. The Chair will not rule on that at this point. The Chair would like to withhold ruling on that so Members on both sides can converse, and advise the Chair that there has been proper consultation, and the Chair would like to continue with general debate.

The gentleman from Wisconsin [Mr. ASPIN] is recognized to proceed.

Mr. ASPIN. Mr. Chairman, let me propose the following to the gentleman from New Jersey. The important part of this rule is that what we have to do is give notice at least an hour before any amendment is called up. The rule requires that there be an hour, that we give notice to the membership of the amendment being called up.

We are now proceeding under the general debate here, which is about to run out in an hour. So we are going to be caught without having given proper notice, and then the gentleman from New Jersey will be on his feet saying, "We have not had proper notice."

I would have liked it if the gentleman from Alabama [Mr. DICKINSON] had been here this afternoon, but I thought we were dealing in good faith with the members of the staff on the Republican side. Let me propose the following if it would help: Let Members at this point give notice about the acquisition amendment to come up. That is the amendment. There are 60 minutes of debate, 1 hour of debate on that amendment, followed by the Gilman amendment, and the Mavroulis amendment. We will not announce at this point any further action until later.

That will at least get Members through the problem of trying to deal with something to make sure that we have an hour's notice.

Mr. Chairman, I yield to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. Mr. Chairman, It is not my purpose to be an obstructionist here, and I think that request is a good one. I have no problem with it.

Mr. ASPIN. Let Members do it that way.

At this point, Mr. Chairman, we are hereby giving notice that the first amendment that will come up at the end of the general debate is the acquisition amendment which has an hour of debate, followed by an amendment offered by the gentleman from New York [Mr. GILMAN], and an amendment offered by the gentleman from Massachusetts [Mr. MAVROULES]. A further announcement of amendments to come up after that will be made, and we hope that the gentleman from Alabama will be on the floor soon, so we can consult with him.

Mr. COURTER. If the gentleman will continue to yield, I would like to thank the chairman of the committee, the gentleman from Wisconsin [Mr. ASPIN], for his cooperation.

The CHAIRMAN pro tempore. Pursuant to the provisions of the rule, notice is noted for the RECORD, and general debate will continue, with 8 minutes remaining on the majority side, and 14½ minutes on the minority side.

The Chair recognizes the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. Mr. Chairman, I yield 30 seconds to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Chairman, I rise today in support of House Resolution 4739, the National Defense Authorization Act for fiscal year 1991.

Events of the past year have dramatically altered the world. Germany is on the verge of unification, the iron curtain has been lifted in Eastern Europe, and surprising, if unpredictable, change has occurred in the Soviet Union. The Warsaw Pact is, for all intents and purposes, a nonentity. The East-West conflict has been transformed and with it the threat to the United States. We have entered the post-cold war era.

The Persian Gulf crisis forcefully illustrates that the new world is not likely to be as peaceful as some predicted. The United States will continue to face threats to its interests. To meet these challenges, the United States will require a military capable of rapidly responding to a crisis with force enough to safeguard U.S. security. If we are going to send American boys overseas, we need to give them the tools they need to do their jobs.

Mr. Chairman, I believe this bill gives careful consideration to the changes that have occurred in the world and begins the process of restructuring America's defense to meet the challenges posed by the post-cold war era. Threats such as terrorism, the proliferation of weapons of mass destruction, and regional conflicts are likely to increase in the coming years. Weapons systems designed to fight the cold war are not always most suited to meet these new challenges. Preparing for a confrontation with the Soviets can no longer be the only forcus of America's defense planners.

Among the broad policy principles that guided committee action on the defense bill were: A decision to put people ahead of hardware, a decision to protect the readiness of a smaller force, a commitment to a real research and development program rather than the current develop and buy program for weapons systems, and a decision to fund forces for new threats over redundant cold war nuclear forces. I believe that these principles, taken together, represent a sound defense strategy.

Let me provide an example of how these principles guided committee action by examining its decision to fund the C–17. The C–17 is a multirole airlifter designed to provide improved force projection capabilities at reduced life cycle costs.

Operation Just Cause revealed that the United States has a critical need for more airlift capacity. Similar concerns have been raised during Operation Desert Shield. Without adequate airlift capability, the United States will find it very difficult to deploy the forces necessary to counter threats to American security. The committee correctly perceived a real need for a more modern, expanded airlift capacity and provided the funds necessary to continue the C–17 airlifter program at a pace consistent with its progress through testing.

This is just one example of the thinking which guided the committee's work on the fiscal year 1991 defense authorization bill. I believe this legislation takes the first steps toward meeting the security challenges posed by the post-cold war world: A world in which the primary threats to American security are likely to come not from the Warsaw Pact, but from terrorism, the proliferation of weapons of mass destruction, and regional conflicts, such as the current crisis in the Middle East.

Mr. Chairman, I urge my colleagues to support House Resolution 4739.

Mr. COURTER. Mr. Chairman, I yield 9 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Chairman, I very much appreciate the gentleman yielding me this time. This is not always an easy bill to debate or an easy position

for me to take as a Republican, but I wanted to kind of lay out my concerns about the bill.

My deepest concern about the legislation is the fact that I think we move too quickly to reduce the numbers of personnel in DOD. As a result of that, I will be supporting the efforts of the gentleman from Alabama [Mr. DICKINSON] to try to have a slower glide path in terms of personnel reduction. In fact, when I served on the House Committee on the Budget, I warned at that time that we could not make the savings we want to make in the area of personnel because the reductions would be too deep, they would be too quick, and a lot of people had been made promises and would find the promises made to them broken. In that area I clearly have a problem with the bill.

Second, I have great concern about the funding level. I do not think we gave enough money, but there are a number of features about this bill, and things we ought to think about as we go through the debate on the DOD bill. First of all, what we wanted to do this year in this bill was to try to redefine the priorities in the Department of Defense. It is very difficult to do this in an ever-changing world. Clearly, one of the things that we felt that we should do in the DOD bill was to provide for great mobility and greater flexibility to meet the emerging threat. No one is going to dismiss the fact that if America has 12,000 nuclear weapons aimed at it by the Soviet Union, we cannot just dismiss that threat. But clearly, the situation that exists today is fundamentally different than what existed in yesteryear. That is the idea that the Soviets are going to drive across Europe and invade Western Europe, and that all of our defenses have to be built toward more strategic nuclear weapons. The Soviet invasion in Europe, obviously we know that is not the threat that we face today. The threat is different from that, and it is borne out by the actions in the Middle East, where we see Saddam Hussein, or the actions that were needed to be taken in Panama, or the actions in Grenada.

Clearly, the future means that we will be facing more low-intensity warfare. We will be facing more Third World threats, and those threats are going to be difficult to define in and of themselves. I think the chairman would agree with that.

I do not think any Member ever anticipated the armor buildup problems in the Third World that we face today, which means that some of the weapons we may have thought at one point we could get rid of in a European conflict, may in fact be necessary in a conflict like the potential one in Iraq.

The botton line is that the structure of the defense is changing, and our goal was to provide for greater mobility and greater flexibility. If we take a look at the House bill as compared to the Senate bill, and I think it is necessary to do that because we do not want to do anything in a vacuum in the area of airlift, which is a critical area. When we take a look at what is going on in the Middle East right now, this issue of mobility, the House of Representatives has more emphasis on the C-17. We have been more generous in the area of providing airlift than the Senate. In addition to that, in our committee bill, we also provide for continued funding of the F-15 Eagle. That is the weapon of choice in the Middle East right now. People believe in the F-15E. Those in the Pentagon would just as soon shut that down and build other more fancy and expensive weapons, but we rejected that in the House bill and said that we ought to continue to buy more F-15E's. The M1 tank is now the land weapon of choice. That was recommended by the Pentagon for that line being closed down. We decided to hedge that decision and to provide for immediate capability in the area of armor. In the area of ATF, which my colleague from New Jersey says we slowed down too much, in fact, we may have slowed it down where the costs are going to go up. What we tried to do with ATF is exercise an old principle that I think makes good sense. That is "Fly it before you buy it." We purchased too many systems over the last 20 years that do not work as advertised. One thing that makes sense is "to fly before you buy," to hedge against technical failure.

Now, this is an emphasis on conventional systems, C-17 is better than the Senate. F-15E, continue the production of that aircraft. The M1, we have a hedge on the M1 against what the Army said, "Well, we don't need to do any more M1's, go to a future tank." We decided to stay with the technology. In terms of the Stealth technology, we brought the 117 on line. We have the Stealth fighter. Now we have ATF which we want to do. We want to produce it, but we want to produce it when we understand how it will work.

Those are all pretty darn good choices. In the strategic area, we are very generous in the area of additional submarines. Now, the D5 missile, I still do not fully understand what the committee has decided on the D5 missile. I am told that the reason why that has been slowed down is because of some technical problems with the bill. I may want to ask the chairman to respond to that at the end of my statement, about the D5, but in the area of the submarines we are proceeding forward with the submarines. In the area of the missiles, I myself have always supported the MX missiles, the rail garrison, and the development of the Midgetman. What we have done is give enough in there for the administration to make the decisions to which missile they want. That makes a heck of a lot of sense.

My personal view is that I would rather see single warhead missiles and the elimination of MIRV systems into the 21st century, but I think the decision in the area of the missiles has been a very good one. In the area of SDI, I intend to support the gentleman from Arizona [Mr. KYL], because I do believe we need to have a robust system. As the gentleman from Arizona [Mr. KYL] knows, I am very concerned about what we are doing with SDI.

□ 1440

I do not think that anybody in the Congress has a real good philosophy as to what SDI ought to be used for. My personal view is that it ought to be used for Third World threats, accidental launches and limited attack. As to the idea of leak-proof shields against the Soviets, I am first of all not convinced that it is conceivable, and second of all I am not sure it would be necessary. Besides that, I have doubts about whether it is affordable.

We did cancel the B-2, which gives many people heartburn, but that is because we decided that with 12,000 warheads and a whole host of delivery systems we do not need that system, and that there will be alternatives like advanced cruise missiles that give the same level of destructive capacity and deterrence and save us a ton of money. That money, I hope, will be used in the area of airlift, sealift, greater mobility, and more conventional weaponry, those kinds of things. As to chemical weapons protection, we are still operating with the suit.

All in all, when we talk about the House bill, I am not happy with the level of money we put in that bill. I am not at all happy, and I intend to support the Dickinson effort to have the glide path on troop reductions slow down. I think it is too deep, I think it is too fast. I think the House bill would make a very good and honest effort in trying to redefine the situation by trying to meet that threat. To me, that threat means greater mobility, greater flexibility, less emphasis on strategic systems, and more emphasis on conventional systems. That is what we have done in the bill. If we can go to conference and get the funding level up, that would be great.

In terms of Iraq, though, I want to say this: this crisis in Iraq should not be the grounds on which to build a whole new generation of weapons systems. We spent a trillion dollars over the last 10 years to develop our deterrence, and I think it is very good. As one marine said the other day, "If we had 5 minutes, we could destroy everything we want to destroy over here."

We clearly have the technology and the fire power to do what we want to

do. That is why the trillion dollars we invested during the Reagan years was not wasted. It was very wisely spent. If some people want to argue that the Iraq crisis justifies a whole new generation of weapons, that just calls into question what we did with the trillion dollars over the last 10 years. I think we spent it pretty darned wisely. I think the investments we made made a lot of sense. My only concern is that we probably should have done more in the area of airlift and sealift and a better job on conventional. I think the bill moves us in that direction. I think it moves us away from additional strategic systems.

I think, in light of the United States-Soviet cooperation at the U.N., this means that there is an opportunity for us now to take a break, a pause in the strategic area, and conduct negotiations on strategic and conventional with the Soviets and meet the threat of the new world, the threat of the 1990's and the 21st century that will add for us an effective and a very strong military establishment, with our budget concerns kept in mind.

Mr. BENNETT. Mr. Chairman, I yield 4 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I am proud to report on the military construction part of the defense authorization bill (H.R. 4739). Prior to detailing the military construction part, let me set it in context.

A NEW DEFENSE POSTURE

Often in the past, the Committee on Armed Services tinkered a little on the edges to help so-and-so's district or to protect the XYZ contractor. But, by and large, we did the Pentagon's bidding.

This year the Pentagon requested a cold war, anti-Soviet budget. Amazingly, the Department of Defense even wanted money to secure the inner-German border. The Pentagon's budget did not reflect all the changes. We rejected the Pentagon's request because the Red threat has evaporated and the threat of the red ink has become imminent.

H.R. 4739 contains a blueprint for a leaner, more ready force. The military construction portion of the bill is part of that blueprint. The priorities we set for projects, the legislative proposals on base closure, dual basing, and Crotone we included, and the overall funding level of military construction are all key elements of the bludprint for the defense structure of the 1990's.

Some will argue that the reprehensible behavior of Saddam Hussein should lead us to scrap the committee bill and revert to rubber stamping the Pentagon's wish list. This view is, frankly absurd. The Pentagon's request included a continuation of our musclebound prescence in Europe and wild spending on strategic systems. Operation Desert Shield has demonstrated how our 325,000 soldier prescence in Europe is of no use to us in dealing with a threat outside of Europe. Indeed, not one tank and not one soldier has been sent to Saudi Arabia from Europe. And, B-2 bombers and MX missiles in rail garrisons are of absolutely no use in dealing with Iraqi threats to Saudi Arabia. What would be useful in dual based forces, reserve forces at a higher state of readiness, and more lift capacity. The committee's blueprint, contains what is required for the operation Desert Shield of the future.

I urge my colleagues to support H.R. 4739 and to oppose amendments. H.R. 4739 is a bill of which we can all be proud.

MILITARY CONSTRUCTION PORTION

The committee, in allocating the budget authority and outlay figures contained in the budget resolution, instructed the Subcommittee on Military Installation and Facilities to reduce budget authority by $1.5 billion and outlays by $900 million below the level of the administration's request. The subcommittee achieved this goal by reducing the real property maintenance account by $915 million, or about 16 percent of the request, and by reducing the military construction account by $626 million, or about 7 percent. The subcommittee fully funded the civil defense program.

The military construction portion of the bill is this year more than just a collection of projects approved. Rather, the committee approved legislation which starts us down the path which leads from our current basing pattern, which is designed to deter a Soviet attack, to a future basin scheme, which is designed to heighten security in a changing world.

Specifically, the committee:

Cut most overseas projects, approving only $71 million out of the $491 million in overseas military construction porojects requested;

Cut the U.S. contribution to the NATO Infrastructure program to $175 million, from the request level of $420 million;

Disapproved all projects related to rail garrison basing of MX missiles, totalling approximately $360 million, when the fiscal year 1990 projects at F.E. Warren AFB are cancelled;

Approved numerous needed projects, particularly for the National Guard and Reserves, in the United States, totalling $430 million;

Approved an additional $100 million for environmental cleanup of closed bases;

Added $50 million to start a serious energy conservation program for the facilities of the Department of Defense;

Increased funding for new barracks by adding $62 million for projects at 16 bases, in addition to approving $191 million in barracks projects at 29 bases;

Increased funding for child development centers by adding 14 new projects at $49 million to the 8 requested projects costing $13 million;

Increased funding for family housing improvements by $75 million; and

Fully funded real property maintenance in the United States while reducing real property maintenance to essential situations at bases abroad.

The intent of the committee is clear: the committee knows that morale will suffer due to the cutbacks in personnel levels mandated by the budget. We want to minimize the negative impact of the reduction. By providing quality of life facilities—barracks, family housing improvements, child development centers—at bases in the United States, Congress can help, in a very important way, to keep life in the military liveable.

LEGISLATIVE PROVISIONS

The important legislative provisions in the bill are:

Base closure—Section 2831 requires a detailed future force structure plan to be set out before any bases are proposed for closure. First priority should go to closing bases overseas. Domestic bases would be selected for closure based on the force structure plan, using objective criteria, and would be done under a fair and nonpartisan process, to be proposed as legislation by the Secretary of Defense. Bases on the January 29, 1990 base closure list could not be treated differently from other bases.

We expect there to be a major floor fight over the issue of base closure. Secretary Chaney wants the unilateral and unreviewable power to close whatever base he chooses and wants to exercise that power without having to find any linkage between force structure and a base closure. The committee wants the force structure and a base closure. The committee wants the force structure plan to be developed and announced before bases to be closed are picked. And, the committee wants a fair and nonpartisan process to be used to pick the bases for closure. This is not just a matter of fairness. Operation Desert Shield has shown how wrong the Secretary's January 29 list was. On that list, Secretary Cheney included bases that housed A-10's. Against Iraqi tanks in the Saudi Desert, A-10's are the best plane going. And, the bases which were to be closed are now the center of operation for Desert Shield.

Dual basing—Section 2801 instructs the Secretary of Defense to begin a program of dual basing, under which most troops would be based in the United States and would forward deploy to overseas bases for short-term exercises and training. The Secretary of Defense is required to desig-

nate units which would remain based abroad because they could not perform their mission if they were based in United States. A 3-year implementation period is established.

Later today, we will see a debate on this issue. All I want to say now is that Desert Shield has proven out dual basing and shown how our current, fixed basing scheme reduces readiness and limits our ability to meet contingencies.

Relocation of 401st Tactical Fighter Wing—Section 2802 prohibits the use of DOD funds to relocate any functions now at Torrejon AB, Spain, to Crotone, Italy, or any other location outside the United States. Torrejon AB is the home base for the 72 F-16's which constitute the 401st Tactical Fighter Wing.

Later today, we will have the opportunity to debate the wisdom of spending $1 billion for a brand new airbase at Crotone to preserve our ability to attack Warsaw Pact airbases with nuclear weapons. In that the Warsaw Pact is every bit as vital today as is the Holy Roman Empire, I suspect this is one military construction project which can be canceled.

NATO infrastructure reform—Section 2501 provides that it is the sense of Congress that, in the future, the United States should only contribute to NATO Infrastructure projects needed to implement or verify a conventional arms control treaty, to conduct environmental restoration at NATO bases, or to pay recoupment owed for prefinanced projects.

Leasing in National Capital Region—Section 2803 establishes a cap on the number of square feet DOD can lease in the National Capital Region. Today, DOD leases about 12 million square feet. This provision would reduce the total to 10 million square feet for fiscal year 1992, 9 million for fiscal year 1993, and 8 million for fiscal year 1994.

Overseas Environmental Restoration—Section 2833 prohibits DOD money from being used to cleanup European bases slated for closure. Rather, that funding should come from the NATO Infrastructure Program.

Funding for environmental restoration at closed bases in United States—Section 2834 contains the Fazio proposal for establishing a separate fund of $100 million within the base closure account to insure that priority is given to cleaning up bases slated for closure under the Base Closure Commission recommendations.

Sense of Congress opposing moratorium; extending authorizations—Section 2805 expresses the sense of Congress that the Secretary of Defense should not place a moratorium on the awarding of all military construction contracts. Section 2703 extends the authorizations in fiscal year 1989 bill for 1 year to avoid a rush to sign contracts, once moratorium is lifted.

Mr. Chairman, H.R. 4739 is a sound bill. I urge its passage.

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

Mr. Chairman, I would just like to say, as the fellow said when he saw his picture on the post office wall, "It is nice to be wanted."

I appreciate being missed, but just in case the gentleman is curious, I had a very pleasant experience. A good friend of mine over long years, a very competent jurist, Judge Joel Dubina, was being presented to the Senate Judiciary Committee for confirmation as judge of the Circuit Court of Appeals. I was invited to introduce him, which I did and which accounts for my absence here.

I understand the gentleman had difficulty contacting me. I have been in my office all morning, and the phone still works.

Mr. COURTER. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. McCRERY].

Mr. McCRERY. Mr. Chairman, the deliberations of this House and the decision we make on this bill will determine if this body will heed the wake-up call that has been extended by the Mideast crisis. Too many in this body had fallen asleep, feeling comfortable that the cold war had ended and thinking that that signaled the end of history. Saddam Hussein has proven that history has indeed not ended, and that there are still bad men in the world. Saddam Hussein has let us know in no uncertain terms that the new world order that we all had hoped for will not come easily.

□ 1450

The bill that is before us is a victim of the sleepy habits of this body. We must wake up to the fact that the United States still has a role to play in this new world order, a very important role.

The combination of outlay cuts and BA cuts in this bill, about $12 billion from the base line in outlays and $30 billion in budget authority, the combination of those two means that we must cut too deeply in strategic programs and strategic modernization programs and too deeply in personnel. We cannot do just one or the other with this combination of BA cuts and outlays cuts. We must do both. We are doing both of them much too fast for the welfare of this Nation and for the welfare of the new world order that we all hope is coming as the result of the end of the cold war.

President Bush has been a master at handling this crisis. President Bush recognizes that as with most crises there is an opportunity, and certainly this is no different. We have an opportunity to emerge from this crisis as a leader and a participant in a new world order that will be more peaceful, that will be more progressive, that will allow nations to work together, not fight each other, and ultimately we all hope will allow us to spend much, much less on armaments, weapons of destruction, and more on the things that can raise the standard of living for everybody in this world.

But who will lead that new world order? Who will ensure that the new world order remains peaceful and progressive and helpful, if not the United States?

We are the only Nation, the only great Nation in this world that has never conquered for acquisition, never engaged in military disputes for the purpose of acquiring territory. We are a peaceful nation, a peaceful people. We are the Nation that ought to lead this new world order. We are the Nation that ought to ensure that it succeeds. We are going to need help and President Bush has done a good job in bringing in the rest of the world community in this crisis to demonstrate to Saddam Hussein and to others like him in the world that this new world order will no longer countenance naked aggression and acquisition of territory by military means.

The United States has been the leader in this effort to make that demonstration. It will be the United States, along with help from we hope the Soviet Union and our other international neighbors to lead the way in demonstrating that the new world order is here to stay, but it is going to take time. It is not going to be done overnight. The United States must keep a strong military for the time being. We cannot decimate our Armed Forces, as we did after World War I, World War II, and Vietnam. The risks are too great and the gains that can be made from this opportunity are too great.

So I beg my colleagues in the House to examine this piece of legislation. When you do, I think you will see that it cuts too much too fast. It is a precipitous drop in defense spending and defense preparedness, both in terms of strategic modernization and in terms of personnel.

We need to take another look and not cut so deeply into our military at this time.

Mr. ASPIN. Mr. Chairman, let me try again, I have been consulting with the gentleman from Alabama and the gentleman from New Jersey about the schedule here and would like to make an announcement on what I believe to be our agreement at this point. What we will do is finish the general debate on this bill, and looking at the schedule and looking at the amount of time remaining on both sides, we anticipate that would be about 3:30 when we would finish the general debate on this bill, at which point as we have al-

ready announced the first order of business would be the acquisition reform package, and that would be an hour of debate with the Gilman amendment and the Mavroules amendment.

Following that, again in consultation with the gentleman from Alabama and the gentleman from New Jersey, it would now be my intention at this point to go to the home porting issue. The home porting issue, according to the rule, is 30 minutes of debate, followed by 10 minutes on each of two amendments, the Molinari amendment and the Bennett amendment. I would anticipate recorded votes on both those amendments.

At this point, Mr. Chairman, because we have to be out of the Chamber between 6 and 6:30 in order to prepare it for the President's speech tonight, that is probably all we are going to be able to do tonight. It would be my intention then to ask that the Committee do rise after the home porting amendments, at which point we would come back, according to the schedule, tomorrow morning. Tomorrow morning the first order of business would be the second rule on this bill. The first order of business would be the Rules Committee on the floor dealing with the bill for the second part of this Armed Services bill.

When we come back to this bill, the first order of business would be to then go to the burden-sharing issue. We have three amendments under burden sharing. We have the Martin amendment; we have the Bonior amendment; and we have the Mrazek amendment.

Is this the understanding of the gentleman from Alabama?

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. ASPIN. I am happy to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I appreciate the gentleman consulting with us. I think this is a reasonable approach. I think it is the best way to apportion the time that we have in order to get off the floor in a timely manner. All parties I am aware of are satisfied with this sequence of events, and certainly I agree.

Mr. ASPIN. Mr. Chairman, I thank the gentleman from Alabama and I thank the chairman of the committee.

Mr. COURTER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. MARTIN].

Mr. MARTIN of New York. Mr. Chairman, I want to thank the gentleman from New Jersey for yielding me this 5 minutes.

Initially I wanted to speak on some of the amendments that were going to be coming up both today and tomorrow because they relate in particular to the subcommittee on which I am privileged to serve as vice chairman. I believe perhaps today we might get to the question of home porting and in particular home porting at Stalen Island, NY.

I am constrained in that I am a very proud New Yorker to point out to my colleagues who might not be up on the geography of the great State of New York that my home town in St. Lawrence County, as a matter of fact I know the gentleman from Florida [Mr. BENNETT] is very familiar with it because we are very proud of the fact that he was born there in Canton, but for those people who want to go to Staten Island, New York, I would suggest that you start from right here in Washington, because it is closer and much easier to get to than from northern New York.

The point I am making is that I have no parochial interest whatsoever in the home port at Stapleton, NY.

I do have this problem, however, with an amendment that is coming up to delete the home port in New York State as the only home port that is spoken to in the amendment. I know that in the subcommittee there have been attempts to remove all of the home ports throughout the country. It is my understanding that those efforts all failed quite decisively. The one home port which is now 95 percent complete, is the one on Staten Island that is subject to the amendment.

I think that is very poor reasoning for many reasons, but one in particular. We have attempted to give the Secretary of Defense and the Department of the Navy some latitude, and a study is ongoing. As a matter of fact, I thought that before this we would have the results of that study as to which of the home ports the Secretary of Defense thought would be useful and necessary in the future and that report will soon be available to us. It was my hope that everyone who is concerned with doing the right thing as far as our Nation's defense is concerned would at least give the Secretary of Defense the opportunity to spell out what in the future is going to be the requirement as far as home ports are concerned.

□ 1500

It is my feeling that, given the dramatic change in the defense budget and the number of people we are going to have serving in our armed services, that perhaps there is going to be more reliance, rather than less, on our Guard and Reserve forces, and, as far as Reserve forces are concerned, I believe that in Stapleton on Staten Island we have not only immediate access to the ocean, but we have access to a great many reservists, not only in New York, but in New Jersey and Connecticut, that might well be called upon to man our Navy ships in the future.

So, I would ask our Members to at least give the Secretary of Defense the opportunity in the future to come with his plan for which all of those bases would be utilized. There would be plenty of time at that point to take issue with any decision the Secretary of Defense might make.

There is one other thing that came through our committee that I want to comment on during the general debate, and that is something that is euphemistically referred to as dual basing, and I will offer an amendment, hopefully tomorrow, that would remove this provisions from the Department of Defense bill and specifically strike section 2801.

I had the privilege of discussing this some 2 hours ago personally with Secretary Cheney, and if anyone is wondering what his opinion is, he is wholeheartedly in favor of the Martin amendment. The Department of Defense at the present time is working very hard to come up with a plan to reduce, not only our forces here at various bases of the United States, but throughout the world. It will take a great deal of planning and negotiations because it must be discussed with the host nations that we have been dealing with these many years, in some cases with NATO, and do our build-down in an orderly fashion, and that is what the Secretary of Defense is doing.

Under this particular provision we would have to have an immediate study. The Secretary of Defense would be given only until March 31 of next year to designate every unit throughout the world and to explain why it would not be included in this dual basing which must be fully implemented by 1994, and keep in mind we can do all of this in the backdrop of what is going on in the Persian Gulf and elsewhere. I hope people would pay very, very close attention to this debate because I want to let Members know that everything they hear on this subject debated on the floor might be of first instance to them, but it will also be of first instance to the members of the subcommittee because although this particular provision affects every unit of the Marine Corps and the Army and the Air Force around the world, not just Europe. It has not even been discussed for one nanonsecond either in the subcommittee or in the full committee. I would think that with something as all-encompassing as this that we might give people, like the Secretary of Defense, or the Secretary of State, or some of those folks who have the real problem of implementing and making these decisions, a chance to at least come before a subcommittee or committee of Congress and give us the benefit of their views.

Mr. COURTER. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, as we take up the debate on this very important bill, I want to go to one area that I think is of some importance to us in an area that we should reflect on in this bill as we watch the events come about in the Middle East.

We have debated the strategic defense initiative for years, and everybody has developed an opinion, a position, generally speaking. Often that position is manisfested in simply taking the two numbers that are offered and, maybe, splitting the difference and saying, "I'm going to go with that number, and that looks like a reasonable amount of money to spend on it."

However, Mr. Chairman, I think it is important for us to go back to and to revisit the reason for a strategic defense initiative and whether we liked President Reagan's speech in March 1983, or did not like it, or do not like the idea of having an unbrella or a shield that would totally protect us from a strategic strike by an adversary with ICBM's.

I think everybody understands today that we live in an age of missiles, and I think we should look at SDI very simply as a way of stopping missiles. Those missiles can range from anything from an antiship missile, like the Exocet that hit the *Stark* and jarred us into the reality of this new era of warfare, or the missile that hit the Exocet, that hit the *Sheffield*, the British ship in the Falkland Islands, that shocked us with its capability to do great damage to men and to equipment. We lived in an age of missiles, and those missiles are being proliferated right now, not just by our adversaries and adversarial relationship between the United States and the Soviet Union, which was the backdrop of the strategic defense initiative debate over the early years, but we have now moved into an ear of what I think we should call terrorists with high technology.

A number of nations are now developing missiles that have a capability to do great damage, and, if we look at Iraq right now, Iraq has broken the code. They understand that the new instrument of warfare in this new era is missiles, and, if we couple that attempt to gain missile technology by Hussein with his capability, his present capability, to manufacture poison gas and his future capability to make nuclear weapons with the uranium oxide that presently has, if he develops his enrichment process, we can see great danger in the very near future.

Mr. Chairman. I just want to talk a little bit about what Mr. Hussein has developed. He developed the al-Abid missile. It has got a 1,250 mile range. It was tested December 1989. He has developed the Tammuz with a 1,250 mile ranged, tested December 1989. He is developing the Condor with a 600 mile range. Development is delayed. He has developed the al-Abbas, 560 mile range. It has been flight tested. He has developed the Hussayn missile, and that is H-u-s-s-a-y-n, a 400-mile-range missile. It is a modified Scud, and the importance of this missile is this missile has already been used in the war of the cities between Iran and Iraq with some devastation in those cities in Iran into which Hussein fired this missile. The Fahd, with 370 mile range, which is presently under development, and of course the Scud-B with a 170-mile range that was used in the Iran-Iraq war.

Mr. Chairman, there is one area of warfare that we often focus on because it is an area that reflects the realities of modern war as opposed to simply the politics which sometimes inhibit effective weapon systems from being developed in this country, and that area is the Middle East, and that ally of ours is Israel. Israel is developing a system called the Arrow, and the Arrow, make no mistake about it, is a strategic defense system. It is a SDI system. It is a star wars system. Therefore, it should be disliked by many people.

The point is Israel is developing the Arrow SDI system because they have in place in some of the unfriendly nations that are near their borders missiles aimed at Israel, and they understand that presently they cannot stop those missiles from being launched and from explosing in Tel Aviv. So, they have to be able to stop them, and that truth that to be a player in today's defense situation one has to be able to stop missiles should not be lost on the United States. We have to be able to stop missiles.

Mr. Chairman, SDI is a program to develop a way to stop missiles, and the faster we develop and put resources into that program and the more research our scientists do, the quicker we will have answers that will allow our men and women who are presently deployed in the Middle East to be less vulnerable.

SDI has assumed, my colleagues, an urgency that it has not had in past years, and I think that we should respond to that urgency by helping the gentleman from Arizona [Mr. KYL] on is his amendment.

□ 1510

Mr. COURTER. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. Mr. Chairman, this defense authorization bill does not do enough for the national security needs of this Nation. It disregards many commitments made to the men, women and families in the military.

The House-passed budget resolution for fiscal year 1991 hamstrung the committee product from the very beginning, with a $24 billion cut to the request of the President. We have cut back too much too fast.

Mr. Chairman, the bill does not address the national security threat as it is evolving. The bill guts the strategic modernization program, despite the fact that Russia continues to deploy modernized ICBM's bombers, and ballistic missile submarines.

The bill puts off the development and deployment of the next generation of systems, while continuing production of current systems.

The bill slips development and procurement of C-17 airlifters, the A-12 attack fighter, and the air superority advanced tactical fighter.

The bill advocates sharp reduction in the Armed Forces, yet fails to give the Secretary of Defense the tools he will need to make the reductions in a responsible manner. The bill cuts 91,895 uniformed men and women in fiscal year 1991, taking 68,500 from the Army alone. Cuts of this size cannot be made without causing serious disruptions, endangering the volunteer force concept.

The bill contains provisions which will prevent closure or realignment of military bases for 2 years, denying the Secretary of Defense the flexibility he needs to close unneeded installations.

The bill totally misses the lesson we should be learning from the current crisis in the Mideast. The bill seriously disrupts the C-17 airlifter, which will be absolutely essential in future deployments.

Mr. Chairman, I hope that we can improve on this bill during this debate. It needs it.

Mr. BENNETT. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Chairman, some time ago a former Senator, George Aiken, said with regard to Vietnam that our strategy should be to declare victory and get out.

We have kind of an opposite strategy being followed by some people in this country with regard to the cold war. They want to deny victory and stay in.

For a very long time we have been spending large amounts of money to defend much of the rest of the world against an aggressive and monolithic and hostile Communist bloc. Two things have changed: the people we have been defending, many of them no longer need our defense, because they are themselves today sufficiently wealthy and powerful, if they wish to be, to defend themselves. That is not true of every country, but it is true of many. In fact, the major recipients of our defense subsidies tend to be nations which are our economic equals and rivals.

In addition, we have had a great diminution in the Russians' ability to

make war. They have lost virtually all of their allies. Even Mongolia is on the verge of defecting to democracy.

What we have brought forward is a bill for which I congratulate the members of the Committee on Armed Services, which begins a sensible policy of reduction. It says that we have had a substantial victory in that face-off against a monolithic Communistic bloc, and we can begin to reduce.

But now we are told we had better not do that, because in one of the great substitutions of history, Saddam Hussein is being sent in for Leonid Brezhnev. Now, Hussein is a very unattractive thug, but Iraq is not Russia, and Kuwait is not the nations of Eastern Europe, and there simply is no way that people can, as they are trying to do, take a justification for a multi-multi-multi tens of billions of dollars of star wars which was aimed at the Russians, and say it is now going to be for Iraq, which we are told has missiles which will go 1,200 miles. If they put four of them end-to-end, they could come halfway to America.

That does not mean that suddenly the world has become a peaceful place. The point is that those of us who said we could begin to stand down our efforts to prevent the Warsaw Pact invasion of Europe, we knew there was an Iraq, we knew there was a Libya, we knew there were other trouble spots.

The United States capacity to deal with the Iraqs of this world is not one whit diminished by this Armed Services bill, and it will not be one whit diminished if we continue a sensible path of reduction.

Star wars and the B-2 bomber and mobile intercontinental ballistic missiles have nothing to do with our capacity to deal with these trouble spots. The more than 100 billion dollars' worth of troops we have got in Europe, they have nothing to do with our ability to deal with these trouble spots. As the gentleman from Colorado pointed out, if anything, they derogate from our ability to do that.

The cold war has ended in substantial victory for the United States. We can reduce our military spending and remain far stronger than we need to be to deal with the other trouble spots.

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

Mr. Chairman, let me first say that I appreciate the courtesies extended by the chairman at the beginning of the general debate. We had a Republican conference scheduled and the times coincided, so that we either had to terminate our conference to attend on the floor, or else the minority had to go forward and use most of their time initially until we could get here.

Our chairman, the gentleman from Wisconsin [Mr. ASPIN] was very accommodating in that, and I do want to express my appreciation. It was for that reason I was not here to make an opening statement, which I would like to make at this time, because I opposed the bill in the committee as it presently exists, and I will most likely oppose it on final passage.

Contrary to the rhetoric emanating from our committee, our consideration of H.R. 4739 was not policy-driven but instead, was driven by good old fashioned pork barrel politics. Before the committee marked up the bill, Chairman ASPIN was very honest in stating the obvious—with a defense number as low as that contained in the House budget resolution he needed to construct a package that delivered a majority vote. To my chairman's credit, he succeeded. However, as our bipartisan reaction to the Middle East crisis and our national security interests demonstrate, the price of raw politics is too high this time.

Although most of us will disagree on what the right figure for defense spending is, or on specific priorities within the defense budget, I think it is safe to say that the one thing we can all agree on is that international politics have changed dramatically in the past year—and continue to change as we debate here today. The Warsaw Pact has dissolved as both a political alliance and a military threat. The judicious use of American military power in operation Just Cause helped to restore democracy in Panama. And now, American political influence and military might are at work in the Middle East as the Western and Arab worlds try to resolve the crisis resulting from Iraqi aggression against Kuwait. I don't believe that many of us expected such international turbulence and instability, nor did we expect the degree to which the U.S. military would be called upon to resolve certain crises.

But here we are in the middle of a situation whose outcome is inextricably tied to the commitment of U.S. military power in the Persian Gulf. And how might Congress react? Conventional wisdom, or at least rhetoric, seems to indicate that the House's proposed $24 billion cut in 1991 defense spending—a figure that passed the House with 218 Democrat votes only—is suddenly too severe and needs fixing. If this it true, I'm glad that some degree of common sense may prevail in the weeks ahead. I'm saddened, however, by the fact that it has taken a crisis in which the lives of thousands of U.S. military parsonnel are at risk for the House to realize it may have made a mistake. I feel neither vindication nor satisfaction when I look back at my comments following committee markup that we cut too far, too deep, and too fast in this bill. I wish we had been more serious about stepping up to the challenge of responsibly building our defense down in a fiscally constrained environment in the first place.

The challenge of building-down is all the more daunting when you consider that meeting it will require laying partisan and parochial concerns aside—which did not occur in the bill currently before the House. Trying to make sense of a $24 billion cut in 1 year is difficult even under the best of circumstances, and impossible if politics remain standard operating procedure.

The international environment will continue to change and unexpected upheaval will be the rule instead of the exception. As Panama and the Middle East have clearly demonstrated, a ready and capable United States defense posture can play both a military and a political role in an unstable world. How we maintain such a defense posture as we build-down is the major problem confronting us in the years ahead. Maintaining our strategic deterrent, staying prepared for a wide spectrum of conventional contingencies, and keeping quality military personnel as the country's overall defense posture is reduced by 25 percent in the next 5 years is a tall order.

Unfortunately, this bill does not maintain a viable strategic deterrent. It terminates the B-2 bomber, zeroes procurement funds for MX Rail Garrison, and cuts SDI far too deeply to ever permit the President to make an informed deployment decision. Moreover, if this bill were enacted in its current form, it would probably be the end of any START agreement because we would have very little left to negotiate with the Soviets.

Neither does this bill allow a smaller U.S. military to maintain its qualitative edge into the next century, as it seriously impedes a number of conventional modernization programs—for example, ATF, LH, AMRAAM—while simultaneously adding back unrequested—and even terminated—current generation programs for which there are no longer valid requirements or the force structure to absorb them.

Finally, our bill breaks faith with the men and women in uniform. This country will never maintain a reduced force of high quality volunteer personnel if it rushes headlong into excessive end-strength cuts like those contained in our bill. You simply can't reduce 129,000 active duty troops—three times the President's proposal—from an All-Volunteer Force in 1 year and expect to keep, or not to mention attract, the best and the brightest people.

We will be cast as hypocrites if, on the one hand, we insist that the world recognize and react to ongoing international change while, on the other hand, we the Congress do nothing to change. We are fooling ourselves if we believe that a buisness-as-usual approach to either the politics or the

substance of the defense budget is acceptable in the years ahead. Unfortunately, we've fooled ourselves in this bill.

Let me point out several examples of this business-as-usual attitude. Last year, even with a budget summit agreement on the top-line defense spending figure in place, the Armed Services Committee added $6.4 billion in unrequested programs to the bill, including $2.5 billion in weapons procurement. This year, despite a changed international environment and a massive $24 billion defense spending cut dictated by the House, the Armed Services Committee still added $5.6 billion in unrequested programs back into the bill, including an incredible $2.9 billion in weapons procurement. Adding unrequested procurement dollars only exacerbates the "bow wave" problem of outyear spending and is inconsistent with the objective of reducing defense spending in a rational, thoughtful manner.

Another example; the committee cut 129,000 military and 65,000 civilian personnel, but has added language that makes it all but impossible for Secretary Cheney to close any domestic bases for years. I noticed this particular provision earned the committee the dubious distinction of a "dart" in this month's Armed Forces Journal.

While the committee cut more than $15 billion out of the four services' procurement accounts, it nevertheless funded $25 million for the Naval Reserve to buy an unrequested C-20 executive jet to simply shuttle people and parts in. What kind of prioritization this?

While the Department is still trying to figure out how best to pay for the costs it incurred in Panama, and is now incurring in the Persian Gulf, the committee nevertheless directed the Army to pay North American Van Lines $357,000 for damages to warehoused goods of theirs incurred during Operation Just Cause. There is longstanding precedent for DOD not paying for damages incurred by the private sector in a war zone. Moreover, there are tens of millions in additional outstanding claims associated with Operation Just Cause. Why did the committee single out a particular moving company and set a terrible precedent that could end up costing the taxpayers billions of dollars in the long run? Simple—it was parochial politics—business as usual.

Why did the committee direct the Army to cut 68,000 of its active duty personnel, but simultaneously stop the ongoing deactivation of the Army's 2d Armored Division? Or why did the committee fund the design of an ammunition plant to produce HMX—high-melt explosive—although there is already a plant producing more HMX than our military has a requirement for? Once again—it's business as usual.

This bill is filled with such examples brought on by our apparent refusal to change while the world around us changes. If this bill is driven by consideration of any policy at all, it is the policy of member interest over national interest. Therefore, I have opposed the committee's bill.

While I am excited about many of the events occurring in the world today, I am anxious about many others. The world is neither stable nor safe. The uncertainty associated with an unstable world calls for prudence as we address reductions in our military posture. In a recent speech to the VFW, President Bush made some pointed comments that bear repeating. The President warned that,

> To prevent aggression, to keep America militarily prepared, I will oppose the defense budget slashers who are out of tune with what America needs to keep freedom secure and safe * * * Most Americans know that when it comes to national defense, finishing second means finishing last. And so they reject what the House Armed Services Committee recently suggested—unacceptable cuts from our defense budget for fiscal year 1991.

The President then asked his audience to,

> Help [him] convince the Congress, given recent events, to take another look and to adequately fund our defense budget.

Certainly no one wants to force a veto showdown with the President. Two years ago, with then-Vice President Bush's support, President Reagan vetoed the defense bill after Congress failed to heed his warnings—warnings remarkably similar to those been given about this bill. With thousands of U.S. troops potentially in harms way in the Persian Gulf, this is not the time to play political chicken with our national security. The President has asked, in no uncertain terms, that we reconsider this bill. Although it may be too late to change much of what needs changing in this bill on the floor this week, I hope the House will eventually endorse a higher defense number in the weeks and months ahead.

The greatest tragedy with this bill is the myth it foists on the American people. The public perception might be that we have taken a giant step toward banking the so-called peace dividend, while maintaining an adequate level of protection and deterrence. Behind the public posture, however, you will find business as usual, with little regard for defense policy, threat, prior law or common sense. The unfortunate result has little to do with enhancing our security.

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

Mr. BENNETT. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I have heard this debate. We spend $300 billion a year to a Pentagon whose bookkeeping system could best be described as multiple choice, and the American people know it.

We are now going to beat Hussein up for years, and we are going to have another $300 billion infinitum here.

Let me say this: There were 13 young people killed in Chicago last weekend, 75 shootings, and that is 13 more people killed in Chicago than all the Persian Gulf. We will have 22,000 murders in America this year.

We keep sending money for a military that is ripping us off with planes that cannot fly without any spare parts, and I come to the floor and it is as if I do not even participate or feel like a part of this debate.

We are concerned about cutting. I have a little simple amendment that calls for a 5-percent across the board cut, and let me tell you something, we have got a world on fire. The American inner-city youth are more in danger living at home in their communities than being sent to the front lines of an American war.

Let us not now make Hussein into something that he is not. I am hoping Members will take a look at that cut of 5 percent across the board so that maybe we will have security for America, because America's problem is not a foreign missile. It is our economic situation. If we cannot cut this, Mr. Chairman, then there is no Congress. Shame on Congress.

Why do we not let Japan and Germany pay for this fiasco over there in the Persian Gulf? After all, we have been saving their keisters for years.

I have a little 5-percent cut. I hope it does not offend any chairmen, so do not take away any little thing that I might have in my district that is needed.

The CHAIRMAN pro tempore (Mr. DURBIN). The only time remaining in general debate is 4½ minutes to the minority.

Mr. COURTER. Mr. Chairman, I yield 4 minutes to the gentlewoman from Maryland [Mrs. BYRON].

Mrs. BYRON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, let me say, first of all, as chairman of the Military Personnal Subcommittee, that I want to rise in support of titles IV, V, VI, and VII of this legislation before us. That is the military personnel portion of the defense authorization bill for fiscal year 1991.

During this session, my subcommittee has held 11 hearings, some of them in the field, and our particular focus this year has been on force structure in the forthcoming force drawdown as well as the continued oversight on the military medical care system. It was not an easy task, given the extraordinary pressure of the Federal budget.

With the dramatic events that we have seen in the Soviet Union and Eastern Europe over the past year, we recognize that the size of the force is going to shrink over the next 5 years. We no longer need a large standing army in Europe targeted toward Warsaw Pact tanks that rolled through the Fulda Gap.

The force of our future must be smaller, but be more mobile and prepared to respond to another Saddam Hussein and similar contingencies.

In making up this bill, the committee's first priority was to protect its people, both those who remained on active duty and those who involuntarily are separated as the size of the force shrinks in the future. I believe the product before the Members respects that priority.

It is also consistent with the lessons we learned to date from Operation Desert Shield. Operation Desert Shield, in fact, represents a textbook lesson on what the forces of the future should look like.

□ 1530

Before we go into the committee bill which we will be doing this week, let me just digress for just a moment and tell Members about a recent trip to the Persian Gulf that the majority leader led. We had an opportunity to talk with a number of soldiers, sailors, airmen, and marines deployed quickly throughout the region. As Members can imagine, the great distance from home and the harsh climate present challenges that test the people, test the equipment, and test the planning.

Let me say that morale is extraordinarily high under really a hardship that many of our young people are enduring. We did find people-related problems, slowness in receiving mail, problems related to pay, but let me assure my colleagues that we intend to fix that, and we will address those issues in greater detail later in the week.

The committee is clearly concerned about how we draw down the size of the force while protecting the high quality that we have today. We have looked at separation pay, we have looked at medical care, we have looked at the things that affect the force structure reduction. We have looked at preseparation counseling and employment assistance. In addition, we have directed DOD to assist separating personnel in obtaining proper verification for job training skills. We have special assistance for personnel stationed overseas.

But I think the committee believes as strongly as ever that the quality of the people that we have in the service today is quality that is due to the things that have been in effect over the last 10 years. We cannot lose that quality. People are still our most precious asset, not weapons systems, and the Armed Services Committee has attempted to make as its guiding principle that people are our first line of defense.

Mr. SHAW. Mr. Chairman, I want to thank Congressman TAUZIN, Congressman HUTTO, and their subcommittee staffs for their help in getting my bill, H.R. 2800, included as a provision in the DOD authorization bill. Section 329 of the committee's report provides for the commercial sale of recordings of Armed Forces bands and for the crediting or preceeds to appropriations used for expenses of these bands. The American people will finally have the opportunity to hear these most impressive bands, and feel the inevitable patriotism that is created by the sound of their music, in the comfort of their own homes.

I think it is worth mentioning how this whole idea came about. Nearly 3 years ago a constituent wrote to me that he had been to a concert by one of the service bands. Following the performance he inquired on how to purchase a recording of the band, and was told he couldn't because it was against the law for the bands to sell their recordings. Naturally he did not understand the reasoning behind this law and wanted it changed. After investigating the matter I was surprised to learn that we were the only country in the world that didn't allow our service bands to sell recordings. There is now an opportunity for all of this to change, and it all began with a simple constituent letter. Mr. Chairman, this is a wonderful example of how the American public has the power to influence the laws created by Congress.

Military bands have an enthusiastic following not only across our great Nation, but also worldwide. I have received letters from England, West Germany, Holland, Japan, Canada, and Australia supporting my legislation on the United States bands. The U.S. military bands are sought after and have performed around the world at a variety of celebrations. In fact, a U.S. Marine Drum and Bugle Corps will be performing at the 1990 Edinburgh Tattoo, the most famous military band show in the world.

As a result of section 329, no one will have to attend a performance overseas in standing room only or fight the crowds that gather on the Capitol grounds. Any American citizen and enthusiasts abroad will have the brilliance of the U.S. military bands available at will.

Mr. ARMEY. Mr. Chairman, I am very disturbed that the defense bill as reported by the Armed Services Committee does not incorporate many of the priorities outlined by the President, particularly the B-2 Stealth bomber. I have always believed that the best way to ensure peace is to maintain a strong deterrent force. Not necessarily a large force, but a modern, well equipped military capable of going up against the best our potential adversaries have to offer. That means we must be willing to spend money and make a long term investment in cutting edge technology.

The B-2 Stealth bomber represents just such an investment. Unfortunately, the rhetoric surrounding production of the B-2 has grossly overemphasized the price tag at the cost of ignoring its value to American defense.

The B-2 is the single most advanced aircraft in existence today. Its radar signature is so small as to be virtually undetectable, and if detected, its stealth characteristics render it almost impossible to track accurately enough to shoot down. This is exactly what makes the B-2 such a credible deterrent—there is no assurance that it will be detected and stopped. The value of the B-2 lies in inspiring enough doubt in the enemy to deter military aggression.

If, however, the B-2 is called to action, there is no doubt in my mind that it would perform its role as a penetrating bomber more effectively than any other bomber in the U.S. inventory. The technoloy developed during production represents a quantum leap in aerospace engineering that has not been equalled by any other country in the world. In addition to its revolutionary stealth characteristics, the B-2 can reach anywhere in the world on one refueling with the daily ordance capability of an aircraft carrier. This combination of long range, high payload and low observability is a formidable addition to American strategic capabilities.

It has been suggested that the demise of the Warsaw Pact and warming relations with the Soviet Union negate the need to invest in high cost defense programs. I would argue that it was our willingness to invest in American defense that led the Soviet Union to ease tensions, and further that a stable world order will continue to rest on a strong American military. Although this view may seem unfashionable, there are certain unchanging factors that should not be ignored. Namely, the Soviet Union is the only country in the world that has the capability of destroying the United States, and more importantly, the Soviet Union continues to modernize its strategic forces despite its collapsing economy. There is no doubt that the balance of world power is shifting and we may again find ourselves working with the Soviet Union in situations such as the gulf crisis. But unless the Soviets cease modernizing their military we must continue to base our military planning on existing capabilities, not current intentions.

The changing relationship between the United States and the Soviet Union has increased pressure both at home and abroad for American troops to withdraw from foreign bases. As we lose these overseas staging areas, it will become increasingly important to have an alternate means of projecting American power and protecting American interests abroad. In the current crisis, the world community has joined together in unprecedented cooperation. If that were not the case, the United States could still credibly project military might by launching a squadron of B-2 bombers from the United States. The global range of the B-2 would allow the United States to either "show the flag" or deliver a devastating blow to Iraq, and return to the United States without having to rely on any other country. This capability alone demonstrates the incredible advantage the B-2 has over conventional bombers.

To halt production of the B-2 now would be to take a step backward. As Saddam Hussein has forcefully demonstrated, the United States must be ready to deter aggression and protect our national interests on a moment's notice. The B-2 provides the flexibility of mission necessary to respond to a variety of contingen-

cies while maintaining its role as a deterrent to nuclear confrontation.

Mr. GONZALEZ. Mr. Chairman, I rise in opposition to the proposed cuts to the CHAMPUS mental health program contained in this bill. These cuts would have a devastating effect on a vast number of my constituents, both health care providers and, primarily, patients themselves. In this day and time when medical costs are rising drastically, it is unconscionable to think of further exacerbating the problem for patients. If the services are needed, and the cost of services elsewhere is prohibitive—which it is—these proposals will have a most severe impact on those least able to handle the additional burden.

Mental health services have never been as widely covered under insurance and other such programs as they should be. I have introduced legislation for many years that would create a national mental health insurance program, as the need for these services is tremendous. These services are not a luxury, they are a necessity just as traditional medical services are a necessity. The short-sightedness of our lack of universal health insurance coverage is becoming more and more apparent, as the long-term costs eventually usurp any short-term savings realized by providing little or no health insurance coverage. It is time that we recognize the need for greater coverage—including greater mental health coverage—rather than attempt to balance the Federal budget on the backs of those in need.

Mr. CHAIRMAN. I implore my colleagues to consider very carefully what is being proposed in this bill, and consider the devastating consequences of short-sighted legislating. If these provisions are left in this bill, I will be compelled to vote against the entire package and I will be working diligently to see that conferees restore these benefits in the name of simple human decency.

Mr. GREEN. Mr. Chairman, although we begin our debate today shadowed by the Persian Gulf crisis, we must not allow developments in the Middle East to diminish our commitment to achieving cuts in our defense budget where such cuts can be responsibly made. Fortunately, Secretary of State Baker has been successful in securing commitments from Saudi Arabia, Kuwait, and other nations to assume their fair share of the defense burden that the international community must shoulder in responding to the brutal Iraqi invasion of Kuwait. Even if we in the United States must ultimately increase funding for operations and maintenance, personnel, and spare parts in responding to the Persian Gulf crisis, this should not be seen as an invitation to avoid making necessary cuts in big ticket strategic weapons systems.

Assuming a continuation of East-West trends, the United States will be more often working in concert, not in conflict, with the Soviets. Conflicts are more likely to be regional rather than global, and conventional rather than nuclear. We must take advantage of the changing posture of the Soviet Union and the fracturing of the Eastern bloc to lower defense spending where ever possible, with some savings used to reduce the budget deficit and some directed toward vital domestic programs. We must take a "leaner-meaner" approach to our defense budget, insuring that our military priorities are in line with increasingly scare funding.

While for the first time in years the President's fiscal year 1991 national defense request of $306.9 billion represents slightly less than would be required to keep up with inflation, I believe we can achieve more substantial cuts. For example, in spite of a reduced Soviet threat, the President's budget proposes no cutbacks in strategic weapons. In fact, there are substantial increases proposed for key strategic systems such as the B–2 bomber, the strategic defense initiative [SDI], MX rail garrison, and the Midgetman. Our Nation simply cannot afford this broad approach. We can ill afford, for example, to fund two mobile missile systems or to support the staggering proposed increase for SDI requested by the administration.

This past year has brought us some promising developments with respect to arms control and disarmament. The collapse of Communist governments throughout Eastern Europe has given new life to the Conventional Armed Forces in Europe [CFE] talks, and it appears that we may be able to reach agreement with the Soviets on a conventional arms reduction pact before the year's end. While important issues remain in disagreement, it does appear that we and the Soviets are well on the way to developing a security regime in Europe which will create an environment of confidence in which NATO will be comfortable drawing down its forces. Soviet forces should be out of Eastern Europe by the end of 1994.

With regard to overall troop levels in Europe and elsewhere, Congress is moving to cut military personnel levels with the assumption that active duty personnel will be reduced by 20 to 25 percent by the middle of this decade. While the Defense Department plans eventually to cut the active duty force by 500,000 from its current level of 2.1 million, the administration's budget request for fiscal year 1991 cuts only 38,000. Congress must continue to push the go-slower administration to accept higher levels of active duty personnel reductions. However, the Persian Gulf crisis shows how quickly an unforeseen crisis can erupt, and for that reason we need to move toward a larger, readier, reserve structure which will provide us with a less costly alternative to active duty forces.

While I believe that an agreement on conventional arms is critical to a major reduction in the burden of defense expenditures that the United States and the Soviet Union bear, I believe that other arms control efforts must be pursued at this time.

NUCLEAR WEAPONS TESTING MORATORIUM

I have long felt that the biggest threat of nuclear catastrophe comes not from problems between the Soviets and us, but because of the n-country problem, the problem that a Libya, Iraq or some country of that sort is going to develop nuclear weapons. Indeed, if Israel had not knocked out the Iraqi nuclear reactor in 1981, the world might be facing the unthinkable prospect of nuclear conflict today. With regard to nonproliferation, Secretary of State Baker has recently made some encouraging statements, arguing that, "Resolution of today's crisis—with Iraq—should also become a springboard for a sustained international effort to curb the proliferation of chemical, biological, and nuclear weapons and ballistic missiles in the region and elsewhere."

Progress toward a comprehensive test ban has always been regarded by the nonnuclear weapons states to be an absolute minimum condition for superpower compliance with article 6 of the Nonproliferation Treaty, which encourages weapons states to agree to negotiate good faith reductions of nuclear arsenals. If the Soviets and we will not comply with article 6, we cannot expect the nonnuclear powers to comply with the other parts of the Nonproliferation Treaty.

During consideration of the 1989 defense authorization bill, Congress enacted the Nuclear Test Ban Readiness Program within the Department of Energy to "assure that the United States is in a position to maintain the reliability, safety, and continued deterrent effect of its stockpile of existing nuclear weapons designs in the event that a low threshold or comprehensive test ban is negotiated and ratified within the framework agreed to by the United States and the Soviet Union." This year we should build on that by adopting an amendment to be offered by Representative BOSCO that urges the President to pursue a mutally verifiable comprehensive test ban in negotiations with the Soviets.

PLUTONIUM PRODUCTION

Last year, with my strong support, the House adopted, as an amendment to the defense authorization bill, the International Plutonium Control Act. That act urged the President to negotiate a mutual and verifiable ban with the Soviet Union on the United States-Soviet production of plutonium and highly enriched uranium for nuclear weapons. While that amendment was not included in last year's final defense bill, this year both the House and Senate appear ready to accept provisions urging the President to begin negotiations with the Soviets on a fissile material production moratorium and urging the Soviets to end production of plutonium.

An agreement such as this would free up significant funds which can be used to clean up the extensive contamination caused by past production of nuclear warheads. Estimates are that such an agreement could save our country more than $10 billion over the next 20 years.

A superpower agreement to cut off the production of fissile materials for nuclear weapons is also in the interests of nonproliferation. Because the superpowers would be accepting some of the same standards as nonweapons nations who are party to the Non-Proliferation treaty, such a ban would strengthen the NPT by making it less discriminating. Such an agreement puts additional political pressure on nations such as Pakistan and India to put their facilities which can produce nuclear explosive materials under international and/or bilateral inspection. Lack of such an agreement on the part of the United States and the Soviet Union can act to discourage compliance by nonweapons states with the NPT.

ASATS AND SDI

I have repeatedly called for immediate negotiations for a ban on weapons of any kind in space, and have urged the President to seek an immediate mutual moratorium on testing of Asat's.

Further, I have worked in each of the last three Congresses to cut drastically the administration's request for SDI, and I have worked to assure that none of the SDI funds be used in a manner which would violate the ABM Treaty.

I am specifically concerned that most SDI weapons will invariably first be Asat weapons and thus fail the Nitze test of not creating dangerous instability on the way to antimissile capability. It is in both superpowers' interest to stick to an Asat ban. Neither country can do without intelligence and communication satellites. If those systems are threatened by Asat's, each country will spend more and more to superharden their satellite technologies. At this juncture, SDI fails the Nitze test. The Soviets clearly can create more decoys than we can detect and SDI's costly antimissile capabilities will be wasted in their pursuit.

START

Fortunately, it appears that steady progress is being made on a strategic arms reduction agreement [START], which would cut the number of nuclear weapons carried by long-range missiles and bombers by about 30 percent. The treaty, under negotiation since 1982, could be completed by this year's end, and the administration has indicated its willingness to begin considering recommendations for a second arms treaty which would make even deeper cuts in long-range nuclear weapons.

Mr. OWENS of Utah. Mr. Chairman, as we consider this bill today, we begin to address the most fundamental defense policy questions of the post cold war era. We see that monumental change has rocked the Communist bloc and that the Soviet conventional threat is irreparably hobbled. How are we now to cope with a fiscal crisis which threatens devastating across-the-board cuts and imminent recession, while rising to the challenge of a new and very real threat: a depolarized world order and the likes of Saddam Hussein? For the first time in more than four decades, we must not only rethink the weapons systems, but the very assumptions which inspired them.

The ongoing crisis in the Persian Gulf should give us a glimpse at what's in store in the coming years. We see an unequivocal need for well trained and well equipped reserves, tested and reliable conventional weaponry, and expanded air and sealift capability.

During the crucial days between the Iraqi invasion of Kuwait and the deployment of American forces in strength, I asked and continue to ask why we don't expand and modernize our existing airlift fleet? Why do we continue to pursue the C–17, an untried and untested program, with an overall cost in excess of $37 billion? As Russel Murray, a former DOD acquisitions official pointed out, we could have purchased 70 C–5 aircraft for the sum we've sunk in the C–17 in R&D alone.

Why also has the administration persistently ignored the need for additional sealift? Last year, Congress appropriated $600 million for this purpose, $225 million of which was reprogrammed. The rest remains unspent. These are the urgent defense priorities in today's world, not star wars, not MX, not B–2.

The crisis in the Persian Gulf underscores the necessity to project conventional power across the globe quickly and effectively, and this tragic reality must be reflected in our defense budget. At the same time, however, our defense spending should reflect a clear distinction between a vastly diminished Soviet threat and that from conventional, chemical, and even nuclear arms proliferation in the developing world.

Operation Desert Shield should not be used to preserve bloated and antiquated programs designed to counter the Soviet threat in Europe. "Brilliant Pebbles," rail garrison MX, the B–2 stealth bomber—these are cold war anachronisms that we don't need and can't afford.

By terminating the B–2 program, cutting by one-third the request for star wars, terminating production funds for MX rail garrison, canceling the 19th and 20th Trident submarine, and increasing troop reductions to 129,500, this bill begins to align our defense budget with a changed threat from abroad and severe fiscal constraints at home. By substantially bolstering our conventional capability, however, we begin to address our realistic defense requirements in the years to come. I strongly urge your support.

Mr. OXLEY. Mr. Chairman, I want to express my support for the provisions of this legislation which deal with the M–1 tank program. I believe the members of the Armed Services Committee should be commended for recognizing the fact that the United States must maintain a full tank production capability.

As my colleagues know, the administration's January request would have terminated the M–1 tank program after fiscal year 1991. This would have required both tank production facilities to close their doors by mid-1993, and leave the United States without the capability to mass produce a heavy forces tank for the first time since World War II. While the administration envisioned the tank plants reopening by the turn of the century, a dedicated and skilled work force would have been lost, our ability to respond to national security emergencies would have been squandered, and billions of dollars in foreign military sales would have unrealized if the Congress had agreed to the Army's request. I am pleased that the committee did not go along with this short-sighted plan.

As we have recently seen, and as many Members have pointed out today, the world is still a dangerous place. With all of our new-fangled military technology, the day of the tank is not over. Saddam Hussein has nearly 5,600 main battle tanks, and if we need to confront his forces, the M–1 will be the backbone of our ground forces.

The bill before us authorizes the procurement of 225 main battle tanks during fiscal year 1991; 163 of these would be M–1 A–1's and 62 would be M–1 A–2's. The Committee also denied the funding request to mothball the tank plants. Let there be no misunderstanding, mothballing the Army tank plants is not a viable option at this point. More importantly, however, the committee authorized $150 million for a new modification program whereby existing M–1 tanks will be upgraded into the new M–1 A–2 main battle tank. This retrofit program will allow the tank production facilities to remain open and keep the labor force intact.

Additionaly, the retrofit program will allow us to realize significant foreign military sales of the tank. The Congress will be notified shortly that Saudi Arabia will purchase an additional 385 M–1 A–2 tanks. This is a follow-up to the already approved sale of 315 tanks to the Saudis. I understand that the United Arab Emirates also wishes to purchase 250 M–1 A–1's in the near future, and Great Britain is close to making a decision on their tank needs. I expect British officials will buy the M–1 A–2 main battle tank as it is unquestionably the finest in the world.

Mr. Chairman, the tank program outlined in this legislation is a good one. It allows the United States to keep its tank manufacturing base, ensures a quality work force, and permits significant foreign military sales. I commend the committee for their work on the provisions.

Mr. BUSTAMANTE. Mr. Chairman, I rise in support of the bill H.R. 4739, the fiscal year 1991 National Defense Authorization Act. The bill we will be debating in this Chamber today and tomorrow is the first step in shaping our military structure to fit a changed world environment.

In only 10 months we have witnessed the destruction of the Berlin Wall, the dissolution of the Warsaw Pact, the surgence of democracy in Eastern Europe, a reunited Germany. These events and the crisis in the Persian Gulf require us to change our military priorities, and this bill is responsive to those changes.

Although the bill was framed before Saddam Hussein's aggression on Kuwait, the direction it establishes is timely, as we shift our military strategy from a European orientation to Third World and regional conflicts like the one in which we presently find ourselves engaged.

H.R. 4739 cuts defense spending for personnel and weapons where the threat has decreased the most—in Europe. It funds and increases spending in areas to enhance our sea and airlift capabilities and to strengthen our National Guard and Reserve Forces. These are critical needs in support of our efforts in the Persian Gulf.

As we decrease the size of our force structure in Europe, we are providing a package of separation benefits for those who are involuntarily separated from the service. The bill authorizes payment of separation pay calculated at 10 percent of annual base pay for each full year of service for involuntarily separated officers and enlisted personnel with 6 or more years of service who are not in their initial term of enlistment or period of obligated service. The bill removes the current $30,000 cap on separation payments and made provisions to grandfather eligibility of current officers with 5 years of service. The transition benefits proposed in this bill will provide involuntarily separated military personnel with medical transition benefits, transition counseling, job skills certification, relocation assistance to overseas personnel, housing assistance, commissary and exchange privileges, and education benefits. We owe those who sought to make career to defend this country's security, and this safety net will ease the transition of the young men and women who are separated

from our military services as a result of the fading Soviet threat.

I also wish to add my support for efforts to provide our troops in Saudi Arabia with imminent danger pay. As a result of their deployment, enlisted personnel and officers no longer receive the basic allowance for subsistance to assist them in meeting their food costs. BAS for enlisted personnel averages $177.30 per month, while officers receive $123.92. Under an amendment that will be offered tomorrow, the Secretary of Defense will be required to compensate our troops imminent danger pay at the level of $110 per month. Payment of imminent duty pay will help make up for the loss of the BAS.

While H.R. 4739 is generally a good bill, responsive to America's new global security requirements, I wish to repeat my reservations regarding the proposed cutbacks in the CAMPUS mental health benefit. The committee proposal would cut the inpatient mental health benefit from 60 to 30 days annually and CAP residential treatment centers at 90 days annually, these cuts are severe and will have a major impact on access to mental health services by CHAMPUS beneficiaries. Moreover, these cuts would be coming at a most inopportune time with our men and women over in the gulf and their families under a great strain at home.

I stated during the committee markup that these cuts are unnecessary in light of the fact that there are currently strong cost controls in place. These cost controls include a per diem cap on inpatient services and external review of all cases to determine if the care is medically necessary.

Some have argued that there is a waiver process that will allow beneficiaries who need care beyond the annual limit to receive that care. This is not true in all cases. The waiver can only be granted in rare cases when the patient is actively suicidal or homicidal. There are many patients that do not meet this threshold but need medically necessary care beyond the annual limit.

I truly believe that we should not cut a CHAMPUS benefit without exploring all other options that may be available. We have not done that. Although the GAO is in the process of exploring cost increases under the CHAMPUS Mental Health Program, this bill proposes benefit reductions before the GAO is able to come up with any findings. So we are in essence legislating in the dark. We need to carefully study mental health benefits under CHAMPUS before we take such a drastic step as limiting access to mental health care for thousands of CHAMPUS beneficiaries. When we go to conference with the other body on this bill, I would urge my colleagues on the Armed Services Committee to be open to compromise with the Senate on this matter.

Mr. Chairman, there are many more positive features about the bill which deserve to be highlighted and I shall reserve my additional comments for the future. With certain exceptions, it is a good bill, and I urge my colleagues to support its adoption.

Mr. RAHALL. Mr. Chairman, today I intend to support an amendment to the Defense authorization bill that will assist communities, workers, and companies suffering from the adverse effects of the likely major reduction in defense spending over the next 5 or more years.

As a Member of the delegation from the great State of West Virginia, I know how devastating it is to contemplate enacting legislation that is well-intentioned—such as the Clean Air Act—knowing that workers and communities will be severely affected by such actions. West Virginia will have a great many workers displaced and communities in dire economic straits because of the implementation of the Clean Air Act. Believe me. I know how it feels.

Because we are hoping conferees on clean air will adopt a provision to provide worker displacement assistance for coal miners, which assistance I assure you is just as modest as that contained in the Mavroules amendment for displaced defense workers—I am supporting this provision in the DOD bill.

I can only say, I wish more Members, on both sides of the Capitol, had expressed as much concern over coal miner displacement as they are showing over displacement of defense workers.

Let's face it. Layoffs are layoffs. And in the defense industry, as in the coal industry, many or most of these jobs won't be making a comeback anyway soon.

Training and retraining of displaced workers is of such value and in such demand in such instances, that if my colleagues will just think about it in human, if not economic terms, they will always vote for adequate assistance for workers who lose jobs because of actions taken by the U.S. Congress—whether it is clean air—or defense spending reductions.

I will support assistance necessary for displaced defense workers, for I know and understand how devastating it will be to those workers, their familes, and their communities to suddenly have the rug pulled out from beneath them.

Think about it, and remember, when you are voting for the Mavroules amendment for displaced defense workers, be as charitable in your thinking about coal miner displacement as well.

Mr. HAWKINS. Mr. Chairman, I rise in support of Congressman MAVROULES' amendment to H.R. 4739, the fiscal year 1991 Department of Defense authorization bill, which calls for economic stabilization and adjustment programs to mitigate the effects of reductions in defense-related activities.

From now until 1995, between 880,000 and 1.1 million workers are estimated to lose their jobs as a result of military base closures or reductions in defense contracts. If the transition to peacetime employment is not thoughtfully carried out with appropriate adjustment policies, the proposed reductions in defense spending could be disputive to both individuals workers and affected communities across the country.

Based upon our committee's experience, job training and economic adjustment efforts have proven to be successful in helping dislocated workers to obtain retraining and employment assistance. I am pleased that Mr. MAVROULES' amendment incorporates many of the retraining provisions reported by the Education and Labor Committee on July 31.

The Defense Conversion Adjustment Program established under the Mavroules amendment, creates an obligation for both the Secretary of Defense and the Secretary of Labor to take a proactive role in helping to ease the pain of job loss by affected individuals and communities.

The existing Dislocated Work Program under title III of the Job Training Partnership Act would be utilized under the Mavroules proposal. Individuals who lose their jobs because of defense cutbacks would be eligible for skill training, job placement, relocation, and other assistance through title III's delivery system. No new or duplicative structures are created to provide the necessary services to the needy individual. States, service delivery areas under JTPA, units of general local government, employers, employer associations, and representatives of employees are eligible for grants from the Secretary of Labor to provide services to dislocated workers. Since there are contraints in current programs, an additional $150 million would be authorized to support this transitional retraining program under JTPA.

The Mavroules amendment represents an excellent foundation which is necessary for a smooth defense adjustment program. We must continue to stand behind the American workers who help to build a strong defense for our country. More importantly, we must support programs for those same workers who become unemployed as we experience substantial declines in military expenditures over the next several years.

I strongly urge my colleagues to support the Mavroules amendment to the Defense authorization bill.

Mr. VENTO. Mr. Chairman, in less than a year the world has witnessed the collapse of the Warsaw Pact and the rise of new democratic regimes in the nations of Eastern Europe. Similarly, the movement toward democratic political reforms continues in the Soviet Union under the leadership of Mikhail Gorbachev. The cold war has finally and thankfully become a part of history as the United States and the Soviet Union chart new movements toward peaceful cooperation rather than political and military competition and confrontation.

Unfortunately, however, at the very moment when the relations between the superpowers are finally improving, regional conflicts are escalating in importance. For the first time since the Vietnam war, the United States today stands poised to go to war in the Middle East against Iraq. The policies of the cold war era are ill-suited given the new political realities which we face around the world. The challenge for the administration and the Congress is now to develop strategies and policies which respond effectively for today's realities.

For the first time in over a decade, the United States is hopefully embarked upon substantial cuts in strategic weapons systems. If war can be avoided in most regions like the Persian Gulf region, and military responsibilities shared more equitable by other nations, we will see truly significant long-term cuts in military outlays over the next 5 to 10 years.

While I would prefer more decisive reductions in many of the cold war weapon systems contained in this defense authorization bill, nevertheless, I believe that our colleagues on

the Armed Services Committee have made a good effort to present a defense bill which makes significant reductions in many of the redundant and dated weapons systems and clearly set Congress and our policy on a course toward prudent and sound long-term reductions in defense spending.

I am encouraged that the Armed Services Committee under the leadership of Chairman LES ASPIN has recommended terminating further production of the B-2 Stealth bomber and the rail garrison MX missile system. The exorbitant cost of the B-2 at about $860 million per aircraft and the fact that this aircraft has not yet been fully tested or demonstrated to meet its promise would be sufficient grounds to scale back this program. However, the strongest reason for canceling the B-2 is because it is now a plane without a mission. My colleagues may recall that this aircraft was orgininally proposed as the necessary tool to penetrate deep into Soviet airspace in the event of a United States-Soviet military confrontation. If ever needed, certainly today such a confrontation appears to be a very remote possibility. Some of the same advocates of the B-2 now have changed the script and mission of the B-2 pointing out that we need this plane to possibly penetrate Iraq in the event of a war. This ignores the fact that the United States and our allies have assembled a vast, modern arsenal of ships, aircraft, and missiles which are more than a match for Iraq's armaments and which hopefully I pray will not need to be demonstrated. It's appropriate for the House to act decisively and to support the committee's recommendation to terminate the B-2 Program.

I am also pleased that the committee has proposed terminating all funds for procurement and military construction for the rail garrison MX missile system beyond the purchase of 12 test missiles. The bill shifts funding to a research and development pool on intercontinental ballistic missiles [ICBM's].

While the committee bill provides for a substantial reduction in funding for the strategic defense initiative [SDI] by providing $2.9 billion rather than the administration's requested $4.7 billion, nevertheless, I frankly believe that the better policy would be to terminate the SDI program. In my view, there has never been a realistic possibility of SDI fulfilling the extravagant promises of its proponents to provide a leak-proof umbrella against a nuclear attack against the United States. This is not simply a matter of personal opinion or political expediency but is a matter of scientific fact. That is why I support the Dellums amendment to terminate the SDI program. Alternatively, I support the Bennett Amendment to strike $600 million in funding for SDI if the more dramatic change in policy is not possible at this time. In an era of scarce defense dollars and an increasing Federal budget deficit, we simply cannot afford to keep pumping billions of dollars into this exotic and highly questionable SDI system.

Last year, I opposed the administration's request to terminate funding for the V-22 Osprey tilt-rotor aircraft. The Armed Services Committee has recommended authorizing $303 million for the V-22, a proposal which I support. The V-22 represents an important breakthrough in aviation technology and is important both militarily and commercially. This dual benefit weighs in favor of continuing this program and fits well with the forward-looking needs and policy of the U.S. military forces.

Certainly one of the most serious consequences of shrinking defense budgets is the dislocations which are occurring in many communities and for those individuals who work in the defense industry. In the Minneapolis/St. Paul area, many workers, particularly in the computer industry, have lost their jobs due to defense cutbacks and corporate reorganizations. Unisys Corp., as an example, has laid off thousands of workers and more may lose their jobs in the future, as well. Minnesota Governor Rudy Perpich has had the foresight to appoint an Economic Conversion Task Force made up of State and local government officials and business representatives to explore our State's dependence on defense spending and how dislocated defense workers may be affected.

As a member of the Banking Subcommittee on Economic Stabilization, I have been pleased to work with our chair, the gentlewoman from Ohio [Ms. OAKAR], who deserves special recognition for reporting H.R. 3999 out of the Banking Committee. While this measure is not on the floor today, I strongly support the Mavroules amendment which authorizes $200 million in funding for communities which are affected by defense spending cutbacks.

The Mavroules amendment makes use of the existing structures of the Economic Development Administration [EDA] and the Job Training Partnership Program [JTPA] in administering aid to affected communities and workers. One of my concerns, however, is that certain medium-sized cities with diversified economies, such as in Minnesota's Twin Cities area, may suffer from a series of substantial defense layoffs over a period of years and yet not be eligible for assistance under existing EDA and JTPA criteria. I hope that these agencies and the Congress will be able to find a way to address these situations where some affected workers and communities are falling between the cracks in receiving necessary assistance.

Reshaping the U.S. defense and military policies and programs will be a wrenching experience, but will be necessary if we are to meet our responsibilities. This measure today is but a first step, Mr. Chairman. Let us take it with care and follow through in the months and years down the path to new priorities and goals of the American people in the 1990's.

The CHAIRMAN. The gentleman from Alabama [Mr. DICKINSON] has one-half minute remaining.

Mr. DICKSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time under the rule for general debate has expired.

Pursuant to House Resolution 457, the amendment in the nature of a substitute now printed in the bill shall be considered as an original bill for the purpose of an amendment under the 5 minute rule and is considered as read.

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

H.R. 4739

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 1991".

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

PART A—FUNDING AUTHORIZATIONS

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense Agencies.
Sec. 105. Reserve components.
Sec. 106. Chemical demilitarization program.
Sec. 107. Multiyear authorizations.
Sec. 108. Repeal of prior milestone authorizations.
Sec. 109. Prohibition of obligation of advance procurement funds pending submission to Congress of multiyear defense plan as required by law.

PART B—B-2 AIRCRAFT PROGRAM

Sec. 111. Termination of new production of B-2 aircraft.

PART C—OTHER STRATEGIC PROGRAMS

Sec. 121. D-5 missile program.
Sec. 122. SRAM II missile program.
Sec. 123. Ground-Wave Emergency Network.
Sec. 124. B-1B aircraft program.

PART D—ARMY PROGRAMS

Sec. 141. ADATS missile system.
Sec. 142. M-1 ABRAMS tank retrofit program.
Sec. 143. Army High Melt Explosives Propellant plant.

PART E—NAVY AND MARINE CORPS PROGRAMS

Sec. 151. Procurement of AHIP Scout helicopters for Marine Corps Reserve.
Sec. 152. Suspension of equipment transfer.

PART F—NONSTRATEGIC AIR FORCE PROGRAMS

Sec. 161. TACIT rainbow program.
Sec. 162. Chemical-biological collective protection systems.
Sec. 163. C-17 aircraft program.

PART G—CHEMICAL MUNITIONS

Sec. 171. Annual report on safety of chemical weapons stockpile.

Sec. 172. Funding clarification for chemical weapons stockpile disposal program.
Sec. 173. Chemical weapons stockpile safety contingency plan.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

PART A—AUTHORIZATIONS

Sec. 201. Authorization of appropriations.
Sec. 202. Amounts for basic research and exploratory development.
Sec. 203. Prohibition on testing Mid-Infrared Advanced Chemical Laser against an object in space.

PART B—PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

Sec. 211. V-22 Osprey aircraft program.
Sec. 212. Army Scout Attack Helicopter program.
Sec. 213. Armored Systems Modernization program.
Sec. 214. Advanced Combat Vehicle Technology Program.
Sec. 215. Laboratory equipment for Navy industrial-funded activities.
Sec. 216. Advanced Tactical Fighter program.

PART C—STRATEGIC DEFENSE INITIATIVE

Sec. 221. Funding for the Strategic Defense Initiative for fiscal year 1991.
Sec. 222. Report on allocation of fiscal year 1991 SDI funding.
Sec. 223. Limitation on development and testing of anti-ballistic missile systems or components.
Sec. 224. Prohibition on operational test and evaluation of strategic defense systems.
Sec. 225. Boost Surveillance and Tracking System.
Sec. 226. Arrow Tactical Anti-Missile program.

PART D—STRATEGIC PROGRAMS

Sec. 231. ICBM modernization program.

PART E—OTHER MATTERS

Sec. 241. Biological Defense Research Program.
Sec. 242. Funding for facility for collaborative research and training for military medical personnel.
Sec. 243. Grant for institute for advanced science and technology.

TITLE III—OPERATION AND MAINTENANCE

PART A—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Humanitarian assistance.
Sec. 304. Assistance to the 1990 Winter World Series Torch Run and the 1991 Freestyle World Championships.
Sec. 305. Extended Cold Weather Clothing Systems.

PART B—LIMITATIONS

Sec. 311. Prohibition on the transfer of heavy military equipment to Europe.
Sec. 312. Limitation on the deactivation of the Second Armored Division.
Sec. 313. Continuation of Air Force hurricane reconnaissance mission.

PART C—CHANGES TO EXISTING LAW

Sec. 321. Repeal of requirements to manage civilian personnel by end strengths.
Sec. 322. Eligibility of members of the Ready Reserve to use commissary stores.
Sec. 323. Limitation on obligations against stock funds.
Sec. 324. Eligibility for assistance to plan community adjustments and economic diversification.
Sec. 325. Authority to enter into certain agreements with local governments for police, fire, and other civil services.
Sec. 326. Maintenance of firefighting and other emergency services at military installations.
Sec. 327. Expansion of authority to donate food to charitable nonprofit food banks.
Sec. 328. Authority to exchange property for services in connection with historical collections.
Sec. 329. Authorization for certain bands of the Armed Forces to produce recordings for commercial sale.
Sec. 330. Army program to promote civilian marksmanship.
Sec. 331. Ships' stores.
Sec. 332. Operation of the Inter-American Air Forces Academy.
Sec. 333. Setting aside proceeds from the transfer or disposal of commissary store facilities and property purchased with nonappropriated funds.
Sec. 334. Transportation of components and ingredients of supplies in United States vessels.

PART D—ENVIRONMENTAL PROVISIONS

Sec. 341. Indemnification requirement for contractors handling hazardous wastes from defense facilities.
Sec. 342. Additional requirements for environmental report.
Sec. 343. Reporting requirements on environmental compliance at overseas military installations.

PART E—MILITARY DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

Sec. 351. Civil Air Patrol.
Sec. 352. Support for counter-drug activities.

PART F—MISCELLANEOUS

Sec. 361. Staff of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.
Sec. 362. Reduction in number of civilian employees of industrial- or commercial-type activities.
Sec. 363. Army Reliability Centered-Inspect and Repair Only as Necessary Program at Anniston Army Depot.
Sec. 364. Support for Defense Conversion Center.

PART G—STUDIES AND REPORTS

Sec. 371. Authorization for short-term lease of aircraft for initial entry rotory wing pilot training and study regarding long-term lease.
Sec. 372. Study of transportation options for obsolete chemical weapons located at certain military installations.
Sec. 373. Report on establishing new Naval Reserve Training Center at Newport, Rhode Island.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

PART A—ACTIVE FORCES

Sec. 401. End strengths for active forces.
Sec. 402. Reduction in the authorized end strength for the number of military personnel in Europe.

PART B—RESERVE FORCES

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

PART C—MILITARY TRAINING STUDENT LOADS

Sec. 421. Authorization of training student loads.

PART D—AUTHORIZATIONS OF APPROPRIATIONS

Sec. 431. Authorization of appropriations for military personnel for fiscal year 1991.

PART E—OTHER PERSONNEL STRENGTH MATTERS

Sec. 441. Flag and general officers.
Sec. 442. Test of cadre concept.

TITLE V—MILITARY PERSONNEL

PART A—READJUSTMENT BENEFITS

Sec. 501. Separation pay.
Sec. 502. Other transition benefits and services.
Sec. 503. Travel and transportation allowances relating to members involuntarily separated.
Sec. 504. Continuation of enrollment in schools of the defense dependents' education system for dependents of members involuntarily separated.

PART B—VETERANS BENEFITS PROGRAMS

Sec. 511. Veterans recruitment appointments.
Sec. 512. Opportunity for certain personnel to enroll in Montgomery GI bill before being involuntarily separated from service.
Sec. 513. Technical amendments to Montgomery GI bill active duty program.

PART C—DEFENSE OFFICER PERSONNEL MANAGEMENT POLICIES

Sec. 521. Officer retention flexibility.
Sec. 522. Reduction in time-in-grade requirement for voluntary retirement.
Sec. 523. Required length of commissioned service for voluntary retirement.

PART D—OFFICER EDUCATION AND TRAINING

Sec. 531. Reduction in the number of appointments for the class of a service academy entering in 1991.
Sec. 532. Modification of the ten-year service obligation for graduates of the Uniformed Services University of the Health Sciences.
Sec. 533. Repeal of limitation on participation of certain National Guard personnel in Montgomery GI bill.

PART E—MILITARY JUSTICE AMENDMENTS

Sec. 541. Pretrial sessions involving military judge acting alone.
Sec. 542. Challenges to members of courts-martial.

PART F—MISCELLANEOUS

Sec. 551. Services by notaries public.

Sec. 552. Meaning of the term "office" under section 2071(b) of title 18, United States Code.
Sec. 553. Extension to Coast Guard of law providing for identification, treatment, and rehabilitation of members of the Armed Forces who are dependent on drugs or alcohol.
Sec. 554. Restatement of law relating to annual personnel strength authorizations, annual manpower requirements reports, and annual National Guard and Reserve component procurement report.
Sec. 555. Amendments to Uniformed Services Former Spouses' Protection Act.
Sec. 556. Authority for commissioned officers to serve on independent school boards.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

PART A—PAY AND ALLOWANCES

Sec. 601. Military pay raise for fiscal year 1991.
Sec. 602. Modification of limitation on adjustments in variable housing allowance.

PART B—BONUSES AND SPECIAL AND INCENTIVE PAY

Sec. 611. Physician special pay.
Sec. 612. Extension of nurse incentive programs.

PART C—MISCELLANEOUS

Sec. 621. Delay in effective date of optional high-tier survivor benefit plan coverage and open enrollment period.

TITLE VII—HEALTH CARE PROVISIONS

PART A—HEALTH CARE SERVICES

Sec. 701. Provision of pap smears and mammograms under CHAMPUS.
Sec. 702. Mental health services.
Sec. 703. Repeal of prohibition on payment for services of pastoral counselors, family and child counselors, and marital counselors as a medical expense.

PART B—HEALTH CARE MANAGEMENT

Sec. 711. Limitation on reductions in medical personnel.
Sec. 712. Increase in annual deductibles under CHAMPUS for certain covered beneficiaries.
Sec. 713. Collection from third-party payers of reasonable costs of health care services incurred on behalf of retired persons and dependents.
Sec. 714. Increase in the pay limit for personal services contracts for direct health care providers.
Sec. 715. Conditions on expansion of CHAMPUS reform inititive.
Sec. 716. Limitation on awarding contract for full production of medical information systems.
Sec. 717. Uniformed services treatment facilities.
Sec. 718. Requirements prior to termination of medical services at military medical treatment facilities.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

PART A—ACQUISITION MANAGEMENT IMPROVEMENT

Sec. 801. Authority governing operation of working-capital funded activities.
Sec. 802. Procedures for contract solicitation and evaluation.
Sec. 803. Additional waiver for submission of certified cost or pricing data.
Sec. 804. Repeal of requirements relating to commercial pricing for spare or repair parts.
Sec. 805. Competitive alternative source requirement.
Sec. 806. Solicitation area policy for West Coast Naval Reserve Force ships.
Sec. 807. Membership on Federal Acquisition Regulatory Council.

PART B—MODIFICATIONS TO EXISTING LAW

Sec. 811. Clarification of small business concerns covered by section 1207.
Sec. 812. Additional prohibition on convicted individuals.
Sec. 813. Disclosure requirement relating to subcontractors.
Sec. 814. Expansion of procurement technical assistance program.
Sec. 815. Requirement to use domestically manufactured carbonyl iron powders.

PART C—PROVISIONS RELATING TO WHISTLEBLOWERS

Sec. 821. Advisory committee on mental health evaluation protections.
Sec. 822. Defense contractor requirements with respect to employees who communicate with Government officials.

PART D—MISCELLANEOUS

Sec. 831. Equal employment opportunities relating to an Army contract.
Sec. 832. Test program to provide for the Department of Defense to purchase law enforcement equipment for States.
Sec. 833. Department of Defense ombudsman for foreign signatories of inter-governmental memorandums of agreement.
Sec. 834. Defense industrial base for textile and apparel products.
Sec. 835. Cost savings requirement for multiyear contracts.

TITLE IX—DEFENSE ACQUISITION WORKFORCE

Sec. 901. Short title.
Sec. 902. Management policies.

TITLE X—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

PART A—FINANCIAL MANAGEMENT

Sec. 1001. Department of Defense.
Sec. 1002. Defense Logistics Agency.
Sec. 1003. Department of the Army.
Sec. 1004. Department of the Navy.
Sec. 1005. Department of the Air Force.
Sec. 1006. Financial Management Audit Committees.

PART B—CONTRACTING OUT

Sec. 1011. Continuation of authority of base commanders over contracting for commercial activities.

PART C—PROFESSIONAL MILITARY EDUCATION

Sec. 1021. Preparation of budget requests for operation of professional military education schools.
Sec. 1022. Authority of Naval War College to confer degree of master of arts in national security and strategic studies.

PART D—MISCELLANEOUS

Sec. 1031. Establishment of Joint Requirements Oversight Council.
Sec. 1032. National military strategy reports.
Sec. 1033. Joint staff.
Sec. 1034. Authority of chiefs of reserve components.
Sec. 1035. Independent boards to conduct investigations of major incidents and allegations involving performance of the Armed Forces.
Sec. 1036. Security investigations.

TITLE XI—DEFENSE REPORTS REDUCTION

Sec. 1101. Short title.

PART A—REPEAL OF EXISTING REPORT REQUIREMENTS

Sec. 1111. Reports required by title 10, United States Code.
Sec. 1112. Reports required by annual defense authorization Acts.
Sec. 1113. Reports required by other Acts.

PART B—MODIFICATIONS TO EXISTING REPORT REQUIREMENTS

Sec. 1121. Reports required by title 10, United States Code.
Sec. 1122. Reports required by annual authorization Acts.

PART C—REPORT PROVISIONS PREVIOUSLY TERMINATED UNDER GOLDWATER-NICHOLS ACT

Sec. 1131. Purpose.
Sec. 1132. Repeal of statutory provisions terminated by Goldwater-Nichols Act.
Sec. 1133. Restoration of certain reporting requirements of title 10, United States Code, terminated by Goldwater-Nichols Act.
Sec. 1134. Repeal of Goldwater-Nichols reports termination section.

Part D—Clerical Amendments

Sec. 1141. Clerical amendments.

TITLE XII—ARMED FORCES RETIREMENT HOME

Sec. 1201. Short title.
Sec. 1202. Authorization of appropriations for the United States Soldiers' and Airmen's Home.
Sec. 1203. Definitions.

PART A—ESTABLISHMENT AND OPERATION OF RETIREMENT HOME

Sec. 1211. Establishment of the Armed Forces Retirement Home.
Sec. 1212. Residents of Retirement Home.
Sec. 1213. Services provided residents.
Sec. 1214. Fees paid by residents.
Sec. 1215. Composition and operation of Retirement Home Board.
Sec. 1216. Duties of Retirement Home Board.
Sec. 1217. Directors, Deputy Directors, and staff.
Sec. 1218. Inspection by Inspector General of the Department of Defense.
Sec. 1219. Retirement Home Trust Fund.

Sec. 1220. Disposition of effects of deceased persons; unclaimed property.

PART B—TRANSITIONAL PROVISIONS

Sec. 1231. Transfer of trust funds relating to the Naval Home and the Soldiers' and Airmen's Home.

Sec. 1232. Repeal of provisions relating to the Naval Home and the United States Soldiers' and Airmen's Home.

Sec. 1233. Conforming amendments.

PART C—EFFECTIVE DATE

Sec. 1241. Effective date.

TITLE XIII—GENERAL PROVISIONS

PART A—FINANCIAL AND BUDGET MATTERS

Sec. 1301. Transfer authority.

Sec. 1302. Limitation on use by Department of Defense of expired appropriations.

Sec. 1303. Audit of M accounts.

Sec. 1304. Clarification of requirement for submission of annual multiyear defense plan.

Sec. 1305. Full life-cycle cost information for all major defense acquisition programs.

PART B—NAVAL VESSELS AND SHIPYARDS

Sec. 1321. Procurement limitations with respect to certain equipment for naval vessels.

Sec. 1322. Prohibition of certain limitations on contracting with private ship repair firms.

Sec. 1323. Report on use of Mayport Naval Station and San Diego Naval Station as homeports for nuclear aircraft carriers.

Sec. 1324. Fast sealift program.

Sec. 1325. Procurement of defense articles from naval shipyards and army and naval aviation depots.

PART C—CODIFICATION OF CERTAIN PROVISIONS OF LAW AND TECHNICAL AMENDMENTS

Sec. 1331. Restatement in title 10, United States Code, of selected permanent law provisions.

Sec. 1332. Codification of certain recurring provisions of annual defense appropriations Acts.

Sec. 1333. Technical and clerical amendments.

PART D—MISCELLANEOUS

Sec. 1341. Extension of deadline for National Test Center instrumentation.

Sec. 1342. Clarification of procedures for review of certain vessel transfers.

Sec. 1343. Authority to reimburse North American Van Lines for certain damages caused during operation Just Cause.

Sec. 1344. Overseas workload program.

Sec. 1345. Designation of the Colonel Thomas Hawkins Johnson Visiting Scholar Program, Lecture Series, and Science Laboratory.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects inside the United States.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units inside the United States.

Sec. 2104. Authorization of appropriations, Army.

Sec. 2105. Restriction of authority to carry out certain military construction projects outside the United States.

Sec. 2106. Ammunition demilitarization facility, Tooele Army Depot, Utah.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units inside the United States.

Sec. 2204. Defense access roads.

Sec. 2205. Authorization of appropriations, Navy.

Sec. 2206. Restriction of authority to carry out certain military construction projects outside the United States.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvement to military family housing units inside the United States.

Sec. 2304. Authorization of appropriations, Air Force.

Sec. 2305. Authorization of a facility.

Sec. 2306. Restriction of authority to carry out certain military construction projects.

Sec. 2307. Mandate to carry out recommendations of the Base Closure Commission.

Sec. 2308. Designation of installation.

Sec. 2309. Restriction on relocation or realignment at Tonopah Research Site, Nevada.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized defense agencies construction and land acquisition projects.

Sec. 2402. Improvements to military family housing units.

Sec. 2403. Conforming storage facilities.

Sec. 2404. Authorization of appropriations, Defense Agencies.

Sec. 2405. Medical facility, Nellis Air Force Base, Nevada.

Sec. 2406. Restriction of authority to carry out certain military construction projects outside the United States.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS; EFFECTIVE DATE

Sec. 2701. Expiration of authorizations.

Sec. 2702. Effective dates.

Sec. 2703. Extension of 1989 authorizations.

TITLE XXVIII—GENERAL PROVISIONS

PART A—CONSTRUCTION, IMPROVEMENTS, LEASING, AND UTILIZATION OF MILITARY INSTALLATIONS AND FACILITIES

Sec. 2801. Dual basing.

Sec. 2802. Prohibition on construction at Crotone, Italy.

Sec. 2803. Restrictions on leasing in the national capital region.

Sec. 2804. Improvements to military family housing projects.

Sec. 2805. Sense of Congress concerning a military construction moratorium.

PART B—LAND TRANSACTIONS

Sec. 2811. Land conveyance, Redstone Arsenal, Alabama.

Sec. 2812. Land conveyance, Naval Weapons Station, Concord, California.

Sec. 2813. Lease at Hunters Point Naval Shipyard, San Francisco, California.

Sec. 2814. Land conveyance, Eglin Air Force Base, Florida.

Sec. 2815. Land conveyance, Naval Air Station, Jacksonville, Florida.

Sec. 2816. Land exchange, Fort Benning, Georgia.

Sec. 2817. Land conveyance, Robins Air Force Base, Georgia.

Sec. 2818. Land conveyance, South Bend, Indiana.

Sec. 2819. Land exchange, Lexington Park, Maryland.

Sec. 2820. Release of reversionary interest, Berrien County, Michigan.

Sec. 2821. Exchange of interests, Camp Withycombe, Oregon.

Sec. 2822. Land transfer, Arlington, Virginia.

Sec. 2823. Easement conveyance, Fort Lawton, Seattle, Washington.

PART C—PROVISIONS RELATING TO BASE CLOSURES AND REALIGNMENTS

Sec. 2831. Closures and realignments of military installations.

Sec. 2832. Sense of Congress concerning the residual value of improvements made by the Department of Defense at military installations outside the United States.

Sec. 2833. Restriction on funding for environmental restoration by the Department of Defense at certain military installations outside the United States.

Sec. 2834. Funding for environmental restoration at military installations scheduled for closure.

Sec. 2835. Community preference consideration in closure and realignment of military installations.

PART D—MISCELLANEOUS PROVISIONS

Sec. 2841. Impact assistance for Whiteman Air Force Base.

Sec. 2842. Modification of height restriction in avigation easement.

Sec. 2843. Henderson Hall, Arlington, Virginia.

Sec. 2844. Lease-purchase of facility for uniformed services university of the health sciences.

Sec. 2845. Sale of aggregate, Naval Air Station, Miramar, California.

DIVISION C—OTHER NATIONAL DEFENSE AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

PART A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

Sec. 3101. Operating expenses.
Sec. 3102. Plant and capital equipment.
Sec. 3103. Environmental restoration and waste management.
Sec. 3104. Funding limitations.

PART B—RECURRING GENERAL PROVISIONS

Sec. 3121. Reprogramming.
Sec. 3122. Limits on general plant projects.
Sec. 3123. Limits on construction projects.
Sec. 3124. Fund transfer authority.
Sec. 3125. Authority for construction design.
Sec. 3126. Authority for emergency construction design.
Sec. 3127. Funds available for all national security programs of the Department of Energy.
Sec. 3128. Availability of funds.

PART C—MISCELLANEOUS PROVISIONS

Sec. 3131. Extension of authority to loan personnel and facilities to community development organizations near Hanford Reservation.
Sec. 3132. Report on environmental restoration expenditures.

PART D—INTERNATIONAL FISSILE MATERIAL AND WARHEAD CONTROL

Sec. 3141. Short title.
Sec. 3142. Findings and declaration of policy.
Sec. 3143. Bilateral moratorium on production of plutonium and highly enriched uranium for nuclear weapons and disposal of nuclear stockpiles.
Sec. 3144. Report on verification techniques.
Sec. 3145. Development and demonstration of means for warhead dismantlement verification.
Sec. 3146. Production of tritium.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Authority to barter material in the National Defense Stockpile to finance the upgrading, refining, or processing of stockpile material.

TITLE XXXIV—CIVIL DEFENSE

Sec. 3401. Authorization of appropriations.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

PART A—FUNDING AUTHORIZATIONS

SEC. 101. ARMY.

(a) AIRCRAFT.—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement of aircraft for the Army in the amount of $1,493,683,000, of which $561,795,000 is for modification of aircraft.

(b) MISSILES.—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement of missiles for the Army in the amount of $1,966,345,000, of which $135,374,000 is for modification of missiles.

(c) WEAPONS AND TRACKED COMBAT VEHICLES.—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement of weapons and tracked combat vehicles for the Army in the amount of $1,928,423,000.

(d) AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement of ammunition for the Army in the amount of $1,324,171,000.

(e) OTHER PROCUREMENT.—Funds are hereby authorized to be appropriated for fiscal year 1991 for other procurement for the Army in the amount of $2,781,799,000, of which—

(1) $692,872,000 is for tactical and support vehicles;

(2) $1,275,365,000 is for communications and electronics equipment; and

(3) $813,562,000 is for other support equipment.

SEC. 102. NAVY AND MARINE CORPS.

(a) AIRCRAFT.—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement of aircraft for the Navy in the amount of $9,013,350,000.

(b) WEAPONS.—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement of weapons (including missiles and torpedoes) for the Navy in the amount of $5,376,097,000. Amounts authorized under the preceding sentence are available as follows:

(1) For missile programs other than ballistic missile programs, $2,657,160,000.

(2) For torpedo programs, $841,318,000 as follows:

For the MK-48 torpedo program, $350,291,000.

For the MK-50 torpedo program, $328,266,000.

For the ASW target program, $26,409,000.

For the ASROC program, $20,156,000.

For the modification of torpedoes and related equipment, $27,836,000.

For the torpedo support equipment program, $55,278,000.

For the antisubmarine warfare range support program, $24,382,000.

For the destination transportation program, $8,700,000.

(3) For other weapons, $202,146,000, of which—

(A) $61,958,000 is for the MK-15 close-in weapon system; and

(B) $81,292,000 is for the close-in weapon system modification program.

(4) For other ordnance, $266,263,000.

(5) For spares and repair parts, $69,209,000.

(c) SHIPBUILDING AND CONVERSION.—Funds are hereby authorized to be appropriated for fiscal year 1991 for shipbuilding and conversion for the Navy in the amount of $8,824,600,000. Amounts authorized under the preceding sentence are available as follows:

For the Trident submarine program, $1,145,629,000.

For the SSN-21 nuclear attack submarine program, $2,106,000,000.

For the aircraft carrier service life extension program (SLEP), $113,068,000.

For the DDG-51 guided missile destroyer program, $3,570,003,000.

For the LHD-1 amphibious assault ship program, $959,800,000.

For the LSD-41 cargo variant program, $240,000,000.

For the oceanographic research ship program, $43,100,000.

For service craft and landing craft, $37,700,000.

For the landing craft, air cushion (LCAC) program, $267,900,000.

For outfitting and post delivery, $335,600,000.

For first destination transportation $5,800,000.

(d) OTHER PROCUREMENT, NAVY.—(1) Funds are hereby authorized to be appropriated for fiscal year 1991 for other procurement for the Navy in the amount of $5,483,626,000. Amounts authorized under the preceding sentence are available for certain programs as follows:

(A) For the ship support equipment program, $1,214,555,000.

(B) For the communications and electronics equipment program, $1,800,611,000.

(C) For aviation support equipment, $283,787,000.

(D) For the ordnance support equipment program, $544,836,000.

(E) For civil engineering support equipment, $81,658,000.

(F) For supply support equipment, $294,760,000.

(G) For personnel and command support equipment, $790,141,000.

(H) For spares and repair parts, $473,278,000.

(2) Of the funds appropriated pursuant to this subsection, $10,000,000 shall be available for acquisition of AN/SQQ-T1 Onboard ASW Trainers.

(e) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement for the Marine Corps in the amount of $778,279,000.

SEC. 103. AIR FORCE.

(a) AIRCRAFT.—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement of aircraft for the Air Force in the amount of $7,245,375,000, of which $1,141,751,000 is available for modification of aircraft.

(b) MISSILES.—Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement of missiles for the Air Force in the amount of $5,569,848,000, of which $111,273,000 is available for modification of missiles.

(c) OTHER PROCUREMENT.—Funds are hereby authorized to be appropriated for fiscal year 1991 for other procurement for the Air Force in the amount of $7,996,897,000, of which—

(1) $379,044,000 is for munitions and associated support equipment;

(2) $133,563,000 is for vehicular equipment;

(3) $1,586,742,000 is for electronics and telecommunications equipment; and

(4) $5,897,520,000 is for other base maintenance and support equipment.

SEC. 104. DEFENSE AGENCIES.

Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement for the Defense Agencies in the amount of $1,853,514,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1991 for procurement of aircraft, vehicles, communications equip-

ment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $269,900,000.

(2) For the Air National Guard, $258,000,000.

(3) For the Army Reserve, $111,100,000.

(4) For the Navy Reserve, $490,000,000.

(5) For the Air Force Reserve, $206,100,000.

(6) For the Marine Corps Reserve, $255,000,000.

SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1991 for the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 747) in the amount of $377,300,000.

SEC. 107. MULTIYEAR AUTHORIZATIONS.

The Secretary of the military department concerned may use funds appropriated for fiscal year 1991 to enter into multiyear procurement contracts in accordance with section 2306(h) of title 10, United States Code, for the following programs:

(1) ARMY.—For the Department of the Army:

(A) UH-60L Helicopter Program.

(B) Pedestal-Mounted Stinger (Avenger) Program.

(C) Family of Medium Trucks.

(2) AIR FORCE.—For the Department of the Air Force, the GPS Navstar Satellite Program.

SEC. 108. REPEAL OF PRIOR MILESTONE AUTHORIZATIONS.

(a) PROCUREMENT PROGRAMS.—Section 106 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1034) is repealed.

(b) RDT&E PROGRAMS.—Section 216 of such Act (101 Stat. 1051) is repealed.

SEC. 109. PROHIBITION OF OBLIGATION OF ADVANCE PROCUREMENT FUNDS PENDING SUBMISSION TO CONGRESS OF MULTIYEAR DEFENSE PLAN AS REQUIRED BY LAW.

Funds appropriated for the Department of Defense for fiscal year 1991 for procurement may not be obligated for advance procurement until 30 days after the date on which the Secretary of Defense submits to Congress the multiyear defense program (including associated annexes) covering fiscal years beginning with fiscal year 1992 required (by section 114a of title 10, United States Code) to be submitted to Congress in conjunction with the President's budget for fiscal year 1992. The Secretary shall ensure that such a multiyear defense program as submitted to Congress meets the requirements for consistency with the President's budget set forth in subsection (b) of section 114a of such title.

PART B—B-2 AIRCRAFT PROGRAM

SEC. 111. TERMINATION OF NEW PRODUCTION OF B-2 AIRCRAFT.

(a) PRODUCTION TERMINATION.—Funds appropriated for the Department of Defense for fiscal years after fiscal year 1990 may not be obligated or expended to commence production of any B-2 aircraft.

(b) AUTHORIZED SCOPE OF B-2 PROGRAM.—Amounts appropriated for the Department of Defense may be expended for the B-2 aircraft program only—

(1) for the completion of production of those B-2 aircraft for which production was commenced with funds appropriated for a fiscal year before fiscal year 1991; and

(2) for research, development, test, and evaluation, including flight testing.

(c) PRESERVATION OF FACILITIES.—The Secretary of Defense shall preserve the production facilities and the tooling for production of B-2 aircraft so as to maintain a production option for such aircraft for the future.

PART C—OTHER STRATEGIC PROGRAMS

SEC. 121. D-5 MISSILE PROGRAM.

Funds appropriated for fiscal year 1991 pursuant to this Act may not be obligated for the D-5 missile program until each of the following has occurred:

(1) The advisory panel on nuclear weapons safety established by the Committee on Armed Services of the House of Representatives has submitted its report to the committee and a period of 30 days has passed after the report is received.

(2) The Secretary of Defense has reported to the congressional defense committees that a determination has been made to resume operations at the Department of Energy Rocky Flats Plant, Goldin, Colorado.

SEC. 122. SRAM II MISSILE PROGRAM.

None of the funds appropriated for fiscal year 1991 for procurement for the Air Force may be obligated for the SRAM II missile program (including work on the integration of the SRAM II on the B-1B bomber) until the Secretary of Defense certifies to the congressional defense committees that development flight tests for that missile demonstrate that the missile (including the rocket motor propellant) meets the established performance criteria.

SEC. 123. GROUND-WAVE EMERGENCY NETWORK.

None of the funds appropriated pursuant to this or any other Act may be obligated or expended for the Ground-Wave Emergency Network (GWEN) System until—

(1) the Secretary of Defense provides for the conduct of an independent study of such system on the health effects and environmental impact of the system on surrounding local jurisdictions; and

(2) a report containing the results of such study, together with the Secretary's comments and recommendations concerning the report, has been submitted to the congressional defense committees and a period of 15 days has elapsed after the report is received.

SEC. 124. B-1B AIRCRAFT PROGRAM.

Section 121(e)(3)(C) of Public Law 101-189 (103 Stat. 1380) is amended by striking out "in the late 1990s" and inserting in lieu thereof "in 2010".

PART D—ARMY PROGRAMS

SEC. 141. ADATS MISSILE SYSTEM.

The Secretary of the Army may not obligate any funds after the date of the enactment of this Act for a payment under the ADATS air defense program for contractor corrections of system reliability, availability, and maintainability (RAM) deficiencies to meet original program specifications for the system.

SEC. 142. M-1 ABRAMS TANK RETROFIT PROGRAM.

The Secretary of the Army may not obligate any amount in long-lead funds for a program to modify existing M-1 tanks to the M1A2 configuration until—

(1) the Secretary certifies to the congressional defense committees—

(A) that development and operational tests for the M1A2 tank have been successfully completed; and

(B) that the M1A2 tank has been type classified as standard equipment; and

(2) the Secretary submits to those committees a report describing an acquisition plan for upgrading all M-1 tanks in the current inventory to the new configuration.

SEC. 143. ARMY HIGH MELT EXPLOSIVES PROPELLANT PLANT.

The amount spent to complete the design of the plant at Longhorn Army Ammunition Plant, Texas, for the Army High Melt Explosives Propellant program may not exceed $13,000,000. The Secretary of the Army shall obligate such sums as necessary, up to $13,000,000, on the completion of the design of such plant from amounts appropriated for fiscal year 1991 for procurement of ammunition for the Army.

PART E—NAVY AND MARINE CORPS PROGRAMS

SEC. 151. PROCUREMENT OF AHIP SCOUT HELICOPTERS FOR MARINE CORPS RESERVE.

Section 133 of Public Law 101-189 (103 Stat. 1383) does not prohibit procurement of AHIP Scout aircraft for the Marine Corps Reserve, and this section supersedes such section 133 to the extent necessary to permit the Secretary of the Navy to carry out procurement of such aircraft for the Marine Corps Reserve.

SEC. 152. SUSPENSION OF EQUIPMENT TRANSFER.

(a) SUSPENSION.—The Secretary of the Navy may not carry out the proposed transfer of equipment described in subsection (b) until the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives a report providing an in-depth review of the effect of such transfer and consideration of all options to such transfer. The report shall address each of the matters referred to in the letter dated July 20, 1990, from the Chairman of the Committee on Armed Services of the House of Representatives to the Secretary of Defense with respect to such transfer.

(b) TRANSFER DESCRIBED.—Subsection (a) applies with respect to the proposed transfer of an L-1000A x-ray unit used for inspections of Trident, Titan, Delta II, and SRAM missile motor nozzles from a contractor facility in Pueblo, Colorado, to a contractor facility in San Leandro, California.

PART F—NONSTRATEGIC AIR FORCE PROGRAMS

SEC. 161. TACIT RAINBOW PROGRAM.

The Secretary of the Air Force may not obligate any funds to establish a second source for procurement of the TACIT Rainbow system until the Secretary submits to the congressional defense committees a report describing total program quantities to be procured and the cost effectiveness of proceeding with two sources of production.

SEC. 162. CHEMICAL-BIOLOGICAL COLLECTIVE PROTECTION SYSTEMS.

(a) TERMINATION OF PROCUREMENT OF SURVIVABLE COLLECTIVE PROTECTION SYSTEM.—After the date of the enactment of this Act, no funds may be obligated for procurement of the Survivable Collective Protection System.

(b) LIMITATION ON PROCUREMENT OF TRANSPORTABLE COLLECTIVE PROTECTION SYSTEM.—None of the funds appropriated pursuant to this Act may be obligated for procurement of the Transportable Collective Protection System until the Secretary of Defense submits to the congressional defense committees a report setting forth—

(1) the overall requirements for the program;

(2) the rationale for the program in light of the chemical weapons arms control agreement between the United States and the Soviet Union and the efforts to achieve a multilateral ban on all chemical weapons;

(3) the anticipated distribution of assets to be procured under the program, shown by

geographic region and by military forces; and

(4) total program costs.

SEC. 163. C-17 AIRCRAFT PROGRAM.

The Secretary of the Air Force may not obligate any funds appropriated pursuant to section 103 for procurement of the C-17 aircraft (other than funds for advance procurement for fiscal year 1992) until the Secretary of Defense certifies to the congressional defense committees that a production C-17 aircraft has successfully completed its first flight. After such certification, the Secretary of the Air Force shall seek authority to obligate funds for procurement for the fiscal-year 1991 program of such aircraft in accordance with established congressional reprogramming procedures.

PART G—CHEMICAL MUNITIONS

SEC. 171. ANNUAL REPORT ON SAFETY OF CHEMICAL WEAPONS STOCKPILE.

(a) ADDITIONAL ITEMS FOR ANNUAL REPORT ON CHEMICAL WEAPONS DEMILITARIZATION PROGRAM.—Subsection (g)(3) of section 1412 of Public Law 99-145 (50 U.S.C. 1521) is amended—

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

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(C) an assessment of the safety status and the integrity of the stockpile of lethal chemical agents and munitions subject to this section, including—

"(i) an estimate on how much longer that stockpile can continue to be stored safely;

"(ii) a site-by-site assessment of the safety of those agents and munitions; and

"(iii) a description of the steps taken (to the date of the report) to monitor the safety status of the stockpile and to mitigate any further deterioration of that status.".

(b) TECHNICAL AMENDMENTS.—Subsections (a)(1) and (h)(1) of such section are amended by striking out "the date of the enactment of this Act" and inserting in lieu thereof "November 8, 1985".

SEC. 172. FUNDING CLARIFICATION FOR CHEMICAL WEAPONS STOCKPILE DISPOSAL PROGRAM.

Subsection (c) of section 1412 of Public Law 99-145 (50 U.S.C. 1521) is amended by adding at the end the following paragraph:

"(3) In order to carry out subparagraph (A) of paragraph (1), the Secretary may make grants to State and local governments (either directly or through the Federal Emergency Management Agency) to assist those governments in carrying out functions relating to emergency preparedness and response in connection with the disposal of the lethal chemical agents and munitions referred to in subsection (a). Funds available to the Department of Defense for the purpose of carrying out this section may be used for such grants.".

SEC. 173. CHEMICAL WEAPONS STOCKPILE SAFETY CONTINGENCY PLAN.

(a) DEVELOPMENT OF PLAN.—The Secretary of Defense shall develop a plan setting forth the steps the Department of Defense would take if the chemical weapons stockpile of the United States began an accelerated rate of deterioration (or experienced any other event which called into question its continued safe storage) before a comprehensive full-scale chemical weapons disposal capability is developed. The plan shall address—

(1) the schedule that would have to be followed to put the plan into effect;

(2) the level of funding that would be required to put the plan into effect;

(3) the equipment and other resources that would be required to put the plan into effect; and

(4) an assessment of how quickly the plan could be placed into effect in the event of an emergency.

(b) UPDATES.—The Secretary shall periodically update the plan developed pursuant to subsection (a) as needed.

(c) SUBMISSION TO CONGRESS.—The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a copy of the plan developed pursuant to subsection (a). The submission shall be made not later than 180 days after the date of the enactment of this Act.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

PART A—AUTHORIZATIONS

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1991 for the use of the Armed Forces for research, development, test, and evaluation as follows:

(1) For the Army, $5,655,827,000.

(2) For the Navy, $9,359,977,000.

(3) For the Air Force, $12,813,082,000.

(4) For the Defense Agencies, $8,263,135,000 of which—

(A) $216,100,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and

(B) $90,800,000 is authorized for the Director of Operational Test and Evaluation.

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

(a) FISCAL YEAR 1991.—Of the amounts appropriated pursuant to section 201, $3,855,950,000 shall be available for basic research and exploratory development projects.

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

SEC. 203. PROHIBITION ON TESTING MID-INFRARED ADVANCED CHEMICAL LASER AGAINST AN OBJECT IN SPACE.

The Secretary of Defense may not carry out a test of the Mid-Infrared Advanced Chemical Laser (MIRACL) transmitter and associated optics against an object in space during 1991 unless such testing is specifically authorized by law.

PART B—PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

SEC. 211. V-22 OSPREY AIRCRAFT PROGRAM.

(a) FUNDING.—Of the amount appropriated pursuant to section 201 or otherwise made available to the Navy, $238,000,000 shall be obligated for research, development, test, and evaluation in connection with the V-22 aircraft program.

(b) PROHIBITION OF ALTERNATIVES.—None of the funds appropriated pursuant to section 201 may be used for research, development, test, and evaluation for a replacement aircraft to perform the medium-lift mission other than the V-22 aircraft.

SEC. 212. ARMY SCOUT ATTACK HELICOPTER PROGRAM.

(a) RESTRUCTURED PROGRAM.—The Secretary of the Army shall establish a technical demonstration program for a combat helicopter by restructuring the Light Helicopter (LHX) program to produce prototypes of such a helicopter for evaluation before a decision is made to proceed with full-scale development.

(b) FUNDING.—Of the amount appropriated pursuant to section 201 for the Army for fiscal year 1991, $300,000,000 shall be available for the Scout Attack Helicopter program.

SEC. 213. ARMORED SYSTEMS MODERNIZATION PROGRAM.

(a) ARMORED SYSTEMS MODERNIZATION.—The Secretary of the Army may proceed with the Armored Systems Modernization program, proceeding with the technology development and prototyping of the common chassis and other related common components associated with heavy and medium weight vehicles.

(b) FUNDING.—Of the amount appropriated pursuant to section 201 for the Army, $151,761,000 shall be available for the Armored Systems Modernization programs.

SEC. 214. ADVANCED COMBAT VEHICLE TECHNOLOGY PROGRAM.

(a) NEW PROGRAM.—The Secretary of Defense may establish an Advanced Combat Vehicle Technology Program to address revolutionary technology associated with mobility, stealth, armor, vehicle design and propulsion, battlefield integrated weapon compatibility and countermeasures.

(b) FUNDING.—Of the amount appropriated pursuant to section 201 for the Defense Agencies, $25,000,000 of amounts available for the Defense Advance Research Projects Agency shall be available for the Advanced Combat Vehicle Technology Program.

SEC. 215. LABORATORY EQUIPMENT FOR NAVY INDUSTRIAL-FUNDED ACTIVITIES.

Of the amount appropriated pursuant to section 103 of other procurement for the Navy, not less than $98,000,000 shall be available (as provided in the President's budget) for acquisition of laboratory equipment for Navy industrial-funded activities.

SEC. 216. ADVANCED TACTICAL FIGHTER PROGRAM.

(a) IN GENERAL.—The Secretary of the Air Force shall complete the demonstration and validation phase and the design selection process for the Advanced Tactical Fighter for the Air Force.

(b) PROHIBITION ON FULL-SCALE DEVELOPMENT.—Funds appropriated or otherwise made available pursuant to this or any other Act for the Air Force for fiscal year 1991 may not be obligated for full-scale development activities in connection with the Advanced Tactical Fighter of the Air Force.

PART C—STRATEGIC DEFENSE INITIATIVE

SEC. 221. FUNDING FOR THE STRATEGIC DEFENSE INITIATIVE FOR FISCAL YEAR 1991.

Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1991, not more than $2,900,000,000 may be obligated for the Strategic Defense Initiative.

SEC. 222. REPORT ON ALLOCATION OF FISCAL YEAR 1991 SDI FUNDING.

(a) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Strategic Defense Initiative for fiscal year 1991. The report shall specify the amount of such funds allocated for each program, project, or activity of the Strategic Defense Initiative.

(b) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than 90 days after the date of the enactment of legislation appropriating funds for the Strategic Defense Initiative for fiscal year 1991.

SEC. 223. LIMITATION ON DEVELOPMENT AND TESTING OF ANTI-BALLISTIC MISSILE SYSTEMS OR COMPONENTS.

(a) USE OF FUNDS.—(1) Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1991, or for any fiscal year before 1991, shall be subject to the limitations prescribed in paragraph (2).

(2) Funds described in paragraph (1) may not be obligated or expended—

(A) for the development of testing of any antiballistic missile system or component, except for development and testing consistent with the development and testing described in the May 1990 SDIO Report; or

(B) for the acquisition of any material or equipment (including any long lead materials, components, piece parts, test equipment, or any modified space launch vehicle) required or to be used for the development or testing of antiballistic missile systems or components, except for material or equipment required for development or testing consistent with the development and testing described in the May 1990 SDIO Report.

(3) The limitations in paragraph (2) shall not apply to funds transferred to or for the use of the Strategic Defense Initiative for fiscal year 1991 if the transfer is made in accordance with section 1301 of this Act.

(b) DEFINITION.—As used in this section, the term "May 1990 SDIO Report" means the report entitled "1990 Report to Congress on the Strategic Defense Initiative," dated May 1990, prepared by the Strategic Defense Initiative Organization and submitted to certain committees of the Senate and House of Representatives by the Secretary of Defense on June 7, 1990, pursuant to section 224 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1398; 10 U.S.C. 2431 note).

SEC. 224. PROHIBITION ON OPERATIONAL TEST AND EVALUATION OF STRATEGIC DEFENSE SYSTEMS.

Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1991, or for any fiscal year before fiscal year 1991, may not be obligated for any operational test and evaluation activity in support of—

(1) a strategic defense system; or

(2) a program, project, or activity of the Strategic Defense Initiative.

SEC. 225. BOOST SURVEILLANCE AND TRACKING SYSTEM.

(a) PROHIBITION ON FULL-SCALE DEVELOPMENT.—None of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for fiscal year 1991 for research, development, test, and evaluation may be obligated for full-scale development of the Boost Surveillance and Tracking System (BSTS).

(b) TRANSFER OF BSTS SYSTEM TO AIR FORCE.—The Secretary of Defense shall transfer immediately responsibility for the direction, management, and funding for the development and procurement of the Boost Surveillance and Tracking System from the Strategic Defense Initiative Organization to the Secretary of the Air Force.

SEC. 226. ARROW TACTICAL ANTI-MISSILE PROGRAM.

(a) COOPERATIVE RESEARCH AND DEVELOPMENT.—Congress endorses a continuing program of cooperative research and development, jointly funded by the United States and the government of Israel, on the Arrow Tactical Anti-Missile program with a view to proving out (through such cooperative research and development) the feasibility and practicality of the system.

(b) TACTICAL DEMONSTRATION PROGRAM.—(1) Subject to paragraph (2), the Secretary of Defense may obligate, from funds made available for fiscal year 1991 for the Strategic Defense Initiative, up to $42,000,000 for the purpose of initiating the Tactical Demonstration Program (constituting Phase II of research and development work on the Arrow program).

(2) Funds may not be obligated for the purpose described in paragraph (1) until the United States and the government of Israel enter into a memorandum of agreement governing the conduct and funding of the Technical Demonstration Program.

PART D—STRATEGIC PROGRAMS

SEC. 231. ICBM MODERNIZATION PROGRAMS.

(a) PROGRAM FUNDING.—Of the amount provided in section 201 for the Air Force, $610,208,000 shall be available for the ICBM Modernization program for the Rail Garrison MX (RG/MX) program and the Small Intercontinental Ballistic Missile (SICBM) program.

(b) PRESIDENTIAL REPORT.—The President shall submit to Congress after the enactment of this Act a report setting forth his proposed allocation of the funds authorized under subsection (a) for ICBM Modernization.

(c) CONDITION ON OBLIGATION OF FUNDS.—The Secretary of Defense may not obligate funds appropriated for fiscal year 1991 for the RG/MX program or the SICBM program until after the end of the 90-day period beginning on the date on which the President submits to Congress the report required by subsection (b).

(d) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) some level of continued investment in research and development for mobile ICBMs is a prudent hedge (A) against failure of the sea-based leg of the strategic Triad (consisting of ICBMs, submarine-launched ballistic missiles (SLBMs), and strategic bombers), and (B) to help ensure the continued stability of the strategic balance as the United States negotiates reductions in its strategic forces under the prospective Strategic Arms Reduction Talks (START) Treaty and the planned follow-on negotiations for further reductions;

(2) the two-missile ICBM modernization program has failed to achieve the political consensus necessary for deployment of both systems; and

(3) the defense budget of the United States is likely to continue to decline in the future, making the deployment of both the RG/MX system and the SICBM system unaffordable.

SEC. 232. DEPRESSED TRAJECTORY BALLISTIC MISSILES AND OTHER SHORT-TIME-OF-FLIGHT BALLISTIC MISSILES.

Congress commends the President for proposing to the Soviet Union that the United States and the Soviet Union observe an interim mutual restraint on the flight testing of depressed trajectory and other short-time-of-flight ballistic missiles and expresses disappointment that the Soviet Union has not agreed to this proposal. Congress urges the President to continue to pursue such interim restraint and to further explore the possibility of a permanent agreement banning flight tests of such missiles.

PART E—OTHER MATTERS

SEC. 241. BIOLOGICAL DEFENSE RESEARCH PROGRAM.

(a) IN GENERAL.—(1) Chapter 139 of title 10, United States Code, is amended by inserting after section 2369 the following new section:

"§ 2370. Biological Defense Research Program

"(a) ANNUAL REPORT REQUIRED.—The Secretary of Defense shall submit to Congress an annual report on research, development, test, and evaluation conducted by the Department of Defense during the preceding fiscal year for the purposes of biological defense. The report shall be submitted in both classified and unclassified form and shall be submitted each year in conjunction with the submission of the budget to Congress for the next fiscal year.

"(b) CONTENTS OF REPORT.—Each report under this section shall provide the following information:

"(1) A description of each biological or infectious agent or toxin that was used in, or that was the subject of, research, development, test, and evaluation conducted for the purposes of biological defense during the fiscal year covered by the report and not previously listed in publications of the Centers for Disease Control (CDC).

"(2) A description of the biological properties of each such agent.

"(3) A statement of the location of each biological defense research facility and the amount spent by the Department of Defense during the fiscal year covered by the report at each such facility for research, development, test, and evaluation for biological defense research.

"(4) The biosafety level used at each such facility in conducting that research, development, test, and evaluation.

"(5) Certification by the Secretary that the local health, police, and fire departments at each such location have been provided during the fiscal year covered by the report with the matter required to be provided under subsection (c).

"(c) NOTICE TO LOCAL OFFICIALS.—(1) The Secretary shall ensure that the local health, police, and fire departments in the area of each biological defense research facility are provided annually with notice of each biological or infectious agent or toxin used in, or that was the subject of, research, development, test, and evaluation conducted for the purposes of biological defense at that facility (including agents or toxins listed in CDC publications). Such notice shall include the following:

"(A) The biosafety level for each agent.

"(B) The location of each agent within the facility.

"(2) The notice shall also include a statement of the methods and procedures to be followed by operators of the facility to respond to any release of biological agents at the facility. That notice shall include the following:

"(A) Procedures to provide effective and timely notice to local health, police, and fire departments that such a release has occurred.

"(B) A description of emergency equipment and identification of persons responsible for that equipment.

"(C) Evacuation plans for the facility.

"(3) The Secretary is not required to disclose under this subsection any matter that is exempt from disclosure under subsection (b)(1) of section 552 of title 5.

"(4) The Secretary shall require each facility conducting biological defense research for the Department of Defense to provide to the Secretary the information required under this subsection.

"(d) CONSULTATION WITH LOCAL OFFICIALS.—The Secretary shall require that whenever a new biological or infectious agent or toxin is introduced to a biological defense research facility, the head of that facility shall request in writing to meet with representatives of each local health, police, and fire department in the area of the facility in order to discuss the matters covered in subsection (c) with respect to that agent or toxin. Those meetings shall be conducted before research activities involving that agent or toxin are begun at the facility.

"(e) TYPES OF RESEARCH COVERED.—This section applies to all research, development, test, and evaluation activities conducted by the Department of Defense for the purpose of biological defense.

"(f) DEFINITIONS.—In this section:

"(1) The term 'biosafety level' means the applicable biosafety level described in the publication entitled 'Biosafety in Microbiological and Biomedical Laboratories' (CDC-NIH, 1984).

"(2) The term 'biological defense research facility' means a location at which research, development, test, and evaluation for purposes of biological defense involving any biological or infectious agent or toxin (whether or not listed in a CDC publication) is conducted.

"(3) The term 'release' means the intentional or unintentional escape of a biological agent requiring a biosafety level of II, III, or IV outside the confines of a biological defense research facility.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2369 the following new item:

"2370. Biological Defense Research Program.".

(b) EFFECTIVE DATE.—Section 2370 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1990.

(c) TRANSITION.—The Secretary of Defense shall require that as soon as practicable after the date of the enactment of this Act the head of each biological defense research facility shall request in writing to meet with representatives of each local health, police, and fire department in the area of the facility in order to discuss the matters covered in subsection (c) of section 2370 of title 10, United States Code, as added by subsection (a). Such discussions shall cover each biological or infectious agent or toxin used in, or the subject of, research, development, test, and evaluation of purposes of biological defense work for the Department of Defense at that facility.

SEC. 242. FUNDING FOR FACILITY FOR COLLABORATIVE RESEARCH AND TRAINING FOR MILITARY MEDICAL PERSONNEL.

(a) FUNDING.—Of the amounts appropriated pursuant to section 201, $18,000,000 may be used by the Secretary of Defense as a contribution toward the construction of a facility as part of a complex to enable collaborative research and training for Department of Defense military medical personnel in the following fields:

(1) Trauma care.

(2) Head, neck, and spinal injury.

(3) Paralysis.

(4) Neurosciences and neurodegenerative diseases.

(b) REQUIREMENTS.—(1) Such a contribution may be made only for a facility that will—

(A) support education, training, treatment, and rehabilitative services related to the fields described in subsection (a); and

(B) support neuroscience research with relevance for the medical mission of the Department of Defense.

(2) Such a contribution may be made only for a facility to be located at an institutional setting that—

(A) has received national recognition for its work in the fields listed in subsection (a); and

(B) can best facilitate interagency collaborative research, education, and training activities.

(3) The amount of a contribution under subsection (a) may not exceed 33 percent of the total cost of such complex.

SEC. 243. GRANT FOR AN INSTITUTE FOR ADVANCED SCIENCE AND TECHNOLOGY.

(a) AUTHORITY TO MAKE GRANT.—Of the amount appropriated pursuant to section 201 for the Defense Agencies, $10,000,000 shall be available for a competitively awarded grant to an institution of higher education to establish an institute for advanced science and technology.

(b) QUALIFICATIONS.—The institution selected must—

(1) have been funded by the Army as a Center of Excellence for artificial intelligence research and education;

(2) be carrying out research on conducting electronic polymers by nonredox processes under the Department of Defense's University Research Initiative (Defense Advanced Research Projects Agency);

(3) be conducting research programs in airborne vision systems and scene segmentation funded by the Navy; and

(4) be performing research in nonlinear optics and in models for visual texture analysis funded by the Air Force.

(c) LIMITATIONS.—The grant shall be available for initial construction of a cost-shared facility, the Federal share of which may not exceed 50 percent of the total cost, designed to support mutually supportive technology research currently underway at the institution in response to the critical technologies research needs identified by the Department of Defense in its Critical Technologies Plan as required by Public Law 100-456.

TITLE III—OPERATION AND MAINTENANCE

PART A—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 1991 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, $20,883,456,000.

(2) For the Navy, $23,318,996,000.

(3) For the Marine Corps, $1,831,300,000.

(4) For the Air Force, $20,449,779,000.

(5) For the Defense Agencies, $8,079,308,000.

(6) For the Army Reserve, $913,400,000.

(7) For the Naval Reserve, $1,004,800,000.

(8) For the Marine Corps Reserve, $86,100,000.

(9) For the Air Force Reserve, $1,050,800,000.

(10) For the Army National Guard, $1,998,500,000.

(11) For the Air National Guard, $2,203,000,000.

(12) For the National Board for the Promotion of Rifle Practice, $4,000,000.

(13) For the Defense Inspector General, $98,519,000.

(14) For Drug Interdiction and Counter-drug Activities, Defense, $939,300,000.

(15) For the Court of Military Appeals, $5,400,000.

(16) For Environmental Restoration, Defense, $1,000,000,000.

(17) For Humanitarian Assistance, $13,000,000.

(b) SPECIAL AUTHORIZATION FOR CONTINGENCIES.—There are authorized to be appropriated for fiscal year 1991, in addition to the amounts authorized to be appropriated in subsection (a), such sums as may be necessary—

(1) for unbudgeted increases in fuel costs; and

(2) for unbudgeted increases as a result of inflation in the cost of activities authorized by subsection (a).

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1991 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working-capital funds in amounts as follows:

(1) For the Army Stock Fund, $302,500,000.

(2) For the Air Force Stock Fund, $887,900,000.

(3) For the Army Industrial Fund, $151,100,000.

(4) For the Navy Industrial Fund, $238,700,000.

(5) For the Defense Industrial Fund, $4,000,000.

SEC. 303. HUMANITARIAN ASSISTANCE.

(a) PURPOSE.—(1) Funds appropriated pursuant to the authorization in subsection (a)(17) of section 301 for humanitarian assistance shall be used for the purpose of providing transportation for humanitarian relief for persons displaced or who are refugees because of the invasion of Afghanistan by the Soviet Union.

(2) Of the funds authorized to be appropriated for fiscal year 1991 pursuant to such subsection for such purpose, $3,000,000 shall be available for distribution of humanitarian relief supplies to the non-Communist resistance organization at or near the border between Thailand and Cambodia.

(b) AUTHORITY TO TRANSFER FUNDS.—The Secretary of Defense may transfer to the Secretary of State not more than $3,000,000 of the funds appropriated pursuant to such subsection for fiscal year 1991 for humanitarian assistance, other than the funds described in subsection (a)(2), to provide for—

(1) the payment of administrative costs incurred in providing the transportation described in subsection (a); and

(2) the acquisition of transportation assets for the distribution of humanitarian relief supplies in the country of destination.

(c) TRANSPORTATION UNDER DIRECTOR OF THE SECRETARY OF STATE.—Transportation for humanitarian relief provided with funds appropriated pursuant to subsection (a)(17) of section 301 for humanitarian assistance shall be provided under the direction of the Secretary of State.

(d) MEANS OF TRANSPORTATION TO BE USED.—Transportation for humanitarian relief provided with funds appropriated pursuant to such subsection for humanitarian assistance shall be provided by the most economical commercial or military means available, unless the Secretary of State de-

termines that it is in the national interest of the United States to provide transportation other than by the most economical means available. The means used to provide such transportation may include the use of aircraft and personnel of the reserve components of the Armed Forces.

(e) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to such subsection for humanitarian assistance—

(1) shall remain available until expended, to the extent provided in appropriation Acts; and

(2) may be used only to provide assistance to the persons and organization referred to in subsection (a).

(f) REPORTS TO CONGRESS.—(1) The Secretary of Defense shall submit (at the times specified in paragraph (2)) to the Congress a report on the provision of humanitarian assistance under the humanitarian relief laws specified in paragraph (4).

(2) A report required by paragraph (1) shall be submitted as follows:

(A) Not later than 60 days after the date of the enactment of this Act.

(B) Not later than June 1, 1991.

(C) Not later than June 1 of each year thereafter until all funds available for humanitarian assistance under the humanitarian relief laws specified in paragraph (4) have been obligated.

(3) A report required by paragraph (1) shall contain (as of the date on which the report is submitted) the following information:

(A) The total amount of funds obligated for humanitarian relief under the humanitarian relief laws specified in paragraph (4).

(B) The number of scheduled and completed flights for purposes of providing humanitarian relief under the humanitarian relief laws specified in paragraph (4).

(C) A description of any transfer (including to whom the transfer is made) of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of title 10, United States Code.

(4) The humanitarian relief laws referred to in paragraphs (1), (2), and (3) are the following:

(A) This section.

(B) Section 305 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 617).

(C) Section 331 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1078).

(D) Section 303 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1948).

(E) Section 304 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1409).

(5) Section 304(f)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1409) is amended—

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

(B) by striking out subparagraph (C).

SEC. 304. ASSISTANCE TO THE 1990 WINTER WORLD SERIES TORCH RUN AND THE 1991 FREESTYLE WORLD CHAMPIONSHIPS.

Of the amounts available to the Department of Defense for the provision of logistical support and personnel services for the 1990 Goodwill Games, $100,000 may be used by the Secretary of Defense to provide medical and ambulance support for—

(1) the Winter World Series Torch Run to be held in the State of New York between November 1, 1990, and December 7, 1990;

(2) the Freestyle World Championships to be held at the Olympic Center in Lake Placid, New York, between February 10, 1991, and March 3, 1991.

SEC. 305. EXTENDED COLD WEATHER CLOTHING SYSTEMS.

Of the amount appropriated under section 341(a)(1) for operation and maintenance for the Army for fiscal year 1991, the amount of $39,951,000 shall be available only for the acquisition of clothing under the Extended Cold Weather Clothing System.

PART B—LIMITATIONS

SEC. 311. PROHIBITION ON THE TRANSFER OF HEAVY MILITARY EQUIPMENT TO EUROPE.

(a) PROHIBITION.—Funds appropriated for the Department of Defense for a fiscal year after fiscal year 1990 may not be used to transfer heavy military equipment from the United States to Europe.

(b) EXCEPTION.—The President may waive the prohibition contained in subsection (a) if the President determines that such action is critical to the national security of the United States. The President shall immediately notify the Congress of any such waiver and the reasons for such waiver.

(c) HEAVY MILITARY EQUIPMENT DEFINED.—For purposes of this section, the term "heavy military equipment" includes trucks, armored personnel vehicles, tanks, and helicopters, but does not include aircraft.

SEC. 312. LIMITATION ON THE DEACTIVATION OF THE SECOND ARMORED DIVISION.

Funds appropriated for the Army for a fiscal year beginning after September 30, 1990, may not be used to deactivate the Second Armored Division (or any element of that division) or to reduce the number of members of the Army assigned to duty in that division, until a comprehensive arms reduction agreement enters into force as a result of the negotiations being conducted on reductions in conventional forces in Europe.

SEC. 313. CONTINUATION OF AIR FORCE HURRICANE RECONNAISSANCE MISSION.

The Secretary of the Air Force shall continue the operation of the hurricane reconnaissance mission of the Air Force during fiscal year 1991 at the same level as undertaken during fiscal year 1990 unless another Federal agency assumes responsibility for, and has funds to perform, such mission.

PART C—CHANGES TO EXISTING LAW

SEC. 321. REPEAL OF REQUIREMENTS TO MANAGE CIVILIAN PERSONNEL BY END STRENGTHS.

(a) REPEAL OF MANAGEMENT REQUIREMENT.—Section 129(a) of title 10, United States Code, is amended—

(1) by inserting "and" before "(2)" in the first sentence;

(2) by striking out ", and (3)" in the first sentence and all that follows through "such fiscal year"; and

(3) by striking out the period at the end of the second sentence and inserting in lieu thereof the following: ", any constraint or limitation (known as an 'end-strength') on the number of such personnel who may be employed on the last day of such fiscal year, or any constraint or limitation carried out through the measurement of full-time equivalent employees or other related methodology.".

(b) REPEAL OF REQUIREMENT THAT CIVILIAN PERSONNEL END STRENGTHS BE AUTHORIZED BY LAW.—(1) Section 115 of such title (as amended by section 554(a)) is amended—

(1) in subsection (a), by striking out paragraph (4); and

(2) in subsection (b)—

(A) by inserting "or" at the end of paragraph (2);

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

(C) by striking out paragraph (4).

(c) ANNUAL MANPOWER REQUIREMENT REPORTS.—Section 115a of such title (as added by section 554(a)) is amended—

(1) in subsection (a)—

(A) by striking out "recommendations for" in the material preceding the paragraphs;

(B) by inserting "recommendations for" after "(1)"; and

(C) by striking out "the annual civilian personnel end strength level" in paragraph (2) and inserting in lieu thereof "projections of the annual civilian personnel level"; and

(2) in subsection (b)(1) by inserting "or projected" after "recommended" both places it appears.

SEC. 322. ELIGIBILITY OF MEMBERS OF THE READY RESERVE TO USE COMMISSARY STORES.

(a) ELIGIBILITY.—Section 1063(a) of title 10, United States Code, is amended to read as follows:

"(a) ELIGIBILITY OF MEMBERS OF READY RESERVE.—A member of the Ready Reserve who performs active-duty for training (or annual training without compensation equivalent to active duty for training) shall accrue eligibility to use commissary stores of the Department of Defense for each day of that training. The Secretary concerned shall authorize the member to have one year from the date on which the member performs that training to use a day of eligibility for using commissary stores attributable to the performance of that duty.".

(b) APPLICATION OF AMENDMENT.—Section 1063(a) of title 10, United States Code (as amended by subsection (a)), shall apply with respect to active-duty for training or annual training performed by a member of the Ready Reserve after the date of the enactment of this Act.

SEC. 323. LIMITATION ON OBLIGATIONS AGAINST STOCK FUNDS.

(a) IN GENERAL.—Section 2210(b) of title 10, United States Code, is amended—

(1) by striking out "Obligations" and inserting in lieu thereof "(1) Subject to paragraph (2), obligations"; and

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

"(2) The Secretary of Defense may not incur obligations against a stock fund during a fiscal year in excess of any limitation placed by law on the amount of obligations that may be so incurred during that fiscal year.".

(b) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to fiscal years beginning after September 30, 1991.

SEC. 324. ELIGIBILITY FOR ASSISTANCE TO PLAN COMMUNITY ADJUSTMENTS AND ECONOMIC DIVERSIFICATION.

(a) ELIGIBILITY REQUIREMENTS.—Subsection (b) of section 2391 of title 10, United States Code, is amended—

(1) by striking out paragraphs (3) and (4);

(2) by redesignating paragraph (5) as paragraph (4); and

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

"(3) In the case of a publicly-announced planned reduction in Department of Defense

spending, the cancellation or termination of a Department of Defense contract, or the failure to proceed with a previously approved major defense acquisition program, assistance may be made under paragraph (1) only if the reduction, cancellation, termination, or failure to proceed—

"(A) will have a direct and significant adverse impact on a State or local community; and

"(B) will result in the loss of a number of full-time Department of Defense and contractor employee positions of persons in an area equal to—

"(i) 2,500 or more employee positions, in the case of a Metropolitan Statistical Area (as defined by the Office of Management and Budget);

"(ii) 1,000 or more employee positions, in the case of an area outside of a Metropolitan Statistical Area; or

"(iii) one percent or more of the number of persons employed in that area.".

(b) REMOVAL OF CAP ON ASSISTANCE.—Such subsection is further amended by striking out paragraph (6).

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(A) in subsection (a), by inserting "REUSE STUDIES.—" after "(a)";

(B) in subsection (b), by inserting "COMMUNITY ADJUSTMENT AND ECONOMIC DIVERSIFICATION.—" after "(b)";

(C) in subsection (c), by inserting "REPORTS.—" after "(c)";

(D) in subsection (d), by inserting "MILITARY INSTALLATION DEFINED.—" after "(d)"; and

(E) in subsection (e), by inserting "AVAILABILITY OF APPROPRIATIONS.—" after "(e)".

(d) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1990.

SEC. 325. AUTHORITY TO ENTER INTO CERTAIN AGREEMENTS WITH LOCAL GOVERNMENTS FOR POLICE, FIRE, AND OTHER CIVIL SERVICES.

Section 2465 of title 10, United States Code, is amended by adding at the end the following:

"(c) Notwithstanding the prohibition set forth in subsection (a) or any other provision of law, in the case of any agreement entered into before the date of the enactment of this subsection by the Department of the Navy with a unit of local government for police, fire, and other civil services, the Department shall be considered to have had the authority to enter into such agreement and to make payments in accordance with its terms.".

SEC. 326. MAINTENANCE OF FIREFIGHTING AND OTHER EMERGENCY SERVICES AT MILITARY INSTALLATIONS.

(a) IN GENERAL.—(1) Chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2491. Military installations: firefighting and other emergency services

"The Secretary of a military department shall ensure that each military installation under the jurisdiction of that Secretary is provided with firefighting and other emergency services—

"(1) through personnel and facilities of the installation, in the case of an installation that provides such services on October 1, 1990; or

"(2) through arrangements with a public or private entity that provides such services, in the case of a military installation without such services on that date.".

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

"2491. Military installations: firefighting and other emergency services.".

SEC. 327. EXPANSION OF AUTHORITY TO DONATE FOOD TO CHARITABLE NONPROFIT FOOD BANKS.

(a) INCLUSION OF MESS FOOD, READY TO EAT MEALS, AND OTHER FOOD.—Section 2485 of title 10, United States Code, is amended—

(1) by striking out "commissary store" in subsection (a);

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

"(b) Food that may be donated under this section is commissary store food, mess food, ready to eat meals, and other food available to the Secretary of a military department that—

"(1) is certified as edible by appropriate food inspection technicians;

"(2) would otherwise be destroyed as unusable; and

"(3) in the case of commissary store food, is unmarketable and unsaleable."; and

(3) by striking out "A donation" in subsection (c) and inserting in lieu thereof "In the case of commissary store food, a donation".

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2485. Donation of unusable food: commissary stores and other activities".

(2) The item relating to such section in the table of sections at the beginning of chapter 147 of such title is amended to read as follows:

"2485. Donation of unusable food: commissary stores and other activities.".

SEC. 328. AUTHORITY TO EXCHANGE PROPERTY FOR SERVICES IN CONNECTION WITH HISTORICAL COLLECTIONS.

Section 2572(b) of title 10, United States Code, is amended—

(1) by striking out the period at the end of paragraph (1) and inserting in lieu thereof "or for search, salvage, and restoration services which directly benefit the historical collection of the armed forces."; and

(2) in paragraph (2)—

(A) by inserting ", or services provided," in the first sentence after "property transferred" the first place it appears; and

(B) by inserting "in the case of an exchange of property for property" in the second sentence after "preceding sentence".

SEC. 329. AUTHORIZATION FOR CERTAIN BANDS OF THE ARMED FORCES TO PRODUCE RECORDINGS FOR COMMERCIAL SALE.

(a) ARMY.—Section 3634 of title 10, United States Code, is amended—

(1) by striking out "No" and inserting in lieu thereof "(a) PROHIBITION.—Except as provided in subsection (b), no", and

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

"(b) RECORDINGS.—(1) Any Army band designated as a special band may produce recordings for commercial sale.

"(2) Amounts received as proceeds from the sale of any such recordings may be credited to applicable appropriations of the Department of the Army for expenses of Army bands.

"(3) The Secretary of the Army shall prescribe regulations governing the accounting of such proceeds.".

(b) NAVY AND MARINE CORPS.—(1) Section 6223 of such title is amended by adding at the end the following new subsection:

"(c) EXCEPTION FOR COMMERCIAL RECORDINGS.—(1) Notwithstanding any limitation contained in subsection (a) or (b), any Navy band or Marine Corps band designated as a special band may produce recordings for commercial sale.

"(2) Amounts received as proceeds from the sale of any such recordings may be credited to applicable appropriations of the Department of the Navy for expenses of Navy and Marine Corps bands.

"(3) The Secretary of the Navy shall prescribe regulations governing the accounting of such proceeds.".

(2) Such section is further amended—

(A) by inserting "NAVY BANDS AND MEMBERS.—" after "(a)"; and

(B) by inserting "MEMBERS OF MARINE CORPS BANDS.—" after "(b)".

(c) AIR FORCE.—Section 8634 of such title is amended—

(1) by striking out "No" and inserting in lieu thereof "(a) PROHIBITION.—Except as provided in subsection (b), no", and

(2) by adding after subsection (a) the following new subsection:

"(b) RECORDINGS.—(1) Any Air Force band designated as a special band may produce recordings for commercial sale.

"(2) Amounts received as proceeds from the sale of any such recordings may be credited to applicable appropriations of the Department of the Air Force for expenses of Air Force bands.

"(3) The Secretary of the Air Force shall prescribe regulations governing the accounting of such proceeds.".

(d) COAST GUARD.—(1) Chapter 17 of title 14, United States Code, is amended by inserting after section 639 the following new section:

"§ 640. Coast Guard band recordings for commercial sale

"(a) The Coast Guard band may produce recordings for commercial sale.

"(b) Amounts received as proceeds from the sale of any such recordings may be credited to applicable appropriations of the Coast Guard for expenses of the Coast Guard band.

"(c) The Secretary shall prescribe regulations governing the accounting of such proceeds.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 639 the following new item:

"640. Coast Guard band recordings for commercial sale.".

(e) CONFORMING AMENDMENT.—Section 974 of title 10, United States Code, is amended by striking out "section 6223 of this title" and inserting in lieu thereof "sections 3634, 6223, and 8634 of this title and section 640 of title 14,".

SEC. 330. ARMY PROGRAM TO PROMOTE CIVILIAN MARKSMANSHIP.

(a) PROGRAM TO BE SELF-SUPPORTING.—Section 4313 of title 10, United States Code, is amended to read as follows:

"§ 4313. Promotion of civilian marksmanship: expenses

"(a) LIMITATION ON EXPENSES.—The Secretary of the Army may not expend more than $4,000,000 during a fiscal year to promote civilian marksmanship under sections 4307 through 4312 of this title.

"(b) USE OF APPROPRIATED FUNDS PROHIBITED.—(1) No funds are authorized to be directly appropriated to pay for the necessary

or incidental expenses of, or personnel services connected with, any program conducted by the Department of the Army for the purpose of promoting marksmanship among civilians.

"(2) Funds generally available to the Department of Defense may be used to pay the costs of such a program if the appropriation accounts used to pay those costs are reimbursed for the payment of those costs through fees paid by the persons or gun clubs participating in the program.

"(c) FEES.—The Secretary of the Army shall establish reasonable fees for persons and gun clubs participating in any program conducted by the Department of the Army for the purpose of promoting marksmanship among civilians. Such fees shall be established at a rate sufficient to cover the cost of operating the program, including the cost of pay and allowances earned by members of the armed forces while detailed under section 4307 or 4310 of this title, and members of the Army National Guard while detailed under section 316 of title 32, to assist in the promotion of civilian marksmanship.

"(d) RETENTION OF FUNDS.—Amounts collected by the Secretary of the Army under any program to promote civilian marksmanship (including amounts collected from the sale of arms, ammunition, targets, and other supplies under section 4308 of this title) may be retained by the Secretary to cover the cost of operating the program. Amounts collected that are in excess of amounts required or permitted to operate the program shall be deposited in the Treasury.".

(b) ABOLISHMENT OF ARMY'S ROLE IN THE CONSTRUCTION OF RIFLE RANGES FOR CIVILIAN RIFLE PRACTICE.—Section 4308(a)(1) of that title is amended by striking out "construction, equipment, maintenance, and operation" and inserting in lieu thereof "operation and maintenance".

(c) REQUIREMENT THAT SALES OF ARMY RIFLES AND AMMUNITION TO CIVILIANS BE MADE AT FAIR MARKET VALUE.—Section 4308(a)(5) of that title is amended by striking out "the sale" and all that follows through "rifled arms," and inserting in lieu thereof the following: "the sale (at fair market value) to citizens of the United States who are over the age of 18 and current members of a gun club,".

(d) ELIMINATION OF ANNUAL AUTHORIZATION OF APPROPRIATIONS FOR THE INCIDENTAL EXPENSES OF THE NATIONAL BOARD.—Section 4308 of that title is amended—

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

(2) by redesignating subsection (c) as subsection (b).

(e) USE OF RIFLE RANGES BY CIVILIANS.—(1) Section 4309 of that title is amended to read as follows:

"§ 4309. Rifle ranges: available for use by civilians

"(a) AUTHORITY TO MAKE RANGE AVAILABLE.—(1) A rifle range constructed, in whole or in part with funds provided by the United States may be made available for use by able-bodied persons capable of bearing arms.

"(2) The Secretary of the Army shall establish reasonable fees for the use by civilians of a rifle range made available under paragraph (1) to cover any costs incurred by the Army to make the range available.

"(3) Use of a rifle range referred to in paragraph (1) by civilians may not interfere with the use of those ranges by members of the armed forces.

"(b) REGULATIONS.—Regulations to carry out this section shall be prescribed by the authorities controlling the rifle range, subject to the approval of the Secretary of the Army.".

(2) The item relating to section 4309 in the table of sections at the beginning of chapter 401 of that title is amended to read as follows:

"4309. Rifle ranges: available for use by civilians.".

(f) LIMITATIONS ON THE ISSUANCE OF RIFLES AND AMMUNITION FOR CIVILIAN RIFLE PRACTICE.—Section 4311 of that title is amended—

(1) by inserting "(a) AUTHORITY OF THE SECRETARY.—" before "The Secretary";

(2) by inserting "the sale of" before "such quantities";

(3) by striking out "established under section 4309 of this title" and inserting in lieu thereof "located on military installations and"; and

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

"(b) LIMITATIONS.—A person issued a military rifle under this section may not remove the rifle from the military installation. Ammunition provided to civilians under this section shall be provided at fair market value.".

(g) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading of section 4308 of that title is amended to read as follows:

"§ 4308. Promotion of civilian marksmanship: authority of the Secretary of the Army".

(2) The table of sections at the beginning of chapter 401 of that title is amended—

(A) by striking out the item relating to section 4308 and inserting in lieu thereof the following:

"4308. Promotion of civilian marksmanship: authority of the Secretary of the Army."

(B) by striking out the item relating to section 4313 and inserting in lieu thereof the following:

"4313. Promotion of civilian marksmanship: expenses.".

(h) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1992.

SEC. 331. SHIPS' STORES.

(a) CONVERSION TO OPERATION AS NONAPPROPRIATED FUND INSTRUMENTALITIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall convert the operation of all ships' stores from operation as an activity funded by direct appropriations to operation as an activity funded from sources other than appropriated funds.

(b) INCIDENTAL SERVICES.—Following the conversion of ships' stores under subsection (a), the Secretary of the Navy may provide financial services, space, utilities, and labor to ships' stores on a nonreimbursable basis.

(c) TRANSFER OF FUNDS.—To facilitate the conversion required under subsection (a), the Secretary of the Navy shall transfer to the Navy Resale and Services Support Office from—

(1) the Navy Stock Fund, an amount equal to the value of existing ships' stores assets in that Fund; and

(2) the Ships' Stores Profits, Navy Fund, residual cash in that Fund.

(d) SALES OF GOODS AND SERVICES.—(1) Chapter 651 of title 10, United States Code, is amended by striking out section 7604 and inserting in lieu thereof the following:

"§ 7604. Ships' stores: sale of goods and services

"Under such regulations and at such prices as the Secretary of the Navy may prescribe, the Secretary may provide for the sale of goods and services from ships' stores to members of the naval service and to such other persons as provided by law.".

(2) The item relating to section 7604 in the table of sections at the beginning of that chapter is amended to read as follows:

"7604. Ships' stores: sale of goods and services.".

(3) The regulations required to be prescribed under section 7604 of title 10, United States Code (as amended by paragraph (1)), shall be first prescribed not later than 90 days after the date of the enactment of this Act.

SEC. 332. OPERATION OF THE INTER-AMERICAN AIR FORCES ACADEMY.

(a) IN GENERAL.—Chapter 907 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 9415. Inter-American Air Forces Academy

"(a) OPERATION.—The Secretary of the Air Force may operate the Air Force education and training facility known as the Inter-American Air Forces Academy for the purpose of providing military education and training to military personnel of Central and South American countries, Caribbean countries, and other countries eligible for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).

"(b) COSTS.—The fixed costs of operating and maintaining the Inter-American Air Forces Academy may be paid from funds available for operation and maintenance of the Air Force.".

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

"9415. Inter-American Air Forces Academy.".

SEC. 333. SETTING ASIDE PROCEEDS FROM THE TRANSFER OR DISPOSAL OF COMMISSARY STORE FACILITIES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.

(a) RESERVE ACCOUNT REQUIRED.—Section 204(b)(4) of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note) is amended—

(1) by inserting "or (C)" after "subparagraph (B)" in subparagraph (A); and

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

"(C) In the case of the transfer or disposal under this subsection of any real property or facility that was acquired, constructed, or improved (or whole or in part) with funds described in subparagraph (D), the proceeds shall be deposited in a reserve account established in the Treasury to be administered and used by the Secretary (in such an aggregate amount as is provided in advance by appropriation Acts) for the purpose of acquiring, constructing, or improving a commissary store facility or nonappropriated fund instrumentality.

"(D) The funds referred to in subparagraph (C) are funds received from—

"(i) the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code; or

"(ii) a nonappropriated fund instrumentality.".

(b) CONFORMING AMENDMENT.—Section 209 of that Act is amended by adding at the end the following new paragraph:

"(10) The term 'nonappropriated fund instrumentality' means an instrumentality of

the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.".

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with regard to the transfer or disposal of any real property or facility pursuant to that Act occurring on or after the date of the enactment of this Act.

SEC. 334. TRANSPORTATION OF COMPONENTS AND INGREDIENTS OF SUPPLIES IN UNITED STATES VESSELS.

Section 2631 of title 10, United States Code, is amended by inserting "(including components and ingredients of supplies)" after "supplies" in the first sentence.

PART D—ENVIRONMENTAL PROVISIONS

SEC. 341. INDEMNIFICATION REQUIREMENT FOR CONTRACTORS HANDLING HAZARDOUS WASTES FROM DEFENSE FACILITIES.

(a) REQUIREMENT.—(1) Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2708. Contracts for handling hazardous waste from defense facilities

"(a) CONTRACT REQUIREMENT.—Each contract entered into by the Secretary of Defense or the Secretary of a military department for the transportation, treatment, storage, or disposal of hazardous wastes from a facility under the jurisdiction of the Secretary of Defense shall provide the following:

"(1) Upon receipt of hazardous wastes properly characterized pursuant to applicable laws and regulations, the contractor shall indemnify the Federal Government against all liabilities, claims, penalties, costs, and damages caused by—

"(A) the contractor's breach of any term or provision of the contract; and

"(B) any negligent or willful act or omission of the contractor, its employees, or its subcontractors in the performance of the contract.

"(2) Not later than 30 days after the contract is awarded, the contractor shall demonstrate that the contractor and all of its subcontractors will indemnify the Federal Government as provided in paragraph (1).

"(3) Nothing in this section shall affect the liability of the Federal Government under any Federal or State law or under common law.

"(b) APPLICABILITY.—This section applies to all contracts described in subsection (a), whether the contract is entered into under the Defense Environmental Restoration Program or other programs or activities of the Department of Defense.

"(c) DEFINITION.—For purposes of this section, the term 'hazardous waste' has the meaning given that term by section 1004(5) of the Solid Waste Disposal Act (42 U.S.C. 6903(5)), except that such term also includes polychlorinated biphenyls as such term is used in section 6(e) of the Toxic Substances Control Act (15 U.S.C. 2605(e)).".

(2) The table of sections relating to chapter 160 of such title is amended by adding at the end the following new item:

"2708. Contracts for handling waste from defense facilities.".

(b) EFFECTIVE DATE.—Section 2708 of title 10, United States Code, shall apply with respect to contracts entered into after the expiration of the 60-day period beginning on the date of the enactment of this Act.

SEC. 342. ADDITIONAL REQUIREMENTS FOR ENVIRONMENTAL REPORT.

Subsection (b) of section 2706 of title 10, United States Code, is amended to read as follows:

"(b) REPORT ON ENVIRONMENTAL COMPLIANCE.—(1) Each year, at the same time the President submits to Congress the budget for a fiscal year (pursuant to section 1105 of title 31), the Secretary of Defense shall submit to Congress a report containing the following:

"(A) A statement of the funding levels and personnel required for the Department of Defense to comply with applicable environmental laws during the fiscal year for which the budget is submitted. The statement shall set forth separately the funding levels and personnel required for the Department of Defense as a whole and for each military installation.

"(B) A statement of the funding levels and personnel requested for such purposes in the budget as submitted by the President, together with an explanation of any differences between the funding level requirements and the funding level requests in the budget. The statement shall set forth separately the funding levels and personnel requested for the Department of Defense as a whole and for each military installation.

"(C) A projection of the funding levels and personnel that will be required over the next five fiscal years for the Department of Defense to comply with applicable environmental laws, set forth separately for the Department of Defense as a whole and for each military installation.

"(D) An analysis of the effect such environmental requirements may have on the operations and mission capabilities of the Department of Defense as a whole and of each military installation.

"(2) In this subsection, the term 'military installation' means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a military department which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, or Guam. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.".

SEC. 343. REPORTING REQUIREMENTS ON ENVIRONMENTAL COMPLIANCE AT OVERSEAS MILITARY INSTALLATIONS.

(a) ADDITIONAL INFORMATION IN ENVIRONMENTAL BUDGET REPORT.—Paragraph (1) of section 2706(b) of title 10, United States Code, is amended—

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

(2) by redesignating subparagraph (B) as subparagraph (C) and in that subparagraph by striking out "such purposes" and inserting in lieu thereof "the purposes described in subparagraphs (A) and (B)"; and

(3) by inserting after subparagraph (A) the following new subparagraph:

"(B) the funding levels and personnel required for the Department of Defense to comply with applicable environmental requirements for military installations located outside the United States during the fiscal year for which the budget is submitted; and".

(b) POLICIES AND REPORT ON OVERSEAS ENVIRONMENTAL COMPLIANCE.—(1) The Secretary of Defense shall develop a policy for determining applicable environmental requirements for military installations located outside the United States. In developing the policy, the Secretary shall ensure that the policy gives consideration to adequately protecting the health and safety of military and civilian personnel assigned to such installations.

(2) The Secretary of Defense shall develop a policy for determining the responsibilities of the Department of Defense with respect to cleaning up environmental contamination that may be present at military installations located outside the United States. In developing the policy, the Secretary shall take into account applicable international agreements (such as Status of Forces agreements), multinational or joint use and operation of such installations, relative share of the collective defense burden, and negotiated accommodations.

(3) The Secretary of Defense shall develop a policy and strategy to ensure adequate oversight of compliance with applicable environmental requirements and responsibilities of the Department of Defense determined under the policies developed under paragraphs (1) and (2). In developing the policy, the Secretary shall consider using the Inspector General of the Department of Defense to ensure active and forceful oversight.

(4) At the same time the President submits to Congress his budget for fiscal year 1993 pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a report describing the policies developed under paragraphs (1), (2), and (3). The report also shall include a discussion of the role of the Inspector General of the Department of Defense in overseeing environmental compliance at military installations outside the United States.

(5) For purposes of this subsection, the term "military installation" means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a military department which is located outside the United States and outside any territory, commonwealth, or possession of the United States.

PART E—MILITARY DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

SEC. 351. CIVIL AIR PATROL.

Of the amount appropriated pursuant to section 301(a)(14) for drug interdiction and counter-drug activities, $1,000,000 shall be available to the Secretary of Defense only for the purpose of paying expenses incurred by the Civil Air Patrol in conducting drug surveillance flights.

SEC. 352. SUPPORT FOR COUNTER-DRUG ACTIVITIES.

At the request of the head of a Federal agency with counter-drug responsibilities, the Secretary of Defense may provide support during fiscal year 1991 for the counter-drug activities of that agency. Support provided by the Secretary of Defense under this section may include the following:

(1) Maintenance, repair, or upgrading of software and equipment that is used by that agency and is compatible with software and equipment used by the Department of Defense.

(2) Transportation of supplies, equipment, and domestic law enforcement personnel for purposes of facilitating counter-drug activities and transportation of law enforcement personnel of a foreign country for purposes of facilitating counter-drug activities outside the land area of the United States.

(3) Reimbursement of per diem expenses incurred by personnel during counter-drug activities for which transportation is provided under paragraph (2).

(4) Construction and operation of bases of operations for purposes of facilitating do-

mestic counter-drug activities or United States counter-drug activities outside the land area of the United States.

(5) Provision of training related to counter-drug activities to personnel of that agency or foreign law enforcement personnel, including associated support expenses for Federal trainees and such materials necessary to accomplish the training.

(6) Provision of training related to State and local law enforcement personnel, with the concurrence of the head of the Bureau of State and Local Affairs in the Office of National Drug Control Policy, including the associated support expenses for trainees and such material as necessary to accomplish the training.

(7) Construction of roads and fences and installation of lighting to block drug smuggling corridors across international boundaries of the United States.

PART F—MISCELLANEOUS

SEC. 361. STAFF OF THE ASSISTANT SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS AND LOW INTENSITY CONFLICT.

(a) REQUIREMENT FOR INCREASED STAFF.—The Secretary of Defense shall increase the permanent staff of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict in accordance with this section.

(b) SIZE OF STAFF.—On and after June 30, 1991, the number of employees of the Department of Defense assigned or detailed to duty to assist the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict in the performance of the functions of the Assistant Secretary may not be less than the equivalent of 82 full-time employees.

(c) NUMBER OF SENIOR EXECUTIVES.—Eight of the employee positions designated for the staff of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict shall be Senior Executive Service positions, as defined in section 3132(a) of title 5, United States Code.

(d) INCREASE IN TOTAL NUMBER OF DEPARTMENT OF DEFENSE EMPLOYEES NOT AUTHORIZED.—This section does not authorize an increase in the number of civilian employees that may be employed by the Department of Defense.

(e) ASSESSMENT OF STAFF NEEDS.—The Secretary of Defense shall provide for an assessment, by an organization outside the Department of Defense, of the staff requirements of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict. The Secretary shall submit the results of that assessment to the Congress not later than 180 days after the date of the enactment of this Act, together with such comments and recommendations as the Secretary considers appropriate.

SEC. 362. REDUCTION IN NUMBER OF CIVILIAN EMPLOYEES OF INDUSTRIAL- OR COMMERCIAL-TYPE ACTIVITIES.

(a) ESTABLISHMENT OF PRIORITIES.—The Secretary of Defense shall establish priorities for future reductions in the number of civilian employees of the Department of Defense who are employed by industrial-type activities or commercial-type activities described in section 2208 of title 10, United States Code. The Secretary shall comply with the following sequence in preparing such priorities:

(1) Employees who are foreign nationals are to be separated before employees who are United States citizens.

(2) Overseas employees are to be separated before employees in the United States.

(3) Overhead and administrative positions in headquarters or field operating agencies are to be reduced before employment positions in local installations.

(4) Overhead, indirect, and administrative positions are to be reduced before direct production positions.

(b) MASTER PLANS.—Each Department of Defense organization that employs persons referred to in subsection (a) and proposes a furlough for, or a reduction in, such employees shall submit to Congress a five-year civilian personnel master plan that includes the following:

(1) A listing of all activities within the organization and their missions.

(2) Demographic information on each activity, including number and type (overhead, administrative, or direct labor) of such personnel.

(3) Workload requirements for each activity for the three-year period preceding the date of the submission of the plan.

(4) An analysis of the number of employees necessary to accomplish the projected workload at each activity.

(5) A summary of the factors used by management to determine the size and location of the proposed furlough or reduction in force.

(c) EXCEPTION.—The Secretary of Defense may permit deviations from the priorities established under subsection (a) or a master plan prepared under subsection (b) if the Secretary determines that such deviation is critical to the national security of the United States. The Secretary shall immediately notify the Congress of any such deviation and the reasons for such deviation.

SEC. 363. ARMY RELIABILITY CENTERED-INSPECT AND REPAIR ONLY AS NECESSARY PROGRAM AT ANNISTON ARMY DEPOT.

The Secretary of the Army may operate and maintain an Army Reliability Centered-Inspect and Repair Only as Necessary Program at Anniston Army Depot in Anniston, Alabama.

SEC. 364. SUPPORT FOR DEFENSE CONVERSION CENTER.

(a) DEMONSTRATION GRANT.—The Secretary of Defense shall make a grant as provided in subsection (b) to the Defense Conversion Center, Aquidneck 2000, located in the State of Rhode Island to support the efforts of the center in providing information to defense contractors regarding the conversion from military to civilian production or activities.

(b) AMOUNT AND SOURCE OF GRANT.—The grant required under subsection (a) may not exceed $50,000 and shall be made from funds available to the Secretary during fiscal year 1991 to carry out section 2391(b) of title 10, United States Code.

PART G—STUDIES AND REPORTS

SEC. 371. AUTHORIZATION FOR SHORT-TERM LEASE OF AIRCRAFT FOR INITIAL ENTRY ROTORY WING PILOT TRAINING AND STUDY REGARDING LONG-TERM LEASE.

(a) AUTHORIZATION.—(1) The Secretary of the Army may enter into a contract described in paragraph (2) for the lease of aircraft for initial entry helicopter pilot training to determine if the cost of leasing, operating, and maintaining such aircraft is less than the projected cost of operating and maintaining existing aircraft of the Army for the same purpose.

(2) A contract referred to in paragraph (1) is a contract other than a contract—

(A) described in subsection (a)(1)(A) of section 2401 of title 10, United States Code; or

(B) containing terms described in subsection (a)(1)(B) of that section.

(b) STUDY.—In addition to the short-term lease authorized under subsection (a), the Secretary of Defense shall prepare the analysis required under section 2401(e)(1) of title 10, United States Code, preparatory to requesting under that section an authorization of a long-term lease or charter of aircraft for initial entry helicopter pilot training or for an authorization of a lease or charter of aircraft for such purpose which provides for a substantial termination liability on the part of the United States.

SEC. 372. STUDY OF TRANSPORTATION OPTIONS FOR OBSOLETE CHEMICAL WEAPONS LOCATED AT CERTAIN MILITARY INSTALLATIONS.

(a) STUDY REQUIRED.—The Secretary of the Army shall prepare a study of the feasibility of safely removing and transporting obsolete chemical weapons stored at the military installations described in subsection (b) to another site at which the incineration of such weapons will not pose a threat to densely populated areas. Such study shall be submitted to Congress not later than September 30, 1991.

(b) INSTALLATIONS INCLUDED IN STUDY.—The military installations referred to in subsection (a) are the Aberdeen Proving Ground in the State of Maryland and the Lexington-Blue Grass Army Depot in the State of Kentucky.

SEC. 373. REPORT ON ESTABLISHING NEW NAVAL RESERVE TRAINING CENTER AT NEWPORT, RHODE ISLAND.

Not later than six months after the date of the enactment of this Act, the Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the desirability of establishing a new Naval Reserve Training Center within the Naval Education and Training Center at Newport, Rhode Island, to serve as the principal Naval Reserve training center on the East Coast for surface warfare. The report shall consider the desirability of including within the training facilities of such a Reserve Training Center the FF-1052 frigates stationed as of the date of the enactment of this Act at the Naval Education and Training Center at Newport, Rhode Island, and of planning for the use of those frigates in the event of a mobilization.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

PART A—ACTIVE FORCES

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1991, as follows:

(1) The Army, 675,669.

(2) The Navy, 570,501.

(3) The Marine Corps, 192,235.

(4) The Air Force, 508,500.

SEC. 402. REDUCTION IN THE AUTHORIZED END STRENGTH FOR THE NUMBER OF MILITARY PERSONNEL IN EUROPE.

(a) REDUCTION REQUIRED.—Subsection (c)(1) of section 1002 of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note), is amended by striking out "326,414" in the first sentence and inserting in lieu thereof "261,855".

(b) WAIVER AUTHORITY.—Such subsection is further amended by adding at the end the following new sentences: "The President may exceed the permanent ceiling in any year by a number equal to not more than

50,000 if the President determines that the national security interests of the United States require such action. Whenever the President exercises such authority, the President shall inform the Congress of the number by which the end strength level exceeds the ceiling and the reasons for the exercise of such authority.".

(c) EFFECTIVE DATE AND CONFORMING AMENDMENT.—(1) The amendments made by this section shall take effect on September 30, 1991.

(2) Section 911 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1523) is repealed.

PART B—RESERVE FORCES

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) AUTHORIZATIONS.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1991, as follows:

(1) The Army National Guard of the United States, 457,300.

(2) The Army Reserve, 318,700.

(3) The Naval Reserve, 153,400.

(4) The Marine Corps Reserve, 43,900

(5) The Air National Guard of the United States, 117,036.

(6) The Air Force Reserve, 85,591.

(7) The Coast Guard Reserve, 12,700.

(b) WAIVER AUTHORITY.—The Secretary of Defense may vary an 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 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 strength 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, 1991, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 26,199.

(2) The Army Reserve, 13,344.

(3) The Naval Reserve, 22,997.

(4) The Marine Corps Reserve, 2,401.

(5) The Air National Guard of the United States, 8,468.

(6) The Air Force Reserve, 655.

PART C—MILITARY TRAINING STUDENT LOADS

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.

(a) FISCAL YEAR 1991.—For fiscal year 1991, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 74,382.

(2) The Navy, 66,173.

(3) The Marine Corps, 23,236.

(4) The Air Force, 27,179.

(5) The Army National Guard of the United States, 16,611.

(6) The Army Reserve, 15,337.

(7) The Naval Reserve, 3,112.

(8) The Marine Corps Reserve, 3,520.

(9) The Air National Guard of the United States, 2,765.

(10) The Air Force Reserve, 1,628.

(b) ADJUSTMENTS.—The average military student loads authorized in subsection (a) shall be adjusted consistent with the end strengths authorized in parts A and B. The Secretary of Defense shall prescribe the manner in which such adjustment shall be apportioned.

PART D—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL FOR FISCAL YEAR 1991.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1991 a total of $78,253,700,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1991.

PART E—OTHER PERSONNEL STRENGTH MATTERS

SEC. 441. FLAG AND GENERAL OFFICERS.

Section 526 of title 10, United States Code, is amended by striking out the period at the end and inserting in lieu thereof "before October 1, 1995, and may not exceed 845 on and after October 1, 1995.".

SEC. 442. TEST OF CADRE CONCEPT.

(a) TEST.—The Secretary of the Army shall place at least one active Army division in so-called "cadre status" by the end of fiscal year 1992. That division shall be used as a Reserve training division.

(b) REPORT.—The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on how the Secretary plans to implement the test program. The report shall include a request for any legislative changes that the Secretary considers necessary to carry out the test program and shall be submitted not later than February 1, 1991.

TITLE V—MILITARY PERSONNEL

PART A—PERSONNEL READJUSTMENT BENEFITS

SEC. 501. SEPARATION PAY.

(a) AUTHORITY FOR SEPARATION PAY FOR REGULAR ENLISTED MEMBERS.—Section 1174 of title 10, United States Code, is amended—

(1) by inserting "REGULAR OFFICERS.—(1)" in subsection (a) after "(a)";

(2) by redesignating subsection (b) as paragraph (2) of subsection (a); and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) REGULAR ENLISTED MEMBERS.—(1) A regular enlisted member of an armed force who is discharged involuntarily or as the result of the denial of the reenlistment of the member and who has completed six or more, but less than 20, years of active service immediately before that discharge is entitled to separation pay computed under subsection (d) unless the Secretary concerned determines that the conditions under which the member is discharged do not warrant payment of such pay.

"(2) Separation pay of an enlisted member shall be computed under paragraph (1) of subsection (d), except that such pay shall be computed under paragraph (2) of such subsection in the case of a member who is discharged under criteria prescribed by the Secretary of Defense.".

(b) PERIOD OF SERVICE REQUIRED FOR ELIGIBILITY.—Such section is further amended—

(1) by striking out "five or more" in subsection (a)(2) (as redesignated by subsection (a)(2) of this section) and in subsection (c)(1) and inserting in lieu thereof "six or more"; and

(2) by striking out "at least five years" in subsection (c)(3) and inserting in lieu thereof "at least six years".

(c) REPEAL OF LIMITATION ON AMOUNT OF SEPARATION PAY.—(1) Subsection (d) of such section is amended—

(A) by striking out "or $30,000, whichever is less" in paragraph (1); and

(B) by striking out ", but in no event more than $15,000".

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

(A) by striking out "(1)" after "(g)"; and

(B) by striking out paragraph (2).

(d) LIMITATION FOR MEMBERS DISCHARGED DURING INITIAL PERIOD OF SERVICE.—Subsection (e) of such section is amended—

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

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) is discharged or released from active duty during an initial term of enlistment or an initial period of obligated service;".

(e) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), subsection (b) of section 1174 of title 10, United States Code, as added by subsection (a), and the amendments made by subsections (b), (c), and (d) shall apply with respect to a member of the Armed Forces who is discharged, or released from active duty, after September 30, 1990.

(2) The amendments made by subsection (b) shall not apply in the case of a member (other than a regular enlisted member) of the Armed Forces who (A) is serving on active duty on September 30, 1990, (B) is discharged, or released from active duty, after that date; and (C) on that date has five or more, but less than six, years of active service in the Armed Forces.

(f) CONFORMING CROSS-REFERENCE AMENDMENTS.—(1) Section 1186(c) of title 10, United States Code, is amended by striking out "section 1174(b)" and inserting in lieu thereof "section 1174(a)(2)".

(2) Section 6383(h) of such title is amended by striking out "section 1174(a)" and inserting in lieu thereof "section 1174(a)(1)".

(g) TECHNICAL AMENDMENTS.—(1) Subsection (a) of section 1174 of such title (as amended by subsection (a) of this section) is further amended—

(A) by striking out "or release"; and

(B) by striking out ", under section 564" and all that follows through "Management Act" and inserting in lieu thereof "or under section 564 or 6383 of this title".

(2) Subsection (c)(1) of such section is amended by striking out "after September 14, 1981,".

(h) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) by inserting "OTHER MEMBERS.—" in subsection (c) after "(c)";

(2) by inserting "AMOUNT OF SEPARATION PAY.—" in subsection (d) after "(d)";

(3) by inserting "EXCEPTIONS TO ELIGIBILITY.—" in subsection (e) after "(e)";

(4) by inserting "COUNTING FRACTIONAL YEARS OF SERVICE.—" in subsection (f) after "(f)";

(5) by inserting "COORDINATION WITH OTHER SEPARATION OR SEVERANCE PAY BENEFITS.—" in subsection (g) after "(g)";

(6) by inserting "COORDINATION WITH RETIRED OR RETAINER PAY AND DISABILITY COMPENSATION.—" in subsection (h) after "(h)"; and

(7) by inserting "REGULATIONS; CREDITING OF OTHER COMMISSIONED SERVICE.—" in subsection (i) after "(i)".

SEC. 502. OTHER TRANSITION BENEFITS AND SERVICES.

(a) BENEFITS AND SERVICES.—(1) Part II of subtitle A of title 10, United States Code, is amended by inserting after chapter 57 the following new chapter:

"CHAPTER 58—BENEFITS AND SERVICES FOR MEMBERS BEING SEPARATED OR RECENTLY SEPARATED

"Sec.
"1141. Office of Transition Assistance.
"1142. Involuntary separation defined.
"1143. Preseparation counseling.
"1144. Employment assistance: Department of Defense.
"1145. Employment assistance, job training assistance, and other transitional services: Department of Labor.
"1146. Health benefits.
"1147. Commissary and exchange benefits.
"1148. Use of military family housing.
"1149. Relocation assistance for personnel overseas.
"1150. Excess leave and permissive temporary duty.
"1151. Affiliation with Guard and Reserve units: waiver of certain limitations.

"§ 1141. Office of Transition Assistance

"The Secretary of Defense shall establish within the Office of the Secretary of Defense a Military Personnel Readjustment Assistance Office. The head of the office shall develop and coordinate Department of Defense programs designed to assist members of the armed forces and their dependents in readjusting to civilian life after discharge or release from active duty and shall act on behalf of the Department in coordinating benefits and services for such personnel and their dependents with benefits and services provided by other department and agencies of the United States.

"§ 1142. Involuntary separation defined

"A member of the Army, Navy, Air Force, or Marine Corps shall be considered to be involuntarily separated for purposes of this chapter if the member was on active duty or full-time National Guard duty on September 30, 1990, and—

"(1) in the case of a regular officer (other than a retired officer), the officer is involuntarily discharged under other than adverse conditions, as characterized by the Secretary concerned;

"(2) in the case of a reserve officer who is on the active-duty list or, if not on the active-duty list, is on full-time active duty (or in the case of a member of the National Guard, full-time National Guard duty) for the purpose of organizing, administering, recruiting, instructing, or training the reserve components, the officer is involuntarily discharged or released from active duty or full-time National Guard (other than a release from active duty or full-time National Guard duty incident to a transfer to retired status) under other than adverse conditions, as characterized by the Secretary concerned;

"(3) in the case of a regular enlisted member serving on active duty, the member is (A) denied reenlistment, or (B) involuntarily discharged under other than adverse conditions, as characterized by the Secretary concerned; and

"(4) in the case of a reserve enlisted member who is on full-time active duty (or in the case of a member of the National Guard, full-time National Guard duty) for the purpose of organizing, administering, recruiting, instructing, or training the reserve components, the member (A) is denied reenlistment, or (B) is involuntarily discharged or released from active duty (or full-time National Guard) under other than adverse conditions, as characterized by the Secretary concerned.

"§ 1143. Preseparation counseling

"(a) REQUIREMENT.—Upon the discharge or release from active duty of a member of the armed forces, the Secretary concerned shall provide for individual preseparation counseling of the member. A notation of the provision of such counseling with respect to each matter specified in subsection (b), signed by the member, shall be placed in the service record of each member receiving such counseling. In carrying out this section, the Secretary concerned may use the services available under section 1145 of this title.

"(b) MATTERS TO BE COVERED BY COUNSELING.—Counseling shall include the following:

"(1) A discussion of the educational assistance benefits to which the member is entitled under the Montgomery GI Bill and other educational assistance programs because of the member's service in the armed forces.

"(2) An explanation of the procedures for and advantages of affiliating with the Selected Reserve.

"(3) Information concerning Government and private-sector programs for job search and job placement assistance.

"(4) If the member has a spouse, job placement counseling for the spouse;

"(5) Information concerning the availability of relocation assistance services and other benefits and services available to persons leaving military service, as provided under section 1145 of this title.

"(6) Information concerning the availability of medical and dental coverage following separation from active duty, including the opportunity to elect into the conversion health policy provided under section 1146 of this title.

"(7) Counseling (for the member and dependents) on the effect of career change on individuals and their families.

"(8) Financial planning assistance.

"§ 1144. Employment assistance: Department of Defense

"(a) EMPLOYMENT SKILLS VERIFICATION.—The Secretary of Defense shall provide to members of the armed forces under the jurisdiction of the Secretary who are discharged or released from active duty a certification or verification of any job skills and experience acquired while on active duty that may have application to employment in the civilian sector. The preceding sentence shall be carried out in conjunction with the Secretary of Labor.

"(b) EMPLOYMENT ASSISTANCE CENTERS.—The Secretary of Defense shall establish permanent employment assistance centers at appropriate military installations.

"(c) EMPLOYMENT PREFERENCE BY NONAPPROPRIATED FUND INSTRUMENTALITIES.—The Secretary of Defense shall take such steps as necessary to provide that members of Army, Navy, Air Force, or Marine Corps who are involuntarily separated, and the dependents of such members, shall be provided a preference in hiring by nonappropriated fund instrumentalities of the Department. Such preference shall be administered in the same manner as the preference for military spouses provided under section 806(a)(2) of the Military Family Act of 1985, except that a preference under that section shall have priority over a preference under this subsection. A person may receive a preference in hiring under this subsection only once.

"§ 1145. Employment assistance, job training assistance, and other transitional services: Department of Labor

"(a) IN GENERAL.—(1) The Secretary of Labor, in conjunction with the Secretary of Defense and the Secretary of Veterans Affairs, shall establish and maintain a program to furnish transition counseling, employment, and placement assistance training and other information and services to members of the armed forces under the jurisdiction of the Secretary of a military department who are being separated from active duty and the spouses of such members. Such services shall be provided to a member during the 180-day period before the member is separated from active duty.

"(2) The Secretary of Defense and the Secretary of Veterans Affairs shall cooperate with the Secretary of Labor in establishing and maintaining the program under this section.

"(3) The Secretaries referred to in paragraph (1) shall enter into a detailed agreement to carry out this section. The agreement shall be entered into no later than 60 days after the date of the enactment of this section.

"(b) ELEMENTS OF PROGRAM.—In establishing and carrying out a program under this section, the Secretary of Labor shall do the following:

"(1) Provide information concerning employment and training assistance, including (A) labor market information, (B) civilian work place requirements and employment opportunities, (C) instruction in resume preparation, and (D) job analysis techniques, job search techniques, and job interview techniques.

"(2) In providing information under paragraph (1), use experience obtained from implementation of the pilot program established under section 408 of Public Law 101-237.

"(3) Provide information concerning Federal, State, and local programs, and programs of military and veterans service organization, that may be of assistance to such members after separation from the Armed Forces, including, as appropriate, the information and services to be provided under section 1143 of this title.

"(4) Assure such members obtain from the Department of Defense under section 1144(a) of this title proper certification or verification of job skills and experience ac-

quired while on active duty that may have application to employment in the civilian sector for use in seeking civilian employment and in obtaining job search skills.

"(5) Provide procedures to release the names of such members and their spouses (with the consent of such members and spouses) to civilian employers, organizations, and other entities for the purpose of assisting such members and spouses in locating civilian employment opportunities.

"(6) Provide counseling and other assistance to such members in their efforts to procure loans and grants from the Small Business Administration and other Federal, State, and local agencies.

"(7) Provide information about the areas in which such members will relocate after separation from the armed forces, including information about employment opportunities, the labor market, and the cost of living in such area (including the cost and availability of housing, child care, education, and medical and dental care).

"(8) Work with military and veterans' service organizations and other appropriate organizations in promoting and publicizing job fairs for such members.

"(c) PARTICIPATION.—The Secretary of Defense shall encourage and otherwise promote maximum participation by members of the armed forces eligible for assistance under the program carried out under this section.

"(d) USE OF PERSONNEL AND ORGANIZATIONS.—In carrying out the program established under this section, the Secretaries may—

"(1) provide, as the case may be, for the use of disabled veterans outreach program specialists, local veterans' employment representatives, and other employment service personnel of the Department of Labor;

"(2) use military and civilian personnel of the Department of Defense;

"(3) use personnel of the Veterans Benefits Administration of the Department of Veterans Affairs and other appropriate personnel of that Department;

"(4) use representatives of military and veterans' service organizations;

"(5) enter into contracts with public or private entities; and

"(6) take other necessary action to develop and furnish the information and services to be provided under this section.

"(e) FUNDING.—(1) There is authorized to be appropriated to the Department of Labor to carry out this section $9,000,000 for each of fiscal years 1991, 1992, and 1993.

"(2) There is authorized to be appropriated to the Department of Veterans Affairs to carry out this section $4,000,000 for each of fiscal years 1991, 1992, and 1993.

"§ 1146. Health benefits

"(a) TRANSITIONAL HEALTH CARE.—(1) For the applicable time period described in paragraph (2), a member of the armed forces who is involuntarily separated from active duty during the five-year period beginning on October 1, 1990 (and the dependents of the member), shall be entitled to receive—

"(A) medical and dental care under section 1076 of this title in the same manner as a dependent described in subsection (a)(2) of such section; and

"(B) health benefits contracted under the authority of section 1079(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.

"(2) Transitional health care shall be available under subsection (a) for a specified time period beginning on the date on which the member is involuntarily separated as follows:

"(A) For members involuntarily separated with less than six years of active service, 60 days.

"(B) For members involuntarily separated with six or more years of active service, 120 days.

"(b) CONVERSION HEALTH POLICIES.—(1) The Secretary of Defense shall inform each member referred to in subsection (a) before the date of the member's discharge or release from active duty of the availability for purchase by the member of a conversion health policy for the member and the dependents of that member.

"(2) If a member referred to in subsection (a) purchases a conversion health policy during the period applicable to the member (or within a reasonable time after that period as prescribed by the Secretary of Defense), the Secretary shall provide health care, or pay the costs of health care provided, to the member and the dependents of the member—

"(A) during the one-year period beginning on the date on which coverage under the conversion health policy begins; and

"(B) for a condition (including pregnancy) that exists on such date and for which care is not provided under the policy solely on the grounds that the condition is a preexisting condition.

"(3) The Secretary of Defense may arrange for the provision of health care described in paragraph (2) through a contract with the insurer offering the conversion health policy.

"(c) HEALTH CARE FOR CERTAIN SEPARATED MEMBERS NOT OTHERWISE ELIGIBLE.—(1) Consistent with the authority of the Secretary concerned to designate certain classes of persons as eligible to receive health care at a military medical facility, the Secretary concerned should consider authorizing, on an individual basis in cases of hardship, the provision of that care for a member who is separated from the armed forces during the five-year period beginning on October 1, 1990, and is ineligible for transitional health care under subsection (a) or does not obtain a conversion health policy (or a dependent of the member).

"(2) The Secretary concerned shall give special consideration to requests for such care in cases in which the condition for which treatment is required was incurred or aggravated by the member or the dependent before the date of the separation of the member, particularly if the condition is a result of the particular circumstances of the service of the member.

"(d) DEFINITION.—In this section, the term 'conversion health policy' means a health insurance policy with a private insurer, developed through negotiations between the Secretary of Defense and a private insurer, that is available for purchase by or for the use of a person who is no longer a member of the armed forces or a covered beneficiary.

"§ 1147. Commissary and exchange benefits

"The Secretary of Defense shall prescribe regulations to allow a member of the armed forces who is involuntarily separated from active duty during the five-year period beginning on October 1, 1990, to continue to use commissary and exchange stores during the two-year period beginning on the date of the involuntary separation of the member in the same manner as a member on active duty.

"§ 1148. Use of military family housing

"(a) TRANSITION FOR INVOLUNTARILY SEPARATED MEMBERS.—The Secretary of a military department may, pursuant to regulations prescribed by the Secretary of Defense, permit individuals who are involuntarily separated during the five-year period beginning on October 1, 1990, to continue for not more than 180 days after the date of such separation to reside (along with other members of the individual's household) in military family housing provided or leased by the Department of Defense to such individual as a member of the armed forces.

"(b) RENTAL CHARGES.—The Secretary concerned, pursuant to such regulations, shall require a reasonable rental charge for the continued use of military family housing under subsection (a), except that such Secretary may waive all or any portion of such charge in any case of hardship.

"§ 1149. Relocation assistance for personnel overseas

"(a) IN GENERAL.—The Secretary of Defense shall develop a program specifically to assist members of the armed forces stationed overseas who are preparing for discharge or release from active duty, and the dependents of such members, in readjusting to civilian life. The program shall focus on the special needs and requirements of such members and dependents due to their overseas locations and shall include, to the maximum extent possible, computerized job relocation assistance and job search information.

"(b) PILOT PROGRAM.—During fiscal year 1991, the Secretary shall carry out the program required by subsection (a) at not less than 10 military installations located outside the United States.

"§ 1150. Excess leave and permissive temporary duty

"Under regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned shall grant a member of the armed forces who is to be involuntarily separated such excess leave (for a period not in excess of 30 days), or such permissive temporary duty (for a period not in excess of 10 days), as the member requires in order to facilitate the member's carrying out necessary relocation activities (such as job search and residence search activities), unless to do so would interfere with military missions.

"§ 1151. Affiliation with Guard and Reserve units: waiver of certain limitations

"An individual who is involuntarily separated from the Armed Forces during the five-year period beginning on October 1, 1990, and who within 12-months after such separation becomes a member of a National Guard or Reserve unit may remain a member of that unit for up to three years without regard to otherwise applicable strength limitations or limitations with respect to grade or military occupational qualifications. However, the total number of members carried in units of any reserve component without regard to otherwise applicable strength limitations during any fiscal year (under authority of the preceding sentence) may not exceed 10 percent of the otherwise authorized total strength for that reserve component for that fiscal year.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part II of subtitle A, of such title are amended by inserting after the item relating to chapter 57 the following new item:

"58. Benefits and Services for Members Being Separated or Recently Separated..... 1141".

(b) CONFORMING AMENDMENTS.—(1) Section 1046 of such title is repealed.

(2) The table of sections at the beginning of chapter 53 of such title is amended by striking out the item relating to section 1046.

(c) EFFECTIVE DATE.—Chapter 58 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1990.

(d) IMPLEMENTATION REPORTS.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress a report setting forth the agreement entered into to carry out section 1145 of title 10, United States Code, as added by subsection (a). The report shall include a detailed description of the responsibilities of the Secretary of Labor, the Secretary of Defense, and the Secretary of Veterans Affairs in carrying out that section and of the steps that have been taken to carry out those responsibilities.

(2) Not later than one year after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress a report containing a detailed evaluation of the program carried out under that section to that date.

(3) The reports under paragraphs (1) and (2) shall be prepared in consultation with the Secretary of Defense and the Secretary of Labor.

SEC. 503. TRAVEL AND TRANSPORTATION ALLOWANCES RELATING TO MEMBERS INVOLUNTARILY SEPARATED.

(a) MEMBERS.—(1) Subsection (c)(1) of section 404 of title 37, United States Code, is amended—

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

(B) by inserting "or" at the end of subparagraph (B);

(C) by inserting after subparagraph (B) the following:

"(C) is involuntarily separated from active duty during the five-year period beginning on October 1, 1990," and

(D) by inserting "involuntarily separated," after "placed on that list," in the material following the subparagraphs.

(2) Subsection (f)(2)(B) of such section is amended—

(A) by striking out "or" at the end of clause (iii);

(B) by striking out the period at the end of clause (iv) and inserting in lieu thereof "; or"; and

(C) by adding at the end the following:

"(v) who is involuntarily separated from active duty during the five-year period beginning on Octo- ber 1, 1990.".

(3) Such section is further amended by adding at the end the following new subsection:

"(j) In this section, the term 'involuntarily separated' has the meaning given that term in section 1142 of title 10.".

(b) DEPENDENTS, BAGGAGE, AND HOUSEHOLD EFFECTS.—(1) Subsection (a)(2)(B) of section 406 of such title is amended—

(A) by striking out "or" at the end of clause (iii);

(B) by striking out the period at the end of clause (iv) and inserting in lieu thereof "; or"; and

(C) by adding at the end the following:

"(v) who is involuntarily separated from active duty during the five-year period beginning on Octo- ber 1, 1990.".

(2) Subsection (g)(1) of such section is amended—

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

(B) by inserting "or" at the end of subparagraph (B);

(C) by inserting after subparagraph (B) the following:

"(C) is involuntarily separated from active duty during the five-year period beginning on October 1, 1990," and

(D) by inserting "involuntarily separated," after "placed on that list," in the material following the subparagraphs.

(3) Subsection (a) of such section is amended by adding at the end the following new paragraph:

"(4) In this section, the term 'involuntarily separated' has the meaning given that term in section 1142 of title 10.".

(c) STORAGE OF HOUSEHOLD EFFECTS.—(1) The Secretary of a military department shall exercise the authority provided by section 406 of title 37, United States Code, to provide nontemporary storage of baggage and household effects for a period not longer than one year in the case of individuals who are involuntarily separated during the five-year period beginning on October 1, 1990.

(2) For purposes of this subsection, the term "involuntarily separated" has the meaning given that term in section 1142 of title 10, United States Code.

SEC. 504. CONTINUATION OF ENROLLMENT IN SCHOOLS OF THE DEFENSE DEPENDENTS' EDUCATION SYSTEM FOR DEPENDENTS OF MEMBERS INVOLUNTARILY SEPARATED.

(a) CONTINUATION OF ENROLLMENT.—Section 1407 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926) is amended—

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

(2) by inserting after subsection (b) the following new subsection:

"(c) CONTINUATION OF ENROLLMENT FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES INVOLUNTARILY SEPARATED.—A member of the Armed Forces serving on active duty on September 30, 1990, who is involuntarily separated during the five-year period beginning on October 1, 1990, and who has a dependent who is enrolled in a school of the defense dependents' education system (or a school for which tuition assistance is provided under subsection (b)) on the date of that separation shall continue to be eligible to enroll that dependent for attendance at that school in the same manner as if the member were still on active duty until—

"(1) in the case of a dependent who on the date of the member's separation is enrolled in or completed the eleventh grade, the earlier of—

"(A) the completion of the secondary education of the dependent; and

"(B) the end of the two-year period beginning on the date of the involuntary separation of the member; and

"(2) in the case of other dependents, the completion of the period of enrollment during which the member is involuntarily separated.".

(b) INVOLUNTARILY SEPARATED DEFINED.—Section 1414 of that Act (20 U.S.C. 932) is amended by adding at the end the following new paragraph:

"(5) The term 'involuntarily separated' has the meaning given that term in section 1142 of title 10, United States Code.".

PART B—VETERANS BENEFITS PROGRAMS

SEC. 511. VETERANS RECRUITMENT APPOINTMENTS.

(a) POLICY.—Section 2014(a)(1) of title 38, United States Code, is amended—

(1) by striking out "It is the policy of the United States" and inserting in lieu thereof the following: "The United States has an obligation to assist veterans of the Armed Forces in readjusting to civilian life. The Federal Government is also continuously concerned with building an effective work force, and veterans constitute a major recruiting source. It is, therefore, the policy of the United States"; and

(2) by striking out "certain veterans of the Vietnam era" and all that follows through the period and inserting in lieu thereof "qualified disabled veterans, veterans of the Vietnam era, and other veterans described in subsection (b)(2) of this section.".

(b) IMPLEMENTATION.—(1) Section 2014(b)(1) of such title is amended—

(A) in the material preceding clause (A)—

(i) by striking out "readjustment" and inserting in lieu thereof "recruitment"; and

(ii) by inserting "veterans of the Vietnam era and other" before "veterans" the first place it appears;

(B) in clause (A), by striking out "up to" and all that follows through the semicolon and inserting in lieu thereof "to any position in the competitive service;"; and

(C) by striking out clauses (B) and (C) and inserting in lieu thereof the following:

"(B) a veteran of the Vietnam era shall be eligible for such an appointment without any time limitation with respect to eligibility for such an appointment;

"(C) a veteran shall be eligible for such an appointment without regard to the number of years of education completed by such veteran;

"(D) a veteran who is entitled to disability compensation under the laws administered by the Secretary or whose discharge or release from active duty was for a disability incurred or aggravated in line of duty shall be given a preference for such an appointment over other veterans;

"(E) any veteran receiving such an appointment shall—

"(i) receive training or education to the extent, if any, considered appropriate by the agency involved; and

"(ii) upon successful completion of the prescribed probationary period, acquire a competitive status; and";

(D) by striking out clauses (E) and (F); and

(E) by redesignating clause (D) as clause (F) and by striking out "; and" at the end of such clause and inserting in lieu thereof a period.

(2) Section 2014(b) of such title is amended by striking out paragraphs (2) through (4) and inserting in lieu thereof the following:

"(2) The other veterans referred to in the material preceding clause (A) of paragraph (1) of this subsection are veterans who first became a member of the Armed Forces or first entered on active duty as a member of the Armed Forces after May 7, 1975, and were discharged or released from active duty under conditions other than dishonorable.

"(3)(A) Except as provided in subparagraph (B) of this paragraph, a veteran described in paragraph (2) of this subsection may receive an appointment under this section only within the five-year period following—

"(i) the date of the veteran's last discharge or release from active duty; or

"(ii) the date of the enactment of the Veterans Recruitment Authority Act of 1990,

whichever is later.

"(B) The five-year limitation in subparagraph (A) of this paragraph shall not apply to any veteran who—

"(i) has a service-connected disability; or

"(ii) has served on active duty in the Armed Forces in a campaign or expedition for which a campaign badge has been authorized.

"(C) For purposes of subparagraph (A)(i) of this paragraph, the last discharge or release from active duty shall not include any discharge or release from active duty of less than 90 days of continuous service unless the individual involved is discharged or released for a service-connected disability, for a medical condition which preexisted such service and which the Secretary determines is not service connected, or for hardship.

"(4) For purposes of carrying out this section, the term 'veterans readjustment appointment' as used in the Executive order referred to in paragraph (1) of this subsection shall be considered to be a veterans recruitment appointment referred to in such paragraph.".

(c) CLERICAL AMENDMENTS.—(1) The heading for chapter 42 of such title is amended striking out "DISABLED AND VIETNAM ERA".

(2) The items for such chapter in the index of parts at the beginning of title 38, United States Code, and at the beginning of part III of such title, are amended by striking out "Disabled and Vietnam Era".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply only to appointments made after the date of the enactment of this Act.

SEC. 512. OPPORTUNITY FOR CERTAIN PERSONNEL TO ENROLL IN MONTGOMERY GI BILL BEFORE BEING INVOLUNTARILY SEPARATED FROM SERVICE.

(a) IN GENERAL.—(1) Subchapter II of chapter 30 of title 38, United States Code, is amended by inserting after section 1418 the following:

"§ 1418A. Opportunity for certain active-duty personnel to enroll before being involuntarily separated from service

"(a) Notwithstanding any other provision of law, an individual who—

"(1) after December 31, 1990, or the end of the 90-day period beginning on the date of the enactment of this section, whichever is later, is involuntarily separated (as such term is defined in section 1142 of title 10) with an honorable discharge;

"(2) before such separation has completed the requirements of a secondary school diploma (or equivalency certificate) or has successfully completed the equivalent of 12 semester hours in a program of education leading to a standard college degree;

"(3) in the case of any individual who has made an election under section 1411(c)(1) or 1412(d)(1) of this title, withdraws such election before such discharge or release pursuant to procedures which the Secretary of each military department shall provide in accordance with regulations prescribed by the Secretary of Defense for the purpose of carrying out this section or which the Secretary of Transportation shall provide for such purpose with respect to the Coast Guard when it is not operating as service in the Navy;

"(4) in the case of any person enrolled in the educational benefits program provided by chapter 32 of this title, makes an irrevocable election, pursuant to procedures referred to in paragraph (3) of this subsection, before such separation to receive benefits under this section in lieu of benefits under such chapter 32; and

"(5) before such separation elects to receive assistance under this section pursuant to procedures referred to in paragraph (3) of this subsection,

is entitled to basic educational assistance under this chapter.

"(b) The basic pay of an individual described in subsection (a) of this section shall be reduced by $1,200.

"(c) A withdrawal referred to in subsection (a)(3) of this section is irrevocable.

"(d)(1) Except as provided in paragraph (3) of this subsection, an individual who is enrolled in the educational benefits program provided by chapter 32 of this title and who makes the election described in subsection (a)(4) of this subsection shall be disenrolled from such chapter 32 program as of the date of such election.

"(2) For each individual who is disenrolled from such program, the Secretary shall refund—

"(A) as provided in section 1623(b) of this title, to the individual the unused contributions made by the individual to the Post-Vietnam Era Veterans Education Account established pursuant to section 1622(a) of this title; and

"(B) except as provided in paragraph (3) of this subsection, to the Secretary of Defense the unused contributions made by such Secretary to the Account on behalf of such individual.

"(3) Any contribution made by the Secretary of Defense to the Post-Vietnam Era Veterans Education Account pursuant to subsection (c) of section 1622 of this title on behalf of any individual referred to in paragraph (1) of this subsection shall remain in such Account to make payments of benefits to such individual under section 1415(e) of this chapter.".

(2) The table of sections at the beginning of chapter 30 of such title is amended by inserting after the item relating to section 1418 the following new item:

"1418A. Opportunity for certain active-duty personnel to enroll before being involuntarily separated from service.".

(b) CONFORMING AMENDMENTS.—(1) Section 1413 of such title is amended—

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

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

"(d) Subject to section 1795 of this title, each individual entitled to educational benefits under section 1418A of this title is entitled to the lesser of—

"(1) 36 months of educational assistance under this chapter (or the equivalent thereof in part-time educational assistance); or

"(2) the number of months of such educational assistance (or such equivalent thereof) that is equal to the number of months served by such individual on active duty.".

(2) Section 1415 of such title is amended—

(A) in subsection (b), by striking out "or 1418" and inserting in lieu thereof ", 1418, or 1418A"; and

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

"(e) In the case of an individual referred to in section 1418A(d)(3) of this title, the Secretary shall increase the rate of the basic educational assistance allowance applicable to such individual in excess of the rate provided under subsection (a) or (b) of this section in a manner consistent with, as determined by the Secretary of Defense, the agreement entered into with such individual pursuant to the rules and regulations issued by the Secretary of Defense under section 1622(c) of this title.".

(3) Section 1435(b) of such title is amended—

(A) in paragraph (1), by striking out "paragraph (2)" and inserting in lieu thereof "paragraphs (2) and (3)"; and

(B) by adding at the end the following:

"(3) Payment for entitlements established under section 1418A of this title shall be made—

"(A) except as provided in subparagraphs (B) and (C) of this paragraph, from the Department of Defense Education Benefits Fund established under section 2006 of title 10;

"(B) in the case of any individual described in section 1418A(a)(3) of this title, from funds appropriated, or otherwise available, to the Department of Veterans Affairs for the payment of readjustment benefits; and

"(C) in the case of the increase in payments made under section 1415(e) of this title, from the Post-Vietnam Era Veterans Education Account established pursuant to section 1622(a) of this title.".

(c) REGULATIONS.—The Secretary of Defense, the Secretary of Transportation, and the Secretaries of the military departments shall prescribe regulations, within 60 days after the date of the enactment of this Act, to carry out section 1418A of title 38, United States Code, as added by subsection (a).

SEC. 513. TECHNICAL AMENDMENTS TO MONTGOMERY GI BILL ACTIVE DUTY PROGRAM.

(a) REASON FOR DISCHARGE.—(1) Subparagraph (A)(ii)(I) of section 1411(a)(1) of title 38, United States Code, is amended—

(A) by striking out "or for" and inserting in lieu thereof "for"; and

(B) by inserting after "hardship" the following: ", or for a physical or mental condition that was not characterized as a disability and did not result from the individual's own willful misconduct but did interfere with the individual's performance of duty, as determined by the Secretary of each military department in accordance with regulations prescribed by the Secretary of Defense or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as service in the Navy".

(2) Subparagraph (B)(ii)(I) of section 1411(a)(1) of such title is amended—

(A) by striking out "or for" and inserting in lieu thereof "for"; and

(B) by inserting after "hardship" the following: ", or for a physical or mental condition that was not characterized as a disability, as described in subparagraph (A)(ii)(I) of this paragraph".

(3) Section 1412(b)(1) of such title is amended—

(A) in subparagraph (A)—

(i) by striking out "or (v)" and inserting in lieu thereof "(v)"; and

(ii) by inserting immediately before the period the following: ", or (vi) for a physical or mental condition that was not characterized as a disability, as described in section 1411(a)(1)(A)(ii)(I) of this title";

(B) in subparagraph (B)(i)—

(i) by striking out "or for" and inserting in lieu thereof ", for"; and

(ii) by inserting immediately before ", if the individual" the following: ", or for a physical or mental condition not characterized as a disability, as described in section 1411(a)(1)(A)(ii)(I) of this title"; and

(C) in subparagraph (B)(ii)—

(i) by striking out "or (V)" and inserting in lieu thereof "(V)"; and

(ii) by inserting immediately before the period the following: ", or (VI) for a physical or mental condition not characterized as a

disability, as described in section 1411(a)(1)(A)(ii)(I) of this title".

(b) INITIAL PERIOD OF DUTY.—Section 1411(d) of such title is amended—

(1) in paragraph (1), by striking out "paragraph (2)" and inserting in lieu thereof "paragraphs (2) and (3)"; and

(2) by adding at the end the following:

"(3) The period of service referred to in paragraph (1) is also any period of service on active duty which an individual in the Selected Reserve was ordered to perform under section 672(d) of title 10 for a period of less than 2 years.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of October 19, 1984.

PART C—DEFENSE OFFICER PERSONNEL MANAGEMENT POLICIES

SEC. 521. OFFICER RETENTION FLEXIBILITY.

(a) IN GENERAL.—(1) Chapter 36 of title 10, United States Code, is amended by inserting after section 638 the following new section:

"§ 638a. Modification to rules for continuation on active duty; enhanced authority for selective early retirement and early discharges

"(a) The Secretary of Defense may authorize the Secretary of a military department, during the five-year period beginning on October 1, 1990, to take any of the actions set forth in subsection (b) with respect to officers of an armed force under the jurisdiction of that Secretary.

"(b) Actions which the Secretary of a military department may take with respect to officers of an armed force when authorized to do so under subsection (a) are the following:

"(1) Shortening the period of the continuation on active duty established under section 637 of this title for a regular officer who is serving on active duty pursuant to a selection under that section for continuation on active duty.

"(2) Providing that regular officers on the active-duty list may be considered for early retirement by a selection board convened under section 611(b) of this title in the case of officers described in any of subparagraphs (A) through (C) as follows:

"(A) Officers in the regular grade of lieutenant colonel or commander who would be subject to consideration for selection for early retirement under section 638(a)(1)(A) of this title except that they have failed of selection for promotion only one time (rather than two or more times).

"(B) Officers in the regular grade of colonel or, in the case of the Navy, captain who would be subject to consideration for selection for early retirement under section 638(a)(1)(B) of this title except that they have served on active duty in that grade less than four years (but not less than two years).

"(C) Officers holding a regular grade below the grade of colonel or, in the case of the Navy, captain who are not eligible for retirement under section 3911, 6323, or 8911 of this title but who after two additional years of active service as a commissioned officer would be eligible for retirement under one of those sections and whose names are not on a list of officers recommended for promotion.

"(3) Suspending section 638(c) of this title.

"(4) Convening selection boards under section 611(b) of this title to consider for discharge regular officers on the active-duty list in a grade below lieutenant colonel or commander—

"(A) who have served at least one year of active duty in the grade currently held;

"(B) whose names are not on a list of officers recommended for promotion; and

"(C) who are not eligible to be retired under any provision of law and are not within two years of becoming so eligible.

"(c) In the case of an action under subsection (b)(2), the Secretary of the military department concerned shall specify the number of officers described in that subsection which a selection board convened under section 611(b) of this title pursuant to the authority of that subsection may recommend for early retirement. Such number may not be more than 30 percent of the number of officers considered in each grade in each competitive category.

"(d)(1) In the case of an action under subsection (b)(4), the Secretary of the military department concerned may submit to a selection board convened pursuant to that subsection—

"(A) the names of all officers described in that subsection in a particular grade and competitive category; or

"(B) the names of all officers described in that subsection in a particular grade and competitive category who also are in particular year groups or specialties, or both, within that competitive category.

"(2) The Secretary concerned shall specify the total number of officers to be recommended for discharge by a selection board convened pursuant to subsection (b)(4). That number may not be more than 30 percent of the number of officers considered—

"(A) in each grade in each competitive category; or

"(B) in each grade, year group, or specialty (or combination thereof) in each competitive category.

"(3) The total number of officers described in subsection (b)(4) from any of the armed forces (or from any of the armed forces in a particular grade) who may be recommended during a fiscal year for discharge by a selection board convened pursuant to the authority of that subsection may not exceed 70 percent of the decrease, as compared to the preceding fiscal year, in the number of officers of that armed force (or the number of officers of that armed force in that grade) authorized to be serving on active duty as of the end of that fiscal year.

"(4) An officer who is recommended for discharge by a selection board convened pursuant to the authority of subsection (b)(4) and whose discharge is approved by the Secretary concerned shall be discharged on a date specified by the Secretary concerned.

"(5) Selection of officers for discharge under this subsection shall be based on the needs of the service.

"(e) The discharge or retirement of an officer pursuant to this section shall be considered to be involuntary for purposes of any other provision of law.".

(2) The table of sections at the beginning of subchapter IV of such chapter is amended by inserting after the item relating to section 638 the following new item:

"638a. Modification to rules for continuation on active duty; enhanced authority for selective early retirement and early discharges.".

(b) CONFORMING AMENDMENTS.—(1) Section 637 of title 10, United States Code, is amended—

(A) by adding at the end of subsection (c) the following new sentence: "The period of the continuation on active duty of an officer under this section may be reduced by the Secretary concerned in the case of any officer as provided in section 638a of this title.";

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

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

"(d) For purposes of this section, a period of continuation on active duty under this section expires or is completed on the earlier of (1) the date originally established for the termination of such period, or (2) the date established for the termination of such period by any shortening of such period under section 638a of this title.".

(2)(A) Subsection (a) of section 638 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) A regular officer on the active-duty list of the Army, Navy, Air Force, or Marine Corps may also be considered for early retirement under the circumstances prescribed in section 638a of this title.".

(B) Subsection (b)(1) of such section is amended by inserting "or section 638a of this title" after "under this section".

SEC. 522. REDUCTION IN TIME-IN-GRADE REQUIREMENT FOR VOLUNTARY RETIREMENT.

Section 1370(a)(2) of title 10, United States Code, is amended—

(1) by inserting "(A)" after "(2)";

(2) by inserting after "not less than three years" at the end of the first sentence the following: ", except that the Secretary of Defense may authorize the Secretary of a military department to reduce such period to a period not less than two years in the case of retirements effective during the five-year period beginning on October 1, 1990"; and

(3) by designating the second sentence as subparagraph (B) and by striking out "the preceding sentence" in that sentence and inserting in lieu thereof "subparagraph (A)".

SEC. 523. REQUIRED LENGTH OF COMMISSIONED SERVICE FOR VOLUNTARY RETIREMENT.

(a) ARMY.—Section 3911 of title 10, United States Code, is amended—

(1) by inserting "(a)" at the beginning of the text of the section; and

(2) by adding at the end the following:

"(b) The Secretary of Defense may authorize the Secretary of the Army, during the five-year period beginning on October 1, 1990, to reduce the requirement under subsection (a) for at least 10 years of active service as a commissioned officer to a period (determined by the Secretary of the Army) of not less than eight years.".

(b) NAVY AND MARINE CORPS.—Section 6323(a) of such title is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) The Secretary of Defense may authorize the Secretary of the Navy, during the five-year period beginning on October 1, 1990, to reduce the requirement under paragraph (1) for at least 10 years of active service as a commissioned officer to a period (determined by the Secretary) of not less than eight years.".

(c) AIR FORCE.—Section 8911 of such title is amended—

(1) by inserting "(a)" at the beginning of the text of the section; and

(2) by adding at the end the following:

"(b) The Secretary of Defense may authorize the Secretary of the Air Force, during the five-year period beginning on October 1, 1990, to reduce the requirement under subsection (a) for at least 10 years of active

service as a commissioned officer to a period (determined by the Secretary of the Air Force) of not less than eight years.".

PART D—OFFICER EDUCATION AND TRAINING

SEC. 531. REDUCTION IN THE NUMBER OF APPOINTMENTS FOR THE CLASS OF A SERVICE ACADEMY ENTERING IN 1991.

(a) REDUCTION REQUIRED.—The number of appointments made for the class entering a service academy in 1991 may not exceed the number that is 100 less than the number of appointments for the class that entered that service academy in 1990. The reduction required by this section may not be achieved by reducing the number of appointments under section 4342(a), 6954(a), or 9342(a) of title 10, United States Code.

(b) SERVICE ACADEMY.—For purposes of this section, the term "service academy" means the United States Military Academy, the United States Naval Academy, or the Air Force Academy.

SEC. 532. MODIFICATION OF THE TEN-YEAR SERVICE OBLIGATION FOR GRADUATES OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) REDUCTION IN REQUIRED ACTIVE-DUTY SERVICE.—Subsection (b) of section 2114 of title 10, United States Code, is amended by striking out "10 years" in the fourth sentence and inserting in lieu thereof "seven years".

(b) RESERVE SERVICE REQUIRED.—Such section is further amended—

(1) in subsection (b), by inserting after the fourth sentence the following new sentence: "Upon completion of, or release from, the active-duty service obligation, a member of the program shall serve in the Ready Reserve until the completion of the commissioned service obligation of the member.";

(2) in subsection (c), by striking out "an active duty obligation" and inserting in lieu thereof "a commissioned service obligation"; and

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

"(f) In this section, the term 'commissioned service obligation' means, with respect to an officer who is a graduate of the University, the period beginning on the date of the appointment of the officer in a regular component after graduation and ending on the tenth anniversary of that appointment.".

(c) CONFORMING AMENDMENT.—Section 511(e) of the National Defense Authorization Act for fiscal years 1990 and 1991 (Public Law 101-189: 103 Stat. 1439) is amended by striking out "the Uniformed Services University of the Health Sciences or".

(d) EFFECTIVE DATE.—The amendment made by subsection (b) shall take effect on December 31, 1991, and shall apply to persons who are first admitted to the Uniformed Services University of the Health Sciences after that date.

SEC. 533. REPEAL OF LIMITATION ON PARTICIPATION OF CERTAIN NATIONAL GUARD PERSONNEL IN MONTGOMERY GI BILL.

Section 2132(d) of title 10, United States Code, is amended by striking out "or full-time National Guard duty".

PART E—MILITARY JUSTICE AMENDMENTS

SEC. 541. PRETRIAL SESSIONS INVOLVING MILITARY JUDGE ACTING ALONE.

(a) IN GENERAL.—Section 839(a) of title 10, United States Code (article 39(a) of the Uniform Code of Military Justice), is amended by adding at the end the following new sentence: "These proceedings may be conducted notwithstanding the number of members of the court and without regard to section 829 of this title (article 29).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply only to a court-martial convened on or after the date of the enactment of this Act.

SEC. 542. CHALLENGES TO MEMBERS OF COURTS-MARTIAL.

(a) CHALLENGES FOR CAUSE WHEN MEMBERSHIP BELOW MINIMUM NUMBER.—Subsection (a) of section 841 of title 10, United States Code (article 41 of the Uniform Code of Military Justice), is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) If exercise of a challenge for cause reduces the court below the minimum number of members required by section 816 of this title (article 16), all parties shall (notwithstanding section 829 of this title (article 29)) either exercise or waive any challenge for cause then apparent against the remaining members of the court before additional members are detailed to the court. However, peremptory challenges shall not be exercised at that time.".

(b) PEREMPTORY CHALLENGES WHEN MEMBERSHIP BELOW MINIMUM NUMBER.—Subsection (b) of such section (article) is amended to read as follows:

"(b)(1) Each accused and the trial counsel are entitled initially to one peremptory challenge of members of the court. The military judge may not be challenged except for cause.

"(2) If exercise of a peremptory challenge reduces the court below the minimum number of members required by section 816 of this title (article 16), the parties shall (notwithstanding section 829 of this title (article 29)) either exercise or waive any remaining peremptory challenge (not previously waived) against the remaining members of the court before additional members are detailed to the court.".

(c) ADDITIONAL PEREMPTORY CHALLENGES WHEN NEW MEMBERS DETAILED.—Such section (article) is further amended by adding at the end the following new subsection:

"(c) Whenever additional members are detailed to the court, and after any challenges for cause against such additional members are presented and decided, each accused and the trail counsel are entitled to one peremptory challenge against members not previously subject to peremptory challenge.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply only to a court-martial convened on or after the date of the enactment of this Act.

PART F—MISCELLANEOUS

SEC. 551. SERVICES BY NOTARIES PUBLIC.

(a) IN GENERAL.—(1) Chapter 53 of title 10, United States Code, is amended by inserting after section 1044 the following new section:

"§ 1044a. Authority to act as notary

"(a) The persons named in subsection (b) have the general powers of a notary public and of a consul of the United States in the performance of all notarial acts to be executed by any of the following:

"(1) Members of any of the armed forces.

"(2) Other persons eligible for legal assistance under the provisions of section 1044 of this title or regulations of the Department of Defense.

"(3) Persons serving with, employed by, or accompanying the armed forces outside the United States and outside Puerto Rico, Guam, and the Virgin Islands.

"(4) Other persons subject to the Uniform Code of Military Justice (chapter 47 of this title) outside the United States.

"(b) Persons with the powers described in subsection (a) are the following:

"(1) All judge advocates on active duty or performing inactive-duty training.

"(2) All civilian attorneys serving as legal assistance officers.

"(3) All adjutants, assistant adjutants, and personnel adjutants on active duty or performing inactive-duty training.

"(4) All other persons on active duty or performing inactive-duty training who are designated by regulations of the armed forces or by statute to have those powers.

"(c) No fee may be paid to or received by any person for the performance of a notarial act authorized in this section.

"(d) The signature of any such person acting as notary, together with the title of that person's offices, is prima facie evidence that the signature is genuine, that the person holds the designated title, and that the person is authorized to perform a notarial act.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044 the following new item:

"1044a. Authority to act as notary.".

(b) CONFORMING AMENDMENTS.—Section 936 of title 10, United States Code (article 136 of the Uniform Code of Military Justice), is amended—

(1) in subsection (a), by striking out ", and have the general powers" and all that follows through "United States" the third place it appears; and

(2) by striking out subsections (c) and (d).

SEC. 552. MEANING OF THE TERM "OFFICE" UNDER SECTION 2071(b) OF TITLE 18, UNITED STATES CODE.

(a) NONAPPLICABILITY TO RETIRED REGULAR OFFICERS OF THE ARMED FORCES.—Section 2071(b) of title 18, United States Code, is amended by adding at the end the following: "As used in this subsection, the term 'office' does not include the office held by any person as a retired regular officer of the Armed Forces of the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as of January 1, 1989.

SEC. 553. EXTENSION TO COAST GUARD OF LAW PROVIDING FOR IDENTIFICATION, TREATMENT, AND REHABILITATION OF MEMBERS OF THE ARMED FORCES WHO ARE DEPENDENT ON DRUGS OR ALCOHOL.

(a) EXTENSION OF CURRENT LAW TO COAST GUARD.—Section 1090 of title 10, United States Code, is amended by inserting ", and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy," after "Secretary of Defense".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1990.

SEC. 554. RESTATEMENT OF LAW RELATING TO ANNUAL PERSONNEL STRENGTH AUTHORIZATIONS, ANNUAL MANPOWER REQUIREMENTS REPORTS, AND ANNUAL NATIONAL GUARD AND RESERVE COMPONENT PROCUREMENT REPORT.

(a) RESTATEMENT OF CURRENT LAW.—Chapter 2 of title 10, United States Code, is amended by striking out section 115 and inserting in lieu thereof the following:

"§ 115. Personnel strengths: requirement for annual authorization

"(a) Congress shall authorize personnel strength levels for each fiscal year for each of the following:

"(1) The end strength for each of the armed forces (other than the Coast Guard) for (A) active-duty personnel who are to be paid from funds appropriated for active-duty personnel, and (B) active-duty personnel and full-time National Guard duty personnel who are to be paid from funds appropriated for reserve personnel.

"(2) The end strength for the Selected Reserve of each reserve component of the armed forces.

"(3) The average military training student loads for each of the armed forces (other than the Coast Guard).

"(4) The end strength for civilian personnel for each component of the Department of Defense.

"(b) No funds may be appropriated for any fiscal year to or for—

"(1) the use of active-duty personnel or full-time National Guard duty personnel of any of the armed forces (other than the Coast Guard) unless the end strength for such personnel of that armed force for that fiscal year has been authorized by law;

"(2) the use of the Selected Reserve of any reserve component of the armed forces unless the end strength for the Selected Reserve of that component for that fiscal year has been authorized by law;

"(3) training military personnel in the training categories described in subsection (d) of any of the armed forces (other than the Coast Guard) unless the average student load of that armed force for that fiscal year has been authorized by law; or

"(4) the use of the civilian personnel of any component of the Department of Defense unless the end strength for civilian personnel of that component for that fiscal year has been authorized by law.

"(c) Upon determination by the Secretary of Defense that such action is in the national interest, the Secretary may—

"(1) increase the end strength authorized pursuant to subsection (a)(1)(A) for a fiscal year for any of the armed forces by a number equal to not more than 0.5 percent of that end strength; and

"(2) increase the end strength authorized pursuant to subsection (a)(1)(B) for a fiscal year for any of the armed forces by a number equal to not more than 2 percent of that end strength.

"(d) In counting active-duty personnel for the purpose of the end-strengths authorized pursuant to subsection (a)(1), persons in the following categories shall be excluded:

"(1) Members of the Ready Reserve ordered to active duty under section 673 of this title.

"(2) Members of the Selected Reserve of the Ready Reserve ordered to active duty under section 673b of this title.

"(3) Members of the National Guard called into Federal service under section 3500 or 8500 of this title.

"(4) Members of the militia called into Federal service under chapter 15 of this title.

"(5) Members of reserve components on active duty for training.

"(6) Members of reserve components on active duty for 180 days or less to perform special work.

"(7) Members on full-time National Guard duty for 180 days or less.

"(e) The authorized strength of the Navy under subsection (a)(1) is increased by the authorized strength of the Coast Guard during any period when the Coast Guard is operating as a service in the Navy.

"(f) Authorization under subsection (a)(3) is not required for unit or crew training student loads, but is required for student loads for the following individual training categories:

"(1) Recruit and specialized training.

"(2) Flight training.

"(3) Professional training in military and civilian institutions.

"(4) Officer acquisition training.

"§ 115a. Annual manpower requirements report

"(a) The Secretary of Defense shall submit to Congress, not later than February 15 of each fiscal year, an annual manpower requirements report. The report shall be in writing and shall contain the Secretary's recommendations for—

"(1) the annual active-duty end-strength level for each component of the armed forces for the next fiscal year; and

"(2) the annual civilian personnel end strength level for each component of the Department of Defense for the next fiscal year.

"(b)(1) The Secretary shall include in each report under subsection (a) justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended for that fiscal year and the national security policies of the United States in effect at the time.

"(2) The justification and explanation shall specify in detail for all major military force units (including each land force division, carrier and other major combatant vessel, air wing, and other comparable unit) the following:

"(A) Unit mission and capability.

"(B) Strategy which the unit supports.

"(C) Area of deployment and illustrative areas of potential deployment, including a description of any United States commitment to defend such areas.

"(3) The justification and explanation shall also specify in detail the manpower required to perform the medical missions of each of the armed forces and of the Department of Defense.

"(c) The Secretary shall include in each report under subsection (a) a detailed discussion of the following:

"(1) The manpower required for support and overhead functions within the armed forces and the Department of Defense.

"(2) The relationship of the manpower required for support and overhead functions to the primary combat missions and support policies.

"(3) The manpower required to be stationed or assigned to duty in foreign countries and aboard vessels located outside the territorial limits of the United States, its territories, and possessions.

"(d) In each such report, the Secretary shall also—

"(1) identify, define, and group by mission and by region the types of military bases, installations, and facilities; and

"(2) provide an explanation and justification of the relationship between this base structure and the proposed military force structure, together with a comprehensive identification of base operating support costs and an evaluation of possible alternatives to reduce those costs.

"(e) The Secretary shall also include in each such report, with respect to each armed force under the jurisdiction of the Secretary of a military department, the following:

"(1) The number of positions that require warrant officers or commissioned officers serving on active duty in each of the officer grades during the current fiscal year and the estimated number of such positions for each of the next five fiscal years.

"(2) The estimated number of officers that will be serving on active duty in each grade on the last day of the current fiscal year and the estimated numbers of officers that will be needed on active duty on the last day of each of the next five fiscal years.

"(3) An estimate and analysis for the current fiscal year and for each of the next five fiscal years of gains to and losses from the number of members on active duty in each officer grade, including a tabulation of—

"(A) retirements displayed by year of active commissioned service;

"(B) discharges;

"(C) other separations;

"(D) deaths;

"(E) promotions; and

"(F) reserve and regular officers ordered to active duty.

"(4) An analysis of the distribution of each of the following categories of officers serving on active duty on the last day of the preceding fiscal year by grade in which serving and years of active commissioned service:

"(A) Regular officers.

"(B) Reserve officers on the active-duty list.

"(C) Reserve officers described in clauses (B) and (C) of section 523(b)(1) of this title.

"(D) Officers other than those specified in subparagraphs (A), (B), and (C) serving in a temporary grade.

"(5) An analysis of the number of officers and enlisted members serving on active duty for training as of the last day of the preceding fiscal year under orders specifying an aggregate period in excess of 180 days and an estimate for the current fiscal year of the number that will be ordered to such duty, tabulated by—

"(A) recruit and specialized training;

"(B) flight training;

"(C) professional training in military and civilian institutions; and

"(D) officer acquisition training.".

"(f) In each such report, the Secretary shall also include recommendations for the average student load for each category of training for each of the armed forces for the next three fiscal years. The Secretary shall include in the report justification for, and explanation of, the average student loads recommended.

"(g)(1) In each such report, the Secretary shall also include recommendations for the end strength levels for medical personnel for each component of the armed forces as of the end of the next fiscal year.

"(2) For purposes of this subsection, the term 'medical personnel' includes—

"(A) in the case of the Army, members of the Medical Corps, Dental Corps, Nurse Corps, Medical Service Corps, Veterinary Corps, and Army Medical Specialist Corps;

"(B) in the case of the Navy, members of the Medical Corps, Dental Corps, Nurse Corps, and Medical Service Corps;

"(C) in the case of the Air Force, members designated as medical officers, dental officers, Air Force nurses, medical service officers, and biomedical science officers;

"(D) enlisted members engaged in or supporting medically related activities; and

"(E) such other personnel as the Secretary considers appropriate.

"§ 115b. Annual report on National Guard and reserve component equipment

"(a) The Secretary of Defense shall submit to the Congress each year, not later than February 15, a written report concerning the equipment of the National Guard and the

reserve components of the armed forces for each of the three succeeding fiscal years.

"(b) Each report under this section shall include the following:

"(1) Recommendations as to the type and quantity of each major item of equipment which should be in the inventory of the Selected Reserve of the Ready Reserve of each reserve component of the armed forces.

"(2) A statement of the quantity and average age of each type of major item of equipment which is expected to be physically available in the inventory of the Selected Reserve of the Ready Reserve of each reserve component as of the beginning of each fiscal year covered by the report.

"(3) A statement of the quantity and cost of each type of major item of equipment which is expected to be procured for the Selective Reserve of the Ready Reserve of each reserve component from commercial sources or to be transferred to each such Selected Reserve from the active-duty components of the armed forces.

"(4) A statement of the quantity of each type of major item of equipment which is expected to be retired, decommissioned, transferred, or otherwise removed from the physical inventory of the Selected Reserve of the Ready Reserve of each reserve component and the plans for replacement of that equipment.

"(5) A listing of each major item of equipment required by the Selected Reserve of the Ready Reserve of each reserve component indicating—

"(A) the full war-time requirement of that component for that item, shown in accordance with deployment schedules and requirements over successive 30-day periods following mobilization;

"(B) the number of each such item in the inventory of the component;

"(C) a separate listing of each such item in the inventory that is a deployable item and is not the most desired item;

"(D) the number of each such item projected to be in the inventory at the end of the third succeeding fiscal year; and

"(E) the number of nondeployable items in the inventory as a substitute for a required major item of equipment.

"(6) A narrative explanation of the plan of the Secretary concerned to provide equipment needed to fill the war-time requirement for each major item of equipment to all units of the Selected Reserve, including an explanation of the plan to equip units of the Selected Reserve that are short of major items of equipment at the outset of war.

"(7) For each item of major equipment reported under paragraph (3) in a report for one of the three previous years under this section as an item expected to be procured for the Selected Reserve or to be transferred to the Selected Reserve, the quantity of such equipment actually procured for or transferred to the Selected Reserve.

"(c) Each report under this section shall be expressed in the same format and with the same level of detail as the information presented in the annual Five Year Defense Program Procurement Annex prepared by the Department of Defense.".

(b) FURTHER RESTATEMENTS OF EXISTING LAW.—(1) Chapter 3 of title 10, United States Code, is amended by inserting after section 123 the following new section:

"§ 123a. Suspension of end-strength limitations in time of war or national emergency

"If at the end of any fiscal year there is in effect a war or national emergency, the President may defer the effectiveness of any end-strength limitation with respect to that fiscal year prescribed by law for any military or civilian component of the armed forces or of the Department of Defense. Any such deferral may not extend beyond November 30 of the following fiscal year. The President shall promptly notify Congress of any deferral of an end-strength limitation under this section.".

(2) Such chapter is further amended by inserting after section 129 the following new section:

"§ 129a. General personnel policy

"The Secretary of Defense shall use the least costly form of personnel consistent with military requirements and other needs of the Department. In developing the annual personnel authorization requests to Congress and in carrying out personnel policies, the Secretary shall—

"(1) consider particularly the advantages of converting from one form of personnel (military, civilian, or private contract) to another for the performance of a specified job; and

"(2) include in each manpower requirements report submitted under section 115a of this title a complete justification for converting from one form of personnel to another.".

(c) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 2 of title 10, United States Code, is amended by striking out the item relating to section 115 and inserting in lieu thereof the following new items:

"115. Personnel strengths: requirement for annual authorization.
"115a. Annual manpower requirements report.
"115b. Annual report on National Guard and reserve component equipment.".

(2) The table of sections at the beginning of chapter 3 of such title is amended—

(A) by inserting after the item relating to section 123 the following new item:

"123a. Suspension of end-strength limitations in time of war or national emergency."; and

(B) by inserting after the item relating to section 129 the following new item:

"129a. General personnel policy.".

SEC. 555. AMENDMENTS TO THE UNIFORMED SERVICES FORMER SPOUSES' PROTECTION ACT.

(a) PROHIBITION OF CERTAIN RETROACTIVE COURT ORDERS.—Subsection (c)(1) of section 1408 of title 10, United States Code, is amended by adding at the end the following new sentence: "A court may not treat retired pay as property in any proceeding to divide or partition any amount of retired pay of a member as the property of the member or the member's spouse or former spouse if a final decree of divorce, dissolution, annulment, or legal separation (including a court ordered, ratified, or approved property settlement incident to such decree) affecting the member and the member's spouse or former spouse (A) was issued before June 25, 1981, and (B) did not treat (or reserve jurisdiction to treat) any amount of retired pay of the member as property of the member and the member's spouse or former spouse.".

(b) REDUCTIONS ALLOWED FOR DETERMINATION OF DISPOSABLE RETIRED PAY.—Subsection (a)(4) of such section is amended—

(1) by striking out the semicolon at the end of subparagraph (A) and inserting in lieu thereof "for previous overpayments of retired pay and for recoupments required by law resulting from entitlement to retired pay;"

(2) by striking out subparagraph (B) and inserting in lieu thereof the following:

"(B) are deducted from the retired pay of such member as a result of forfeitures of retired pay ordered by a court-martial or as a result of a waiver of retired pay required by law in order to receive compensation under title 5 or title 38;";

(3) by striking out subparagraphs (C) and (D); and

(4) by redesignating subparagraphs (E) and (F) as subparagraphs (C) and (D), respectively.

(c) CLARIFICATION OF STATUS OF PAYMENTS TO SPOUSES AND FORMER SPOUSES.—Subsection (c)(2) of such section is amended by adding at the end the following new sentence: "Payments by the Secretary concerned under subsection (d) to a spouse or former spouse with respect to a division of retired pay as the property of a member and the member's spouse under this subsection may not be treated as amounts received as retired pay for service in the uniformed services.".

(d) CLARIFICATION OF LIMITS ON PAYMENTS OF RETIRED PAY.—(1) Paragraph (1) of subsection (e) of such section is amended by striking out "payable under subsection (d)" and inserting in lieu thereof "payable under all court orders pursuant to subsection (c)".

(2) Paragraph (4)(B) of such subsection is amended by striking out "the disposable retired or retainer pay payable to such member" and inserting in lieu thereof "the amount of the retired pay payable to such member that is considered under section 462 of the Social Security Act (42 U.S.C. 662) to be remuneration for employment that is payable by the United States".

(e) EFFECTIVE DATES.—(1) The amendment made by subsection (a) shall apply with respect to judgments issued before, on, or after the date of the enactment of this Act. In the case of a judgement issued before the date of the enactment of this Act, such amendment shall not relieve any obligation, otherwise valid, to make a payment that was required to be made before the date of the enactment of this Act.

(2) The amendments made by subsections (b), (c), and (d) apply with only respect to divorces, dissolutions of marriage, annulments, and legal separations that become effective after the end of the 90-day period beginning on the date of the enactment of this Act.

(f) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) by adding at the end of subsection (a) the following new paragraph:

"(7) The term 'retired pay' includes retainer pay."; and

(2) by striking out "or retainer" each place it appears.

(g) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) by inserting "DEFINITIONS.—" in subsection (a) after "(a)";

(2) by inserting "EFFECTIVE SERVICE OF PROCESS.—" in subsection (b) after "(b)";

(3) by inserting "AUTHORITY FOR COURT TO TREAT RETIRED PAY AS PROPERTY OF THE MEMBER AND SPOUSE.—" in subsection (c) after "(c)";

(4) by inserting "PAYMENTS BY SECRETARY CONCERNED TO SPOUSE OR FORMER SPOUSE.—" in subsection (d) after "(d)";

(5) by inserting "LIMITATIONS.—" in subsection (e) after "(e)";

(6) by inserting "IMMUNITY OF OFFICERS AND EMPLOYEES OF UNITED STATES.—" in subsection (f) after "(f)";

(7) by inserting "NOTICE TO MEMBER OF SERVICE OF COURT ORDER ON SECRETARY CONCERNED.—" in subsection (g) after "(g)"; and

(8) by inserting "REGULATIONS.—" in subsection (h) after "(h)".

SEC. 556. AUTHORITY FOR COMMISSIONED OFFICERS TO SERVE ON INDEPENDENT SCHOOL BOARDS.

Section 973 of title 10, United States Code, is amended—

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

(2) by insertng after subsection (b) the following new subsection (c):

"(c) An officer to whom subsection (b) applies may seek and hold nonpartisan civil office on an independent school board that is located exclusively on a military reservation.".

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

PART A—PAY AND ALLOWANCES

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1991.

(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 1991 shall not be made.

(b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Effective on January 1, 1991, the rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 4.1 percent.

SEC. 602. MODIFICATION OF LIMITATION ON ADJUSTMENTS IN VARIABLE HOUSING ALLOWANCE.

Section 403a of title 37, United States Code, is amended—

(1) in subsection (c)(2), by striking out ", except that the monthly amount" and all that follows through the period at the end and inserting in lieu thereof a period; and

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

"(f) The monthly rate of a variable housing allowance for members of the uniformed services in the same pay grade and dependency status in an area may not be reduced pursuant to subsection (c)(2), a redetermination of median monthly costs of housing under that subsection, or any other law to the extent that the total amount of monthly basic pay, basic allowance for quarters, basic allowance for subsistence, and variable housing allowance for that grade and status is reduced, as a result of such a reduction in variable housing allowance, below the monthly total of those items of pay and allowances for the month preceding the effective date of the most recent increase in the rate of basic pay for that grade.".

PART B—BONUSES AND SPECIAL AND INCENTIVE PAY

SEC. 611. PHYSICIAN SPECIAL PAY.

(a) REMOVAL OF RESTRICTION ON INCENTIVE SPECIAL PAY FOR FLAG AND GENERAL OFFICERS.—Section 302(b)(1) of title 37, United States Code, is amended by striking out "subsection (a)(2)" and inserting in lieu thereof "subsection (a)".

(b) LIMITATION ON TERM OF ACTIVE-DUTY AGREEMENTS.—Active-duty agreements entered into during fiscal year 1991 under section 302(c) of title 37, United States Code, shall be limited to a period of one year.

SEC. 612. EXTENSION OF NURSE INCENTIVE PROGRAMS.

(a) NURSE ACCESSION BONUS.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out "1991," and inserting in lieu thereof "1992,".

(b) SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out "1991," and inserting in lieu thereof "1992,".

(c) NURSE CANDIDATES.—Section 2130a of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking out "1991," and inserting in lieu thereof "1992,"; and

(2) in subsections (a)(2) and (b)(1), by inserting "by the Secretary selecting the person" after "this title".

PART C—MISCELLANEOUS

SEC. 621. DELAY IN EFFECTIVE DATE OF OPTIONAL HIGH-TIER SURVIVOR BENEFIT PLAN COVERAGE AND OPEN ENROLLMENT PERIOD.

The Military Survivor Benefits Improvement Act of 1989 (title XIV of Public Law 101-189) is amended—

(1) in section 1404, by striking out "October 1 1991" in subsections (a)(1), (a)(2), and (b)(3) and inserting in lieu thereof "October 1, 1992"; and

(2) in section 1405, by striking out "October 1, 1991" in subsection (f) and inserting in lieu thereof "October 1, 1992".

TITLE VII—HEALTH CARE PROVISIONS

PART A—HEALTH CARE SERVICES

SEC. 701. PROVISION OF PAP SMEARS AND MAMMOGRAMS UNDER CHAMPUS.

(a) CARE AUTHORIZED.—Section 1079(a)(2) of title 10, United States Code, is amended by inserting before the semicolon the following: ", except that pap smears and mammograms may be provided on a diagnostic or preventive basis".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1990, and shall apply to the provision of pap smears and mammograms under section 1079 or 1086 of title 10, United States Code, on or after that date.

SEC. 702. MENTAL HEALTH SERVICES.

(a) REDUCTION IN AUTHORIZED INPATIENT CARE.—Subsection (a)(6) of section 1079 of title 10, United States Code, is amended by striking out "60 days in any year;" and inserting in lieu thereof "30 days in any year or, in the case of inpatient mental health services provided as residential treatment care, 90 days in any year;".

(b) MANAGEMENT OF MENTAL HEALTH SERVICES.—Subsection (i) of such section is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(2) in subparagraph (B) (as redesignated), by inserting before the semicolon the following: "pursuant to a waiver authorized by the Secretary of Defense because the patient is a spouse or child of a member referred to in subsection (a) who is stationed outside of the United States";

(3) by inserting "(1)" after "(i)"; and

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

"(2) Notwithstanding subsection (b) or section 1086(b) of this title, the Secretary of Defense (after consulting with the other administering Secretaries) may prescribe separate payment requirements (including deductibles, copayments, and catastrophic limits) for the provision of mental health services to persons covered by this section or section 1086 of this title. The payment requirements may vary for different catagories of covered beneficiaries, by type of mental health service provided, and based on the location of the covered beneficiaries.

"(3) Except in the case of an emergency, the Secretary of Defense shall require preadmission authorization before inpatient mental health services may be provided to persons covered by this section or section 1086 of this title. In the case of the provision of emergency inpatient mental health services, approval for the continuation of such services shall be required within 72 hours after admission.".

(c) PLAN FOR REDUCING MENTAL HEALTH SERVICES COSTS.—Not later than February 1, 1991, the Secretary of Defense shall submit to the Congress a plan to reduce the costs incurred by the Department of Defense to provide mental health services under the Civilian Health and Medical Program of the Uniformed Services. The plan shall include a legislative proposal to implement the recommendation of the Secretary.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1991, and shall apply with respect to mental health services provided under section 1079 or 1086 of title 10, United States Code, on or after that date.

SEC. 703. REPEAL OF PROHIBITION ON PAYMENT FOR SERVICES OF PASTORAL COUNSELORS, FAMILY AND CHILD COUNSELORS, AND MARITAL COUNSELORS AS A MEDICAL EXPENSE.

(a) REPEAL OF PROHIBITION.—Section 1079(a)(8) of title 10, United States Code, is amended by striking out "may not be provided" and all that follows through the semicolon and inserting in lieu thereof the following: "may be provided consistent with such rules as may be prescribed by the Secretary of Defense, including credentialing criteria and a requirement that the counselor accept payment under this section as full payment for all services provided;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1990, and shall apply with respect to the services of pastoral counselors, family and child counselors, and marital counselors provided under section 1079 or 1086 of title 10, United States Code, on or after that date.

PART B—HEALTH CARE MANAGEMENT

SEC. 711. LIMITATION ON REDUCTIONS IN MEDICAL PERSONNEL.

(a) LIMITATION ON REDUCTION.—The Secretary of Defense may not reduce the number of medical personnel below the number of such medical personnel serving on September 30, 1989, unless the Secretary of Defense—

(1) certifies to the Congress that—

(A) the number of such personnel being reduced is excess to the current and projected needs of the military departments; and

(B) such reduction will not result in an increase in the cost of health care services provided under the Civilian Health and Medical Program of the Uniformed Services; and

(2) in the case of military personnel, includes in the certification the information specified in subsection (b).

(b) INFORMATION REQUIRED.—A certification made by the Secretary of Defense in compliance with subsection (a)(2) shall include the following:

(1) The strength levels for the individual category of medical personnel involved in the reduction as of September 30, 1989.

(2) The projected requirements of the Department of Defense over the five-fiscal year period following the fiscal year in which the certification is submitted for medical personnel in the category of medical personnel involved in the reduction.

(3) The strength level recommended for each component of the Armed Forces for the most recent fiscal year for which the Secretary submitted recommendations pursuant to section 115(b)(1)(D) of title 10, United States Code, for personnel in the category of medical personnel involved in the reduction.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "medical personnel" has the meaning given that term in section 115a(g)(2) of title 10, United States Code (as added by section 554), except that such term includes civilian personnel of the Department of Defense assigned to military medical facilities.

(2) The term "category of medical personnel" means—

(A) each corps referred to in subparagraphs (A) and (C) of section 115a(g)(2) of such title (as added by section 554);

(B) each designation referred to in subparagraph (B) of such section;

(C) the enlisted personnel referred to in subparagraph (D) of such section; and

(D) other medical personnel designated as medical personnel by the Secretary pursuant to subparagraph (E) of such section, if any.

SEC. 712. INCREASE IN ANNUAL DEDUCTIBLES UNDER CHAMPUS FOR CERTAIN COVERED BENEFICIARIES.

(a) DEPENDENTS COVERED BY SECTION 1079.—(1) Subsection (b)(2) of section 1079 of title 10, United States Code, is amended—

(A) by striking out "$50" and inserting in lieu thereof "$150"; and

(B) by adding at the end the following new sentence: "Notwithstanding the preceding sentence, in the case of a dependent of an enlisted member in a pay grade below E-5, the initial deductible each fiscal year under this paragraph shall be limited to $50.".

(2) Subsection (b)(3) of such section is amended by striking out "$100" and inserting in lieu thereof "$300 (or in the case of the family group of an enlisted member in a pay grade below E-5, the first $100)".

(b) OTHER COVERED BENEFICIARIES.—(1) Subsection (b)(1) of section 1086 of such title is amended by striking out "$50" and inserting in lieu thereof "$150".

(2) Subsection (b)(2) of such section is amended by striking out "$100" and inserting in lieu thereof "$300".

(c) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply to fiscal years beginning after September 30, 1990.

SEC. 713. COLLECTION FROM THIRD-PARTY PAYERS OF REASONABLE COSTS OF HEALTH CARE SERVICES INCURRED ON BEHALF OF RETIRED PERSONS AND DEPENDENTS.

(a) COLLECTION FOR OUTPATIENT CARE.—(1) Subsections (a)(1), (a)(2), (c), (f), and (g) of section 1095 of title 10, United States Code, are each amended by striking out "inpatient hospital care" and inserting in lieu thereof "health care services".

(b) COMPUTATION OF REASONABLE COSTS.—Subsection (f) of such section is further amended—

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

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) all-inclusive per visit rates;

"(3) diagnosis-related groups; or".

(c) ADDITIONAL THIRD-PARTY PAYERS.—Such section is further amended by striking out subsection (h) and inserting in lieu thereof the following new subsections:

"(h) In this section:

"(1) The term 'third-party payer' means an entity that provides an insurance, medical service, or health plan by contract or agreement, including an automobile liability insurance or no fault insurance carrier.

"(2) The term 'insurance, medical service, or health plan' includes a insurance plan described as Medicare supplemental insurance.

"(i)(1) In the case of a third-party payer that is an automobile liability insurance or no fault insurance carrier, the right of the United States to collect under this section shall extend to health care services provided to a person entitled to health care under section 1074(a) of this title.

"(2) In cases in which a tort liability is created upon some third person, collection from a third-party payer that is an automobile liability insurance or no fault insurance carrier shall be governed by the provisions of Public Law 87-693 (42 U.S.C. 2651 et seq.).".

(d) TECHNICAL AND CLERICAL AMENDMENTS.—(1) Such section is further amended—

(A) in subsection (a)(1) (as amended by subsection (a)), by striking out "covered by section 1074(b), 1076(a), or 1076(b) of this title" and inserting in lieu thereof "covered beneficiary"; and

(B) in subsection (a)(2) (as amended by subsection (a)), by striking out "person covered by section 1074(b), 1076(a), or 1076(b) of this title" and inserting in lieu thereof "covered beneficiary".

(2) The heading of such section is amended to read as follows:

"§ 1095. Health care services incurred on behalf of covered beneficiaries: collection from third-party payers".

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

"1095. Health care services incurred on behalf of covered beneficiaries: collection from third-party payers.".

(e) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to health care services provided in a medical facility of the uniformed services after the date of the enactment of this Act, but not with respect to collection under any insurance, medical service, or health plan agreement entered into before the date of the enactment of this Act that the Secretary of Defense determines clearly excludes payment for such services. Such an exception shall apply until the amendment or renewal of such agreement after that date.

SEC. 714. INCREASE IN THE PAY LIMIT FOR PERSONAL SERVICES CONTRACTS FOR DIRECT HEALTH CARE PROVIDERS.

Section 1091(b) of title 10, United States Code, is amended by striking out "basic pay and allowances authorized by chapters 3 and 7 of title 37 for a commissioned officer" and inserting in lieu thereof "basic pay, special and incentive pays and bonuses, and allowances authorized by chapters 3, 5, and 7 of title 37 for a commissioned officer with comparable professional qualifications".

SEC. 715. CONDITIONS ON EXPANSION OF CHAMPUS REFORM INITIATIVE.

(a) CERTIFICATION OF COST-EFFECTIVENESS.—The Secretary of Defense may not proceed with the proposed expansion of the CHAMPUS reform initiative underway in the States of California and Hawaii until not less than 90 days after the date on which the Secretary certifies to the Congress that—

(1) such CHAMPUS reform initiative has been demonstrated to be more cost-effective than the Civilian Health and Medical Program of the Uniformed Services or any other health care demonstration program being conducted by the Secretary;

(2) the contractor selected to underwrite the delivery of health care under the CHAMPUS reform initiative will accomplish the expansion without the disruption of services to beneficiaries under the Civilian Health and Medical Program of the Uniformed Services or delays in the processing of claims; and

(3) such contractor is currently, and projected to remain, financially able to underwrite the CHAMPUS reform initiative.

(b) REPORT ON CERTIFICATION.—Not later than 30 days after the date on which the Secretary of Defense submits the certification required by subsection (a), the Comptroller General and the Director of the Congressional Budget Office shall jointly submit to the Congress a report evaluating such certification.

(c) CHAMPUS REFORM INITIATIVE DEFINED.—For purposes of this section, the term "CHAMPUS reform initiative" has the meaning given that term in section 702(d)(1) of the Department of Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 1073 note).

SEC. 716. LIMITATION ON AWARDING CONTRACT FOR FULL PRODUCTION OF MEDICAL INFORMATION SYSTEMS.

(a) LIMITATION.—Subsection (g) of section 704 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3900), as added by section 733(d) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1122), is amended by striking out "until—" and all that follows through the period and inserting in lieu thereof the following: "until the later of—

"(1) January 1, 1992; and

"(2) 30 days after the date of the submission of the report required under subsection (f).".

(b) REPORT OF COMPTROLLER GENERAL.—Subsection (f) of such section is amended—

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

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

(3) by adding at the end the following:

"(3) whether the operational test and evaluation phase was conducted at a sufficient number of sites and with sufficient software in operation to warrant a full production decision.".

SEC. 717. UNIFORMED SERVICES TREATMENT FACILITIES.

(a) DELAY OF TERMINATION EFFECTIVE DATE.—Subsection (e) of section 1252 of the Department of Defense Authorization Act, 1984 (42 U.S.C. 248d), is amended by striking out "1990" and inserting in lieu thereof "1991".

(b) AUTHORIZATION OF APPROPRIATIONS; RECORDS.—Such section is further amended—

(1) by redesignating subsection (f) as subsection (h); and

(2) by inserting after subsection (e) the following new subsections:

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to carry out this section and section 911 of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c), $152,900,000 for fiscal year 1991.

"(g) EXAMINATION OF RECORDS.—The Comptroller General shall have the right to examine all records (including books, documents, and other data) of a medical facility deemed to be a facility of the uniformed services under section 911 of that Act or designated as a facility of the uniformed services under subsection (c).".

(c) AUDIT REQUIRED.—The Comptroller General shall conduct an audit of civilian medical facilities deemed to be facilities of the uniformed services under section 911 of the Military Construction Authorization Act, 1982 (42 U.S.C. 248c), during fiscal year 1990 to determine the amount of funds expended by such facilities for lobbying during fiscal years 1989 and 1990 and the source of such funds. A report describing the results of such audit shall be submitted to the Congress not later than May 1, 1991.

SEC. 718. REQUIREMENTS PRIOR TO TERMINATION OF MEDICAL SERVICES AT MILITARY MEDICAL TREATMENT FACILITIES.

(a) PROHIBITION.—The Secretary of a military department may not take any action to close a military medical facility under the jurisdiction of that Secretary or reduce the level of care provided at such a medical facility until 90 days after the date on which the Secretary submits to Congress a report described in subsection (b).

(b) ELEMENTS OF REPORT.—A report referred to in subsection (a) shall include the following:

(1) The reason for the action.

(2) The projected savings to the Government from the action.

(3) The impact on CHAMPUS and MEDICARE costs in the catchment area of the facility.

(4) The impact on beneficiary cost-sharing.

(5) An examination of alternative ways to provide care to the persons served by the facility that the Secretary determines would not result in adverse impact to such persons.

(6) An explanation of how care will be provided for and the cost, if any, to those persons to receive such care.

(c) EXCEPTION.—Subsection (a) shall not apply with respect to the closing of a military medical facility (or the reduction of the level of care provided at a military medical facility) as a result of a base closure.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

PART A—ACQUISITION MANAGEMENT IMPROVEMENT

SEC. 801. AUTHORITY GOVERNING OPERATION OF WORKING-CAPITAL FUNDED ACTIVITIES.

Section 2208(i) of title 10, United States Code, is amended—

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

(2) by striking out paragraphs (1) and (2) and inserting in lieu thereof the following new paragraphs:

"(1) Regulations under subsection (h) shall authorize a working-capital funded Army industrial facility (including a Department of the Army arsenal) that manufactures large caliber cannons, gun mounts, recoil mechanisms, ammunition, munitions, or components thereof to sell manufactured articles or services to a person outside the Department of Defense if—

"(A) in the case of an article, the article is sold to a United States manufacturer, assembler, developer, or other concern—

"(i) for use in developing new products;

"(ii) for incorporation into items to be sold to, or to be used in a contract with, an agency of the United States;

"(iii) for incorporation into items to be sold to, or to be used in a contract with, or to be used for purposes of soliciting a contract with, a friendly foreign government; or

"(iv) for use in commercial products;

"(B) in the case of an article, the purchaser is determined by the Department of Defense to be qualified to carry out the proposed work involving the article to be purchased;

"(C) the article or service is not readily available to the purchaser from a commercial source in the United States in a timely manner that meets the requirements of the purchaser;

"(D) the sale is to be made on a basis that does not interfere with performance of work by the facility for the Department of Defense or for a contractor of the Department of Defense; and

"(E) in the case of services, the services are related to an article authorized to be sold under this subsection and are to be performed in the United States for the purchaser.

"(2) The regulations shall authorize payment to be made by a purchaser of articles or services authorized by paragraph (1) using the payment method known as advance incremental funding.

"(3) Such regulations under subsection (h) shall provide that the authority to enter into a contract to sell articles or services authorized by in paragraph (1) may be exercised (subject to the authority, direction, and control of the Secretary of the Army) at the level of the commander of the major subordinate command of the Army with responsibility over the facility concerned.".

SEC. 802. PROCEDURES FOR CONTRACT SOLICITATION AND EVALUATION.

(a) STATEMENT OF SIGNIFICANT FACTORS.—(1) Clause (i) of section 2305(a)(2)(A) of title 10, United States Code, is amended—

(A) by inserting "(and significant subfactors)" after "significant factors"; and

(B) by striking out "(including cost or price)" and inserting in lieu thereof the following: "(including cost or price, cost- or price-related factors, and noncost- or nonprice-related factors)".

(2) Clause (ii) of such section is amended by inserting "(and subfactors)" after "those factors".

(b) STATEMENT RELATING TO DISCUSSIONS.—Subclause (I) of section 2305(a)(2)(B)(ii) of title 10, United States Code, is amended to read as follows:

"(I) a statement that the proposals are intended to be evaluated with, and award made after, discussions with the offerors, or a statement that the proposals are intended to be evaluated, and award made, without discussions with the offerors (other than discussions conducted for the purpose of minor clarification), unless discussions are determined to be necessary; and".

(c) RELATIVE IMPORTANCE OF EVALUATION FACTORS.—Paragraph (3) of section 2305(a) of title 10, United States Code, is amended by striking out "the quality of the services" and inserting in lieu thereof "the evaluation factors and subfactors, including the quality of the product or services".

(d) EVALUATION OF SEALED BIDS AND COMPETITIVE PROPOSALS.—(1) Paragraph (1) of section 2305(b) of title 10, United States Code, is amended by inserting "and make an award" after "competitive proposals".

(2) Paragraph (3) of such section is amended in the second sentence by inserting "in accordance with paragraph (1)" after "shall evaluate the bids".

(3) Paragraph (4) of such section is amended—

(A) in subparagraph (A), by striking out "competitive proposals" and all that follows and inserting in lieu thereof "competitive proposals in accordance with paragraph (1) and may award a contract—

"(i) after discussions with the offerors, provided that written or oral discussions have been conducted with all responsible offerors who submit proposals within the competitive range; or

"(ii) based on the proposals received, without discussions with the offerors (other than discussions conducted for the purpose of minor clarification) provided that the solicitation included a statement that proposals are intended to be evaluated, and award made, without discussions, unless discussions are determined to be necessary.";

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

(C) by redesignating subparagraph (D) as subparagraph (B); and

(D) by redesignating subparagraph (E) as subparagraph (C) and in that subparagraph striking out "Subparagraph (D)" and inserting in lieu thereof "Subparagraph (B)".

(e) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), the amendments made by this section shall apply with respect to solicitations for sealed bids or competitive proposals issued after the end of the 120-day period beginning on the date of the enactment of this Act.

(2) The Secretary of Defense may require the amendments made by this section to apply with respect to solicitations issued before the end of the period referred to in paragraph (1). The Secretary of Defense shall publish in the Federal Register notice of any such earlier effective date.

SEC. 803. ADDITIONAL WAIVER FOR SUBMISSION OF CERTIFIED COST OR PRICING DATA.

Subsection (b) of section 2306a of title 10, United States Code, is amended--

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

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

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

"(3) in a case in which the price of the contract or subcontract is expected to exceed $100,000 but be not more than $500,000 and the head of the agency (acting through the contracting officer) determines, in accordance with criteria established by the Secretary of Defense, that the requirements of this section may be waived and states in writing his reasons for such determination.".

SEC. 804. REPEAL OF REQUIREMENTS RELATING TO COMMERCIAL PRICING FOR SPARE OR REPAIR PARTS.

(a) REPEAL.—Section 2323 of title 10, United States Code, is hereby repealed.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 137 of such title is amend-

ed by striking out the item relating to section 2323.

SEC. 805. COMPETITIVE ALTERNATIVE SOURCE REQUIREMENT.

Section 2438 of title 10, United States Code, is amended to read as follows:

"§ 2438. Major programs: competitive alternative sources

"(a)(1) Before full-scale development under a major program begins, the Secretary of Defense shall prepare an acquisition strategy for the program.

"(2) The Secretary shall ensure that contracts for each major program and each major subsystem under such major program are awarded in accordance with the acquisition strategy for such program.

"(b)(1) The acquisition strategy prepared under subsection (a)(1) shall ensure that the Secretary will have the option to award contracts to competitive alternative sources for major programs and for major subsystems under the major programs throughout the period from the beginning of full-scale development through the end of production when the establishment and maintenance of two or more sources—

"(A)(i) would likely reduce technological risks associated with the program;

"(ii) would likely result in reduced costs for such program; or

"(iii) would result in an improvement in design commensurate with the additional cost; and

"(B) would not result in unacceptable delays in fulfilling the needs of the Department of Defense; and

"(C) is otherwise in the national security interests of the United States.

"(2) In carrying out this subsection, the Secretary may provide that the requirement for competitive alternative sources of a major program or subsystem is satisfied even though the sources for that major program or subsystem do not develop or produce identical systems if the systems developed serve similar functions and compete effectively with each other.

"(c) In this section:

"(1) The term 'major program', means a major defense acquisition program, as such term is defined in section 2430 of this title.

"(2) The term 'major subsystem', with respect to a major program, means a subsystem of the system developed under the program, that is purchased directly by the United States and for which—

"(A) the amount for research, development, test, and evaluation is 10 percent or more of the amount specified in section 2430(2) of this title as the research, development, test, and evaluation funding criterion for identification of a major defense acquisition program; or

"(B) the amount for production is 10 percent or more of the amount specified in section 2430(2) of this title as the production funding criterion for identification of a major defense acquisition program.".

SEC. 806. SOLICITATION AREA POLICY FOR WEST COAST NAVAL RESERVE FORCE SHIPS.

Subsection (d) of section 7299a of title 10, United States Code, is amended in paragraph (3) by striking out "apply—" and all that follows through the period and inserting in lieu thereof "apply in the case of voyage repairs.".

SEC. 807. MEMBERSHIP ON FEDERAL ACQUISITION REGULATORY COUNCIL.

Paragraph (2) of section 25(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(b)(2)) is amended by inserting before the semicolon at the end of clause (A) the following: "or, in the case of the Secretary of Defense, an official at an organizational level not lower than an Assistant Secretary of Defense within the Office of the Under Secretary of Defense for Acquisition".

PART B—MODIFICATIONS TO EXISTING LAW

SEC. 811. CLARIFICATION OF SMALL BUSINESS CONCERNS COVERED BY SECTION 1207.

Section 1207(a) of the Department of Defense Authorization Act, 1987 (Public Law 99-661; 10 U.S.C. 2301 note), is amended by amending paragraph (1) to read as follows:

"(1) small business concerns, including mass media and advertising firms, owned and controlled by socially and economically disadvantaged individuals (as such term is used in section 8(d) of the Small Business Act (15 U.S.C. 637(d) and regulations issued under that section, the majority of the earnings of which directly accrue to such individuals;".

SEC. 812. ADDITIONAL PROHIBITION ON CONVICTED INDIVIDUALS.

(a) ADDITIONAL PROHIBITIONS ON INDIVIDUALS CONVICTED OF FELONIES RELATED TO DEFENSE CONTRACTS.—Paragraph (1) of section 2408(a) of title 10, United States Code, is amended—

(1) by inserting "or any subcontract of a defense contract" before the period at the end of subparagraph (A);

(2) by inserting "or any subcontractor awarded a contract by a defense contractor" before the period at the end of subparagraph (B);

(3) by inserting "or any subcontractor awarded a contract by a defense contractor" before the period at the end of subparagraph (C); and

(4) by inserting "or subcontract of a defense contract" before the period at the end of subparagraph (D).

(b) RELATED CRIMINAL PENALTY.—Section 2408(b) of such title is amended by inserting "or subcontractor" after "contractor" each place it appears.

SEC. 813. DISCLOSURE REQUIREMENT RELATING TO SUBCONTRACTORS.

Section 2393 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) The Secretary of Defense shall prescribe in regulations a requirement that each contractor under contract with the Department of Defense shall require each contractor to whom it awards a contract (in this section referred to as a subcontractor) to disclose to the contractor whether the subcontractor is or is not, as of the time of the award of the subcontract, debarred, suspended, or proposed for debarment by the Federal government from Government contracting or subcontracting. The requirement shall apply to any subcontractor whose subcontract is in an amount above the small purchase amount established in section 2304(g) of this title.".

SEC. 814. EXPANSION OF PROCUREMENT TECHNICAL ASSISTANCE PROGRAM.

(a) TECHNICAL ASSISTANCE RELATING TO PROCUREMENT WITH OTHER FEDERAL DEPARTMENTS AND AGENCIES.—(1) Chapter 142 of title 10, United States Code, is amended—

(A) by redesignating section 2417 as section 2419; and

(B) by inserting after section 2416 the following new sections:

"§ 2417. Technical assistance relating to procurement with other Federal departments and agencies

"The procurement technical assistance furnished by eligible entities assisted by the Department of Defense under this section may include technical assistance with respect to procurement with Federal departments and agencies other than the Department of Defense.

"§ 2418. Administrative costs

"Of the amount appropriated for a fiscal year for operation and maintenance for the procurement technical assistance program authorized by this chapter, an amount not exceeding three percent of such amount shall be available to the Defense Logistics Agency to defray the expenses of administering the provisions of this chapter during such fiscal year.".

(2) The table of sections at the beginning of such chapter is amended by striking out the item relating to section 2417 and inserting in lieu thereof the following:

"2417. Technical assistance relating to procurement with other Federal departments and agencies.
"2418. Administrative costs.
"2419. Regulations.".

(b) EFFECTIVE DATES.—(1) Section 2417 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts with eligible entities entered into after October 1, 1990.

(2) Section 2418 of title 10, United States Code, as added by subsection (a), shall apply with respect to fiscal year 1991 and each fiscal year thereafter.

SEC. 815. REQUIREMENT TO USE DOMESTICALLY MANUFACTURED CARBONYL IRON POWDERS.

(a) LIMITATION.—Section 2507 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) CARBONYL IRON POWDERS.—(1) The Secretary of Defense shall require that only domestically manufactured carbonyl iron powders may be used in a system or item procured by or provided to the Department of Defense.

"(2) The Secretary of Defense may waive the restriction required by paragraph (1) if the Secretary certifies that such a restriction is not in the national interest.

"(3) After September 30, 1994, the Secretary may terminate the restriction required under paragraph (1) if the Secretary determines that continuing the restriction is not in the national interest.

"(4) In this subsection:

"(A) The term 'domestically manufactured' means manufactured in a facility located in the United States or Canada by an entity more than 50 percent of which is owned or controlled by citizens of the United States or Canada.

"(B) The term 'carbonyl iron powders' means powders or particles produced from the thermal decomposition of iron penta carbonyl.".

(b) EFFECTIVE DATE.—Section 2507(e) of title 10, United States Code, as added by subsection (a), shall apply with respect to systems or items procured by or provided to the Department of Defense after the date of the enactment of this Act.

PART C—PROVISIONS RELATING TO WHISTLEBLOWERS

SEC. 821. ADVISORY COMMITTEE ON MENTAL HEALTH EVALUATION PROTECTIONS.

(a) REQUIREMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall establish an advisory committee to carry out the functions described in subsection (d).

(b) MEMBERSHIP.—The advisory committee shall include not fewer than 12 members, including the following:

(1) Three board-certified psychiatrists who are officers of the Armed Forces, one of whom shall be an officer in the Medical Corps of the Army, one of whom shall be an officer in the Medical Corps of the Navy, and one of whom shall be designated as a medical officer in the Air Force.

(2) One board-certified psychiatrist who is a civilian not employed by the Department of Defense, with expertise in procedures for the psychiatric commitment of civilian adults.

(3) Three licensed clinical psychologists who are officers of the Armed Forces. One of the psychologists shall be an officer in the Medical Service Corps of the Army, one shall be an officer in the Medical Service Corps of the Navy, and one shall be a biomedical sciences officer in the Air Force.

(4) One clinical psychologist who is a civilian not employed by the Department of Defense and who has been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology.

(5) Three judge advocates, one each from the Army, the Navy, and the Air Force, with expertise in pretrial restraint and other procedures associated with the mental health evaluation of individuals subject to the Uniform Code of Military Justice.

(6) An attorney who is a civilian not employed by the Department of Defense, with expertise in legal procedures associated with the psychiatric commitment of civilian adults.

(7) Such other civilian officials (employed by the Department of Defense or otherwise employed) and members of the Armed Forces as the Secretary considers appropriate.

(c) CHAIRMAN.—The Secretary of Defense shall appoint a chairman of the advisory committee from among the members of the committee.

(d) FUNCTIONS.—(1) The advisory committee shall develop regulations to recommend to the Secretary on procedural protections that should be afforded to any member of the Armed Forces who is referred by a commanding officer for a mental health evaluation by a mental health professional. The regulations shall provide that such procedural protections shall be uniform throughout the Department of Defense. The recommended regulations shall include different procedural protections according to whether the evaluations are to be carried out on an outpatient or inpatient basis and whether, based on the results of the evaluation, the member is committed to a mental health treatment facility. In developing the regulations with respect to procedural protections for evaluations conducted on an inpatient basis, the committee shall take into account any guidelines regarding psychiatric hospitalization of adults prepared by professional civilian mental health organizations.

(2) The advisory committee shall identify any special or additional procedural protections that should be afforded to any member who is referred for a mental health evaluation following communication with a member of Congress or an Inspector General as described in section 1034 of title 10, United States Code.

(3) The advisory committee shall evaluate and recommend whether there should be criminal penalties for the improper referral of a member of the armed forces for a mental health evaluation.

(4) The advisory committee shall evaluate and recommend whether referrals for, or involuntary hospitalization for, mental health evaluations in violation of the procedural protections contained in the regulations recommended by the advisory committee should be considered to be unfavorable personnel actions under section 1034 of title 10, United States Code.

(e) DEFINITIONS.—In this section:

(1) The term "mental health evaluation" means a psychiatric examination or evaluation, a psychological examination or evaluation, an examination for psychiatric or psychological fitness for duty, or any other means of assessing a member's state of mental health.

(2) The term "mental health professional" means a psychiatrist, a psychologist, a person with a master's degree in social work, or any other individual who conducts mental health evaluations for the Department of Defense.

(f) REPORTS.—(1) Not later than six months after the date of the enactment of this Act, the advisory committee shall submit to the Secretary of Defense a report containing the recommended regulations and such other information as the committee considers appropriate.

(2) Not later than 30 days after receipt of the report under paragraph (1), the Secretary of Defense shall submit to Congress the advisory committee's report, along with such additional comments and recommendations by the Secretary as the Secretary considers appropriate.

(g) IMPLEMENTATION.—Not later than 90 days after the Secretary of Defense submits his report to Congress under subsection (f)(2), the Secretary, in consultation with the Committees on Armed Services of the Senate and House of Representatives, shall initiate discussions concerning the implementation of the recommendations made by the advisory committee and the Secretary of Defense in the reports submitted under subsection (f).

SEC. 822. DEFENSE CONTRACTOR REQUIREMENTS WITH RESPECT TO EMPLOYEES WHO COMMUNICATE WITH GOVERNMENT OFFICIALS.

(a) DEFENSE CONTRACTOR REQUIREMENT.—(1) Section 2409 of title 10, United States Code, is amended to read as follows:

"§ 2409. Communicating with Government officials: defense contractor requirement to prohibit retaliatory personnel actions

"(a) REGULATIONS.— The Secretary shall promulgate regulations containing the provisions described in subsections (b), (c), and (d) and such other provisions as the Secretary considers necessary to administer the regulations. Such regulations shall require that each contract entered into by a contractor and the Department of Defense for an amount above the small purchase amount established in section 2304(g) of this title contain a clause requiring the contractor to comply with such regulations.

"(b) PROHIBITION.—The regulations promulgated under this section shall prohibit a defense contractor from discharging or otherwise discriminating against any employee with respect to such employee's compensation or terms and conditions of employment because the employee (or any person acting pursuant to a request of the employee) discloses to an appropriate Government official information concerning the contract between the defense contractor and the Department of Defense which the employee reasonably believes evidences—

"(1) a violation of any Federal law or regulation relating to Department of Defense procurement or the subject matter of the contract, or

"(2) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

"(c) COMPLAINT AND INVESTIGATION.—The regulations promulgated under this section shall include the following provisions:

"(1) Any employee who believes that he or she has been discharged or otherwise discriminated against by any defense contractor in violation of regulations promulgated under subsection (b) may file (or have any person file on behalf of the complainant) a complaint with the Secretary alleging such discharge or discrimination. Any such complaint may not be filed more than 180 days after the date on which the violation is alleged to have occurred or to have been discovered.

"(2) A complaint filed under paragraph (1) must contain a certification, signed by the complainant, which states specifically the nature of the alleged discriminatory act and of the disclosure giving rise to such act. The certification also must contain one of the following statements:

"(A) All attempts at resolution through an internal company grievance procedure have been exhausted.

"(B) The company grievance procedure was not used because the complainant reasonably believed it to be ineffectual or to expose the complainant to employer reprisals.

"(C) The company has no company grievance procedure.

"(3) Upon receipt of a complaint filed under paragraph (1), the Secretary shall serve notice of the complaint on the defense contractor named in the complaint and the Secretary of the military department which entered into the contract (if applicable).

"(4)(A) Upon receipt of a complaint filed under paragraph (1), the Secretary shall conduct an initial investigation to determine whether the complaint is frivolous or merits further investigation. As part of such initial investigation, the Secretary shall find out whether the employee and the defense contractor have attempted to resolve the dispute. If the Secretary determines that the complaint merits further investigation, the Secretary shall, except as provided in subparagraph (B), complete an investigation of the complaint within 90 days after receipt of the complaint and shall provide a written report of the results of the investigation to the complainant, any person acting on behalf of the complainant, and the defense contractor alleged to have committed the violation.

"(B) If the Secretary determines that it is not possible to complete an investigation of a complaint within the 90-day period prescribed in subparagraph (A), the Secretary shall notify the employee of the reasons why the investigation cannot be completed within such time period and of the date when the investigation will be completed. Not later than 30 days after the investigation is so completed, the Secretary shall provide a written report of the results of the investigation to the persons described in subparagraph (A). The Secretary also may defer action on a complaint for not more than 120 days after receipt of the complaint if the employee and the contractor are attempting to resolve the complaint through other means.

"(C) Within 90 days after providing a report of the results of an investigation of a complaint, the Secretary shall issue an order

providing the relief prescribed in paragraph (5) or denying the complaint, unless the proceeding on the complaint is terminated by the Secretary on the basis of a settlement agreement entered into by the Secretary and the defense contractor alleged to have committed such violation.

"(D) An order of the Secretary shall be made on the record after notice and opportunity for public hearing.

"(E) The Secretary may not enter into a settlement agreement terminating a proceeding on a complaint without the participation and consent of the complainant.

"(5) If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of regulations promulgated under subsection (b) has occurred, the Secretary may issue, separately or in combination, any of the following:

"(A) An order that the defense contractor who committed such violation take affirmative action to abate the violation.

"(B) An order that such contractor reinstate the complainant to the position held by such individual when discharged, together with the compensation (including back pay), employment benefits, and other terms and conditions of his or her employment.

"(C) An assessment against such contractor (at the request of the complainant) of a sum equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) reasonably incurred by the complainant for, or in connection with, bringing the complaint on which the order was issued, as determined by the Secretary.

"(6) In determining whether a violation of regulations promulgated under subsection (b) has occurred, the Secretary shall use the standard of proof that is used by the Merit Systems Protection Board in proceedings under section 1221 of title 5, as described in section 1221(e) of that title.

"(d) REVIEW AND ENFORCEMENT.—(1)(A) Any person adversely affected or aggrieved by an order issued under subsection (c)(4)(B) may obtain review of the order in the United States court of appeals for the circuit in which the violation alleged in the order occurred. No petition seeking such review may be filed more than 60 days after issuance of the Secretary's order. Review shall conform to chapter 7 of title 5.

"(B) The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the Secretary's order.

"(2) An order of the Secretary with respect to which review could have been obtained under paragraph (1) shall not be subject to judicial review in any criminal or other civil proceeding.

"(3) Whenever a person has failed to comply with an order issued under subsection (c)(4)(B), the Secretary may file an action for enforcement of such order in the United States district court for the district in which the violation was found to have occurred. In any action brought under this subsection, the court may grant appropriate relief, including injunctive relief, and compensatory and exemplary damages.

"(4)(A) Any employee on whose behalf an order is issued under subsection (c)(4)(B) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court may enforce such order.

"(B) The court, in enforcing any final order under this subsection, may award costs of litigation (including reasonable attorneys' fees and expert witnesses' fees) to any party whenever the court determines such award is appropriate.

"(5) Any nondiscretionary duty imposed by the regulations under this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28.

"(e) DEFINITIONS.—In this section:

"(1) The term 'appropriate Government official' includes—

"(A) an officer or employee of the Department of Defense responsible for command, direct staff assistance to a commander, contract administrator, program management, audit, inspection, investigation, or enforcement of any law or regulation relating to Government procurement or the subject matter of the contract;

"(B) a Member of Congress or an officer or employee of Congress, the General Accounting Office, the Congressional Budget Office, or the Office of Technology Assessment; and

"(C) any other officer or employee of the United States whose duties include the investigation or enforcement of any law, rule, or regulation relating to Government procurement or the subject matter of the contract.

"(2) The term 'defense contractor' means any employer providing goods or services, under contract, to the Department of Defense.

"(3) The term 'Secretary' means the Secretary of Defense.

"(4) The term 'information concerning the contract' means, with respect to a contract with the Department of Defense, information about cost, price, compliance with specifications, meeting the user's requirements, user safety, use or disposition of services, real property or personal property acquired under the contract, the procurement process (including competition, negotiation, award, and administration), and relationships with Government personnel, competitors, or subcontractors.".

(2) The item relating to section 2409 in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

"2409. Communicating with Government officials: defense contractor requirement to prohibit retaliatory personnel actions.".

(b) EFFECTIVE DATE.—Section 2409 of title 10, United States Code, as added by subsection (a), shall apply to contracts entered into after the expiration of the 180-day period beginning on the date of the enactment of this Act.

PART D—MISCELLANEOUS

SEC. 831. EQUAL EMPLOYMENT OPPORTUNITIES RELATING TO AN ARMY CONTRACT.

(a) LIMITATION.—Funds appropriated for procurement of aircraft for the Army for fiscal year 1991 and each fiscal year thereafter may not be obligated for the procurement of C-23 Sherpa aircraft unless the Secretary of the Army secures a commitment from the contractor that it will support equal employment opportunities in its employment practices for all individuals irrespective of race, color, religion, sex, or national origin.

(b) REPORT.—The Secretary of the Army shall require any contractor under contract with the Army for procurement of C-23 Sherpa aircraft to submit to the Secretary, not later than April 1 of each year, a report on the contractor's compliance with the commitment secured by the Secretary under subsection (a). The first report under this subsection shall be submitted by April 1, 1991.

SEC. 832. TEST PROGRAM TO PROVIDE FOR THE DEPARTMENT OF DEFENSE TO PURCHASE LAW ENFORCEMENT EQUIPMENT FOR STATES.

(a) TEST PROGRAM.—The Secretary of Defense shall establish a test program in accordance with this section under which a minimum of 10 States are authorized to buy law enforcement equipment from the Department of Defense. The test program shall be operated at no additional cost or liability to the Department of Defense, except for minimal administrative costs, and shall include the following provisions:

(1) Each State desiring to participate in the test program shall submit to the Department of Defense, in such form and manner and at such times as the Secretary prescribes, (A) a request for law enforcement equipment, and (B) advance payment for such equipment, in an amount determined by the Secretary of Defense based on estimated or actual costs of the equipment. No type of law enforcement equipment other than the types of equipment contained in the list developed under subsection (b) may be included in the request. Requests shall be submitted under this section annually or at another frequency determined appropriate by the Secretary of Defense.

(2) A request under paragraph (1) shall consist of an enumeration of the law enforcement equipment that is desired by the State. The Governor of each State may establish such procedures as the Governor considers appropriate for administering and coordinating requests for law enforcement equipment from local entities for submission in a request under paragraph (1).

(3) Law enforcement equipment procured by the Department of Defense pursuant to a State request shall be delivered as provided in the contract. The State requesting the law enforcement equipment shall be responsible for arranging for, and paying for, shipment of the equipment to the State and localities within the State.

(b) LIST OF LAW ENFORCEMENT EQUIPMENT.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of National Drug Control Policy, shall develop and publish in the Federal Register a list of law enforcement equipment that the Department of Defense expects to procure under current contracts or contracts planned to be entered into during the next year. At a minimum, such list shall include any small arms, ammunition, body armor, and communication equipment expected to be so procured. The list shall be updated at least once a year during the operation of the test program established under subsection (a). The Secretary shall notify the Director of National Drug Control Policy of the publication and updating of the list.

(c) OPERATION.—The test program established under subsection (a) shall begin operation not later than six months after the date of the enactment of this Act.

(d) TERMINATION.—The test program established under subsection (a) shall terminate on the date which is two years after the date on which operation of the test program begins.

(e) GAO REVIEW AND REPORT.—The Comptroller General shall conduct an independent review of the actions taken by the Secretary of Defense to carry out the requirements of this Act, beginning after the test program established under subsection (a)

has been operating for one year. Upon completion of the review, the Comptroller General shall submit to the Committees on Armed Services and Governmental Affairs of the Senate and on Armed Services and Government Operations of the House of Representatives a report on the review required by this subsection. Such report shall include—

(1) a delineation of the costs incurred or the amounts saved by the Department of Defense as a result of the test program;

(2) a delineation of the costs incurred or amounts saved by States and localities within States as a result of the test program;

(3) such recommendations as the Comptroller General considers appropriate, including whether the test program should be made permanent and how the test program may be carried out more effectively.

SEC. 833. DEPARTMENT OF DEFENSE OMBUDSMAN FOR FOREIGN SIGNATORIES OF INTERGOVERNMENTAL MEMORANDUMS OF AGREEMENT.

(a) DESIGNATION OF OMBUDSMAN.—(1) Chapter 138 of title 10, United States Code, is amended by adding at the end of subchapter II the following new section:

"§ 2350g. Memorandums of agreement: Department of Defense ombudsman for foreign signatories.

"The Secretary of Defense shall designate an official within the Office of the Under Secretary of Defense for Policy to act as ombudsman within the Department of Defense on behalf of foreign governments who are parties to memorandums of agreement with the United States concerning matters under the jurisdiction of the Secretary of Defense. The official so designated shall assist officials of those foreign governments in understanding and complying with procedures and requirements of the Department of Defense (and, as appropriate, other departments and agencies of the United States) insofar as they relate to any such memorandum of agreement.".

(2) The table of sections at the beginning of such sub-chapter is amended by adding at the end the following new item:

"2350g. Memorandums of agreement: Department of Defense ombudsman for foreign signatories.".

(b) DEADLINE.—The official required to be designated under section 2350g of title 10, United States Code, as added by subsection (a), shall be designated by the Secretary of Defense not later than 90 days after the date of the enactment of this Act.

SEC. 834. DEFENSE INDUSTRIAL BASE FOR TEXTILE AND APPAREL PRODUCTS.

(a) MONITORING AND FIVE-YEAR ANNUAL REPORT REQUIREMENT.—(1) Chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2509. Defense industrial base for textile and apparel products

"(a) CAPABILITY OF DOMESTIC TEXTILE AND APPAREL INDUSTRIAL BASE.—The Secretary of Defense shall monitor the capability of the domestic textile and apparel industrial base to support defense mobilization requirements.

"(b) ANNUAL REPORT.—The Secretary shall submit to Congress not later than April 1 of each of the five years beginning with 1991 a report on the status of such industrial base. Each such report shall include the following:

"(1) An identification of textile and apparel mobilization requirements of the Department of Defense that cannot be satisfied on a timely basis by the domestic industries.

"(2) An assessment of the effect any inadequacy in the textile and apparel industrial base would have on a defense mobilization.

"(3) Recommendations for ways to alleviate any inadequacy in such industrial base that the Secretary considers critical to defense mobilization requirements.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2509. Defense industrial base for textile and apparel products.".

(b) CONFORMING AMENDMENT.—Section 1456 of Public Law 99-145 (99 Stat. 762) is repealed.

SEC. 835. COST SAVINGS REQUIREMENT FOR MULTIYEAR CONTRACTS.

Subsection (h) of section 2306 of title 10, United States Code, is amended—

(1) in subparagraph (A) of paragraph (1), by striking out "reduced total costs under the contract" and inserting in lieu thereof "substantial savings of the total anticipated costs of carrying out the program through annual contracts"; and

(2) by striking out subparagraph (C) of paragraph (9).

TITLE IX—DEFENSE ACQUISITION WORKFORCE

SEC. 901. SHORT TITLE.

This title may be cited as the "Defense Acquisition Workforce Improvement Act".

SEC. 902. MANAGEMENT POLICIES.

The Secretary of Defense shall establish policies for the effective management of military personnel serving in acquisition positions in the Department.

TITLE X—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

PART A—FINANCIAL MANAGEMENT

SEC. 1001. DEPARTMENT OF DEFENSE.

(a) DUTIES OF THE COMPTROLLER OF THE DEPARTMENT OF DEFENSE.—(1) Part I of subtitle A of title 10, United States Code, is amended by inserting after chapter 9 the following new chapter:

"CHAPTER 10—FINANCIAL MANAGEMENT

"Sec.
"251. Management of financial activities: duties of Comptroller.
"252. Annual financial statements.
"253. Annual independant audit.
"254. Audit by Comptroller General.
"255. Annual financial report.
"256. Budgetary assistance: duties of Comptroller.

"§ 251. Management of financial activities: duties of Comptroller

"(a) AUTHORITY.—Under the direction of the Secretary of Defense, the Comptroller of the Department of Defense shall direct and manage all financial management activities and operations of the Department of Defense.

"(b) SPECIFIC DUTIES.—The authority of the Comptroller under this section includes the authority to—

"(1) approve and supervise any project to design or enhance a financial management system for the Department of Defense;

"(2) direct and manage the development of Department of Defense financial management budgets; and

"(3) approve the establishment and supervise the operation of any asset management system of the Department of Defense, including—

"(A) systems for accounting for the quantity, location, and cost of property and inventory; and

"(B) systems for cash management, credit management, and debt collection.

"(c) FINANCIAL MANAGEMENT SYSTEMS.—The Comptroller shall ensure that financial management systems of the Department of Defense (including accounting systems, internal control systems, and financial reporting systems) shall be established and maintained in conformance with the principles, standards, and requirements for accounting, financial reporting, and internal control established by the Comptroller General under sections 3511 and 3512 of title 31. Such systems shall provide for—

"(1) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to the financial information needs of department management;

"(2) the development and reporting of cost information;

"(3) the integration of accounting and budgeting information; and

"(4) the systematic measurement of performance.

"(d) FIVE-YEAR PLAN.—The Comptroller shall prepare (and annually revise) a plan describing the activities that are proposed to be conducted by the Department of Defense over the next five fiscal years to improve financial management and comply with the requirements of this chapter.

"(e) REPORT ON COMPTROLLER ACTIVITIES.—(1) The Comptroller shall transmit to the Secretary of Defense an annual report on the activities of the Comptroller during the preceding fiscal year.

"(2) Each report under paragraph (1) shall include a description and analysis of the status of Department of Defense financial management, copies of the most recently completed Department of Defense financial statements required under section 252 of this title, and the audit report on such statements.

"§ 252. Annual financial statements

"(a) FINANCIAL STATEMENTS REQUIRED.—Not later than December 31 of each year, the Comptroller of the Department of Defense shall prepare financial statements for the Department of Defense that include the accounts of all of the offices, agencies, activities, and commands of the Department for the preceding fiscal year.

"(b) CONTENTS.—The financial statements required to be prepared under subsection (a) shall reflect the overall financial position (including assets and liabilities), results of operations, the cash flows or changes in financial position, and a reconciliation to Department of Defense budget reports. The financial statements shall be consistent with applicable accounting principles, standards, and requirements.

"(c) FIRST STATEMENTS.—The first financial statements required under subsection (a) shall be prepared not later than December 31, 1992.

"§ 253. Annual independent audit

"(a) AUDIT REQUIRED.—As soon as practicable after financial statements are prepared under section 252 of this title for a fiscal year, the Comptroller of the Department of Defense shall arrange for the auditing of those statements.

"(b) PERFORMANCE OF AUDIT.—Audits required by this section shall be performed by an independent external auditor or by the Inspector General of the Department of Defense in accordance with generally accepted Government auditing standards.

"(c) REPORT.—The person conducting the audit shall transmit to the Secretary of De-

fense a report which contains an opinion on the financial statements, a report on internal controls, and a report on compliance with laws and regulations relating to financial statements. The report shall be transmitted not later than 180 days after the end of the fiscal year for which the audit was conducted.

"§ 254. Audit by Comptroller General

"(a) AUDIT.—(1) The Comptroller General may audit financial statements prepared under section 202, 252, 3022, 5025, or 8022 of this title if the Comptroller General considers such action to be necessary or upon the request of a committee of Congress. An audit performed by the Comptroller General under this section shall be in lieu of any other audit.

"(b) REVIEW.—The Comptroller General may review an audit conducted under section 202, 253, 3022, 5025, or 8022 of this title. The Comptroller General shall submit a report to the Congress and the Secretary of Defense containing the results of any review conducted under this subsection, including any recommendations the Comptroller General considers to be appropriate.

"§ 255. Annual financial report

"(a) REPORT REQUIRED.—The Secretary of Defense, with the assistance of the Comptroller of the Department of Defense, shall prepare an annual report that includes—

"(1) the annual financial statements prepared under section 252 of this title and the audit of those statements;

"(2) a summary of the reports on systems of internal accounting and administrative controls and accounting systems transmitted to the President and the Congress under section 3512(c) of title 31 and a summary of the corrective actions taken with respect to material weaknesses identified in such reports; and

"(3) such other information the Secretary of Defense considers appropriate to fully inform the Congress concerning the financial management of the Department.

"(b) SUBMISSION OF REPORT.—The report required by subsection (a) shall be submitted to the President and the Congress not later than April 30 of each year and shall include the most recent report received under sections 202, 3022, 5025, and 8022 of this title. The first such report shall be submitted not later than April 30, 1993, except that reports received under those sections on or before April 30, 1992, shall be submitted by that date.

"§ 256. Budgetary assistance

"The Comptroller of the Department of Defense shall advise and assist the Secretary of Defense—

"(1) in performing such budgetary and fiscal functions and duties, and in exercising such budgetary and fiscal powers, as are needed to carry out the powers of the Secretary;

"(2) in supervising and directing the preparation of budget estimates of the Department of Defense;

"(3) in establishing and supervising the execution of principles, policies, and procedures to be followed in connection with organizational and administrative matters relating to—

"(A) the preparation and execution of budgets;

"(B) fiscal, cost, operating, and capital property accounting; and

"(C) progress and statistical reporting;

"(4) in establishing and supervising the execution of policies and procedures relating to the expenditure and collection of funds administered by the Department of Defense; and

"(5) in establishing uniform terminologies, classifications, and procedures concerning matters covered by paragraphs (1) through (4).".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, of such title are amended by inserting after the item relating to chapter 9 the following new item:

"10. Financial Management..... 251".

(b) CONFORMING AMENDMENTS.—Section 137 of such title is amended—

(1) in subsection (b), by inserting "as provided in chapter 10 of this title and such other duties and powers" after "powers"; and

(2) by striking out subsection (c).

SEC. 1002. DEFENSE LOGISTICS AGENCY.

(a) FINANCIAL MANAGEMENT.—Subchapter II of chapter 8, title 10, United States Code, is amended by adding at the end the following new section:

"§ 202. Defense Logistics Agency financial management

"(a) MANAGEMENT OF FINANCIAL ACTIVITIES.—The Secretary of Defense shall designate an official of the Defense Logistics Agency to serve as the financial officer of the Agency. Under the general supervision of the Comptroller of the Department of Defense, the financial officer shall direct and manage financial management activities and operations of the Defense Logistics Agency. The authority of the financial officer under this section shall include the authority to—

"(1) approve and supervise any project to design or enhance a financial management system for the Defense Logistics Agency;

"(2) direct and manage the development of Defense Logistics Agency financial management budgets; and

"(3) approve the establishment and supervise the operation of any asset management system of the Defense Logistics Agency, including—

"(A) systems for accounting for the quantity, location, and cost of property and inventory; and

"(B) systems for cash management, credit management, and debt collection.

"(b) REQUIREMENTS OF FINANCIAL MANAGEMENT SYSTEMS.—Financial management systems of the Defense Logistics Agency (including accounting systems, internal control systems, and financial reporting systems) shall be established and maintained in conformance with the principles, standards, and requirements for accounting, financial reporting, and internal control established by the Comptroller General under sections 3511 and 3512 of title 31. Such systems shall provide for—

"(1) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to the financial information needs of department management;

"(2) the development and reporting of cost information;

"(3) the integration of accounting and budgeting information; and

"(4) the systematic measurement of performance.

"(c) FIVE-YEAR PLAN.—The financial officer of the Defense Logistics Agency, under the general supervision of the Comptroller of the Department of Defense, shall prepare (and annually revise) a plan describing the activities that the Defense Logistics Agency proposes to conduct over the next five fiscal years to improve financial management and to comply with the requirements contained in subsections (e) and (f).

"(d) ANNUAL REPORT OF ACTIVITIES.—The financial officer of the Defense Logistics Agency, under the general supervision of the Comptroller of the Department of Defense, shall transmit to the Secretary of Defense a report each year on the financial management activities of the Defense Logistics Agency during the preceding fiscal year. Each report shall include a description and analysis of the status of Defense Logistics Agency financial management, copies of the most recently completed Defense Logistics Agency financial statements required under subsection (e), and the audit report on such statements.

"(e) FINANCIAL STATEMENTS.—(1) Not later than December 31 of each year, the financial officer of the Defense Logistics Agency shall prepare financial statements that include the accounts of the Defense Logistics Agency for the preceding fiscal year. The statements shall reflect the overall financial position (including assets and liabilities), results of operations, the cash flows or changes in financial position, and a reconciliation to Defense Logistics Agency budget reports. The financial statements shall be consistent with applicable accounting principles, standards, and requirements. The first financial statements required under this subsection shall be prepared not later than December 31, 1991.

"(2) All financial statements prepared under paragraph (1) shall be audited. The financial statement audit shall be performed in accordance with generally accepted Government auditing standards by the Inspector General of the Department of Defense or by an independent external auditor selected by the Comptroller of the Department of Defense.

"(3) The person conducting an audit under paragraph (2) shall transmit to the official assigned responsibility for the overall supervision of the Defense Logistics Agency a report which contains an opinion on the financial statements, internal controls, and compliance with laws and regulations relating to financial statements. The report shall be transmitted not later than 180 days after the end of the fiscal year for which such audit was conducted.

"(f) MANAGEMENT REPORT.—(1) The official assigned responsibility for the overall supervision of the Defense Logistics Agency shall prepare (with the assistance of the financial officer of the Defense Logistics Agency) an annual report that includes—

"(A) the annual financial statements prepared under subsection (e) and the audit report of those statements;

"(B) a summary of the reports on systems of internal accounting and administrative controls and accounting systems prepared by the Defense Logistics Agency for inclusion in the Department of Defense report transmitted to the President and the Congress under section 3512(c) of title 31 and a summary of the corrective actions taken with respect to material weaknesses identified in such reports prepared by the Defense Logistics Agency; and

"(C) other information the official assigned responsibility for the overall supervision of the Defense Logistics Agency considers appropriate to fully inform the Congress concerning the financial management of the Defense Logistics Agency.

"(2) The report required by this subsection shall be transmitted to the Secretary of Defense for inclusion in the report required by section 254 of this title. The first such report shall be transmitted not later than April 30, 1992.".

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

"202. Defense Logistics Agency financial management.".

SEC. 1003. DEPARTMENT OF THE ARMY.

(a) FINANCIAL MANAGEMENT.—Section 3022 of title 10, United States Code, is amended—

(1) in subsection (a)—

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

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

"(2) direct and manage the development of Department of the Army financial management budgets;";

(2) in subsection (c), by inserting after "financial management" the following: "and to comply with the requirements contained in this section";

(3) in subsection (d), by inserting after "financial management" the following: ", copies of the most recently completed financial statements under subsection (e), and the audit report on such statements"; and

(4) by adding at the end thereof the following new subsections:

"(e) FINANCIAL STATEMENTS.—(1) Not later than December 31 of each year, the Assistant Secretary of the Army for Financial Management shall prepare financial statements that include the accounts of all of the offices, agencies, activities, and commands of the Department of the Army for the preceding fiscal year. The statements shall reflect the overall financial position (including assets and liabilities), results of operations, the cash flows or changes in financial position, and a reconciliation to Department of the Army budget reports. The financial statements shall be consistent with applicable accounting principles, standards, and requirements. The first financial statements required under this subsection shall be prepared not later than December 31, 1991.

"(2) All financial statements prepared under paragraph (1) shall be audited. The financial statement audit shall be performed in accordance with generally accepted Government auditing standards by an independent external auditor, an Inspector General subject to the Inspector General Act of 1978, or the head of the office or other entity established or designated by the Secretary of the Army to conduct the auditing function specified in section 3014(c)(1)(B) of this title.

"(3) The person conducting an audit under paragraph (1) shall transmit to the Secretary of the Army a report which contains an opinion on the financial statements, internal controls, and compliance with laws and regulations relating to financial statements. The report shall be transmitted not later than 180 days after the end of the fiscal year for which such audit was conducted.

"(f) MANAGEMENT REPORT.—(1) The Secretary of the Army shall prepare an annual report that includes—

"(A) the annual financial statements prepared under subsection (e) and the audit report of those statements;

"(B) a summary of the reports on systems of internal accounting and administrative controls and accounting systems prepared by the Department of the Army for inclusion in the Department of Defense reports transmitted to the President and the Congress under section 3512(c) of title 31 and a summary of the corrective actions taken with respect to material weaknesses identified in such reports prepared by the Department of the Army; and

"(C) other information the Secretary of the Army considers appropriate to fully inform the Congress concerning the financial management of the Department of the Army.

"(2) The Assistant Secretary of the Army for Financial Management shall assist the Secretary of the Army prepare the report required by this subsection.

"(3) The report required by this subsection shall be transmitted to the Secretary of Defense for inclusion in the report required by section 254 of this title. The first such report shall be transmitted not later than April 30, 1992.".

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "AUTHORITY OF ASSISTANT SECRETARY FOR FINANCIAL MANAGEMENT.—" after "(a)";

(2) in subsection (b), by inserting "FINANCIAL MANAGEMENT SYSTEMS.—" after "(b)";

(3) in subsection (c), by inserting "FIVE-YEAR PLAN.—" after "(c)"; and

(4) in subsection (d), by inserting "REPORT.—" after "(d)".

SEC. 1004. DEPARTMENT OF THE NAVY.

(a) FINANCIAL MANAGEMENT.—Section 5025 of title 10, United States Code, is amended—

(1) in subsection (a)—

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

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

"(2) direct and manage the development of Department of the Navy financial management budgets;";

(2) in subsection (c), by inserting after "financial management" the following: "and to comply with the requirements contained in this section";

(3) in subsection (d), by inserting after "financial management" the following: ", copies of the most recently completed financial statements under subsection (e), and the audit report on such statements"; and

(4) by adding at the end thereof the following new subsections:

"(e) FINANCIAL STATEMENTS.—(1) Not later than December 31 of each year, the Assistant Secretary of the Navy for Financial Management shall prepare financial statements that include the accounts of all of the offices, agencies, activities, and commands of the Department of the Navy for the preceding fiscal year. The statements shall reflect the overall financial position (including assets and liabilities), results of operations, the cash flows or changes in financial position, and a reconciliation to Department of the Navy budget reports. The financial statements shall be consistent with applicable accounting principles, standards, and requirements. The first financial statements required under this subsection shall be prepared not later than December 31, 1991.

"(2) All financial statements prepared under paragraph (1) shall be audited. The financial statement audit shall be performed in accordance with generally accepted Government auditing standards by an independent external auditor, an Inspector General subject to the Inspector General Act of 1978, or the head of the office or other entity established or designated by the Secretary of the Navy to conduct the auditing function specified in section 5014(c)(1)(B) of this title.

"(3) The person conducting an audit under paragraph (1) shall transmit to the Secretary of the Navy a report which contains an opinion on the financial statements, internal controls, and compliance with laws and regulations relating to financial statements. The report shall be transmitted not later than 180 days after the end of the fiscal year for which such audit was conducted.

"(f) MANAGEMENT REPORT.—(1) The Secretary of the Navy shall prepare an annual report that includes—

"(A) the annual financial statements prepared under subsection (e) and the audit report of those statements;

"(B) a summary of the reports on systems of internal accounting and administrative controls and accounting systems prepared by the Department of the Navy for inclusion in the Department of Defense reports transmitted to the President and the Congress under section 3512(c) of title 31 and a summary to the corrective actions taken with respect to material weaknesses identified in such reports prepared by the Department of the Navy; and

"(C) other information the Secretary of the Navy considers appropriate to fully inform the Congress concerning the financial management of the Department of the Navy.

"(2) The Assistant Secretary of the Navy for Financial Management shall assist the Secretary of the Navy prepare the report required by this subsection.

"(3) The report required by this subsection shall be transmitted to the Secretary of Defense for inclusion in the report required by section 254 of this title. The first such report shall be transmitted not later than April 30, 1992.".

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "AUTHORITY OF ASSISTANT SECRETARY FOR FINANCIAL MANAGEMENT.—" after "(a)";

(2) in subsection (b), by inserting "FINANCIAL MANAGEMENT SYSTEMS.—" after "(b)";

(3) in subsection (c), by inserting "FIVE-YEAR PLAN.—" after "(c)"; and

(4) in subsection (d), by inserting "REPORT.—" after "(d)".

SEC. 1005. DEPARTMENT OF THE AIR FORCE.

(a) FINANCIAL MANAGEMENT.—Section 8022 of title 10, United States Code, is amended—

(1) in subsection (a)—

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

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

"(2) direct and manage the development of Department of the Air Force financial management budgets;";

(2) in subsection (c), by inserting after "financial management" the following: "and to comply with the requirements contained in this section";

(3) in subsection (d), by inserting after "financial management" the following: ", copies of the most recently completed financial statements under subsection (e), and the audit report on such statements"; and

(4) by adding at the end thereof the following new subsections:

"(e) FINANCIAL STATEMENTS.—(1) Not later than December 31 of each year, the Assistant Secretary of the Air Force for Financial

Management shall prepare financial statements that include the accounts of all of the offices, agencies, activities, and commands of the Department of the Air Force for the preceding fiscal year. The statements shall reflect the overall financial position (including assets and liabilities), results of operations, the cash flows or changes in financial position, and a reconciliation to Department of the Air Force budget reports. The financial statements shall be consistent with applicable accounting principles, standards, and requirements. The first financial statements required under this subsection shall be prepared not later than December 31, 1991.

"(2) All financial statements prepared under paragraph (1) shall be audited. The financial statement audit shall be performed in accordance with generally accepted Government auditing standards by an independent external auditor, an Inspector General subject to the Inspector General Act of 1978, or the head of the office or other entity established or designated by the Secretary of the Air Force to conduct the auditing function specified in section 8014(c)(1)(B) of this title.

"(3) The person conducting an audit under paragraph (1) shall transmit to the Secretary of the Air Force a report which contains an opinion on the financial statements, internal controls, and compliance with laws and regulations relating to financial statements. The report shall be transmitted not later than 180 days after the end of the fiscal year for which such audit was conducted.

"(f) MANAGEMENT REPORT.—(1) The Secretary of the Air Force shall prepare an annual report that includes—

"(A) the annual financial statements prepared under subsection (e) and the audit report of those statements;

"(B) a summary of the reports on systems of internal accounting and administrative controls and accounting systems prepared by the Department of the Air Force for inclusion in the Department of Defense reports transmitted to the President and the Congress under section 3512(c) of title 31 and a summary of the corrective actions taken with respect to material weaknesses identified in such reports prepared by the Department of the Air Force; and

"(C) other information the Secretary of the Air Force considers appropriate to fully inform the Congress concerning the financial management of the Department of the Air Force.

"(2) The Assistant Secretary of the Air Force for Financial Management shall assist the Secretary of the Air Force prepare the report required by this subsection.

"(3) The report required by this subsection shall be transmitted to the Secretary of Defense for inclusion in the report required by section 254 of this title. The first such report shall be transmitted not later than April 30, 1992.".

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting "AUTHORITY OF ASSISTANT SECRETARY FOR FINANCIAL MANAGEMENT.—" after "(a)";

(2) in subsection (b), by inserting "FINANCIAL MANAGEMENT SYSTEMS.—" after "(b)";

(3) in subsection (c), by inserting "FIVE-YEAR PLAN.—" after "(c)"; and

(4) in subsection (d), by inserting "REPORT.—" after "(d)".

SEC. 1006. FINANCIAL MANAGEMENT AUDIT COMMITTEES.

(a) DEPARTMENT OF DEFENSE.—(1) Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 180. Defense Audit Committee

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Defense Audit Committee to provide advice concerning auditing, accounting, internal controls, and financial management as may be requested by the Secretary of Defense or the official assigned responsibility for the overall supervision of the Defense Logistics Agency.

"(b) REVIEW AND ADVISORY DUTIES.—The Audit Committee shall—

"(1) review the selection process and criteria for the engagement of an independent external auditor under section 202 or 253 of this title;

"(2) review the breadth and scope of the audit plan prepared by the person conducting an audit required by those sections, monitor the audit work performed, and review the audit report prepared;

"(3) provide advice regarding the preparation of management reports under those sections; and

"(4) assess the adequacy and effectiveness of the audit resolution processes of the Department of Defense and the Defense Logistics Agency, including actions on any audit findings and recommendations.

"(b) MEMBERSHIP.—The Audit Committee shall consist of seven members who are appointed as follows:

"(1) Four members appointed by the Secretary of Defense.

"(2) The Chairman of the Department of the Army Audit Committee under section 3023 of this title.

"(3) The Chairman of the Department of the Navy Audit Committee under section 5026 of this title.

"(4) The Chairman of the Department of the Air Force Audit Committee under section 8023 of this title.

"(c) QUALIFICATIONS.—The members of the Audit Committee appointed by the Secretary of Defense—

"(1) shall be selected from among persons who have demonstrated ability and practicable experience in accounting, financial, and management analysis, budget execution, and financial systems development; and

"(2) may not be officers or employees of the Department of Defense.

"(d) CHAIRMAN AND MEETINGS.—The Secretary of Defense shall designate a member as chairman of the Audit Committee. The audit committee shall meet at such time and places as may be designated by the chairman.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"180. Defense Audit Committee.".

(b) ARMY.—(1) Chapter 303 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 3023. Department of the Army Audit Committee

"(a) ESTABLISHMENT.—The Secretary of the Army shall establish a Department of the Army Audit Committee to provide advice concerning auditing, accounting, internal controls, and financial management as may be requested by the Secretary.

"(b) REVIEW AND ADVISORY DUTIES.—The Audit Committee shall—

"(1) review the selection process and criteria for the engagement of an independent external auditor under section 3022 of this title;

"(2) review the breadth and scope of the audit plan prepared by the person conducting an audit required by that section, monitor the audit work performed, and review the audit report prepared;

"(3) provide advice regarding the preparation of management reports under that section; and

"(4) assess the adequacy and effectiveness of the audit resolution processes of the Department of the Army, including actions on any audit findings and recommendations.

"(b) MEMBERSHIP.—The Audit Committee shall consist of five members who are appointed by the Secretary of the Army.

"(c) QUALIFICATIONS.—The members of the Audit Committee—

"(1) shall be selected from among persons who have demonstrated ability and practicable experience in accounting, financial, and management analysis, budget execution, and financial systems development; and

"(2) may not be officers or employees of the Department of Defense.

"(d) CHAIRMAN AND MEETINGS.—The Secretary of the Army shall designate a member as chairman of the Audit Committee. The audit committee shall meet at such time and places as may be designated by the chairman.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"3023. Department of the Army Audit Committee.".

(c) NAVY.—(1) Chapter 503 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 5026. Department of the Navy Audit Committee

"(a) ESTABLISHMENT.—The Secretary of the Navy shall establish a Department of the Navy Audit Committee to provide advice concerning auditing, accounting, internal controls, and financial management as may be requested by the Secretary.

"(b) REVIEW AND ADVISORY DUTIES.—The Audit Committee shall—

"(1) review the selection process and criteria for the engagement of an independent external auditor under section 5025 of this title;

"(2) review the breadth and scope of the audit plan prepared by the person conducting an audit required by that section, monitor the audit work performed, and review the audit report prepared;

"(3) provide advice regarding the preparation of management reports under that section; and

"(4) assess the adequacy and effectiveness of the audit resolution processes of the Department of the Navy, including actions on any audit findings and recommendations.

"(c) MEMBERSHIP.—The Audit Committee shall consist of five members who are appointed by the Secretary of the Navy.

"(d) QUALIFICATIONS.—The members of the Audit Committee—

"(1) shall be selected from among persons who have demonstrated ability and practicable experience in accounting, financial, and management analysis, budget execution, and financial systems development; and

"(2) may not be officers or employees of the Department of Defense.

"(e) CHAIRMAN AND MEETINGS.—The Secretary of the Navy shall designate a member as chairman of the Audit Committee. The

audit committee shall meet at such time and places as may be designated by the chairman.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"5026. Department of the Navy Audit Committee.".

(d) AIR FORCE.—(1) Chapter 803 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 8023. Department of the Air Force Audit Committee

"(a) ESTABLISHMENT.—The Secretary of the Air Force shall establish a Department of the Air Force Audit Committee to provide advice concerning auditing, accounting, internal controls, and financial management as may be requested by the Secretary.

"(b) REVIEW AND ADVISORY DUTIES.—The Audit Committee shall—

"(1) review the selection process and criteria for the engagement of an independent external auditor under section 3022 of this title;

"(2) review the breadth and scope of the audit plan prepared by the person conducting an audit required by that section, monitor the audit work performed, and review the audit report prepared;

"(3) provide advice regarding the preparation of management reports under that section; and

"(4) assess the adequacy and effectiveness of the audit resolution processes of the Department of the Air Force, including actions on any audit findings and recommendations.

"(c) MEMBERSHIP.—The Audit Committee shall consist of five members who are appointed by the Secretary of the Air Force.

"(d) QUALIFICATIONS.—The members of the Audit Committee—

"(1) shall be selected from among persons who have demonstrated ability and practicable experience in accounting, financial, and management analysis, budget execution, and financial systems development; and

"(2) may not be officers or employees of the Department of the Defense.

"(e) CHAIRMAN AND MEETINGS.—The Secretary of the Air Force shall designate a member as chairman of the Audit Committee. The audit committee shall meet at such time and places as may be designated by the chairman.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"8023. Department of the Air Force Audit Committee.".

PART B—CONTRACTING OUT

SEC. 1011. CONTINUATION OF AUTHORITY OF BASE COMMANDERS OVER CONTRACTING FOR COMMERCIAL ACTIVITIES.

Section 2468 of title 10, United States Code, is amended by striking out subsection (f).

PART C—PROFESSIONAL MILITARY EDUCATION

SEC. 1021. PREPARATION OF BUDGET REQUESTS FOR OPERATION OF PROFESSIONAL MILITARY EDUCATION SCHOOLS.

(a) UNIFORM BUDGET REQUESTS.—Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2162. Preparation of budget requests for operation of professional military education schools

"(a) UNIFORM COST ACCOUNTING.—The Secretary of Defense, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, shall promulgate a uniform cost accounting system for use by the Secretaries of the military departments in preparing budget requests for the operation of professional military education schools.

"(b) PREPARATION OF BUDGET REQUESTS.—(1) Amounts requested for a fiscal year for the operation of each professional military education school shall be set forth as a separate budget request in the materials submitted by the Secretary of Defense to Congress in support of the budget request for the Department of Defense.

"(2) The Secretary of a military department preparing a budget request for a professional military education school shall consult with, and obtain the recommendations of, the Chairman of the Joint Chiefs of Staff regarding the amount of the request. In formulating such recommendations, the Chairman shall determine whether the amounts requested for the operation of a school of the National Defense University are comparable to the amounts requested for the operation of other professional military education schools, taking into consideration the size and activities of the schools.

"(c) COMPARISON OF BUDGET REQUESTS.—Materials prepared in support of the budget request for a professional military education school—

"(1) shall describe whether the amount requested for that school is comparable to the amounts requested for other professional military education schools, taking into consideration the size and activities of the schools; and

"(2) shall include the recommendations of the Chairman prepared under subsection (b)(2) for that school.

"(d) DEFINITIONS.—In this section:

"(1) The term 'professional military education school' means—

"(A) the National Defense University;

"(B) the Army War College;

"(C) the College of Naval Warfare;

"(D) the Air War College;

"(E) the United States Army Command and General Staff College;

"(F) the College of Naval Command and Staff;

"(G) the Air Command and Staff College; or

"(H) the Marine Corps Command and Staff College.

"(2) The term 'National Defense University' means the National War College, the Armed Forces Staff College, and the Industrial College of the Armed Forces.".

(b) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2162. Preparation of budget requests for operation of professional military education schools.".

(2) The heading of such chapter is amended to read as follows:

"CHAPTER 108—DEPARTMENT OF DEFENSE SCHOOLS".

(3) The items relating to such chapter in the table of chapters at the beginning of subtitle A, and at the beginning of part III of subtitle A, of title 10, United States Code, are amended to read as follows:

"108. Department of Defense Schools ..... 2161".

(b) APPLICATION OF AMENDMENT.—Section 2162 of title 10, United States Code, as added by subsection (a), shall apply with respect to fiscal years after fiscal year 1991.

SEC. 1022. AUTHORITY OF NAVAL WAR COLLEGE TO CONFER DEGREE OF MASTER OF ARTS IN NATIONAL SECURITY AND STRATEGIC STUDIES.

(a) AUTHORITY.—Part III of subtitle C of title 10, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 609—PROFESSIONAL MILITARY EDUCATION SCHOOLS

"Sec.

"7101. Naval War College: master of arts in national security and strategic studies.

"§ 7101. Naval War College: master of arts in national security and strategic studies

"(a) AUTHORITY.—Upon the recommendation of the faculty of the Naval War College, the President of the college may confer the degree of master of arts in national security and strategic studies upon graduates of the college who fulfill the requirements for the degree.

"(b) REGULATIONS.—The authority provided by subsection (a) shall be exercised under regulations prescribed by the Secretary of the Navy.

"(c) NAVAL WAR COLLEGE DEFINED.—In this section, the term 'Naval War College' means the College of Naval Warfare and the College of Naval Command and Staff.".

(b) CLERICAL AMENDMENT.—The tables of chapters at the beginning of subtitle C of title 10, United States Code, and at the beginning of part III of such subtitle, are amended by inserting after the item relating to chapter 607 the following new item:

"609. Professional Military Educational Schools 7101".

PART D—MISCELLANEOUS

SEC. 1031. ESTABLISHMENT OF JOINT REQUIREMENTS OVERSIGHT COUNCIL.

(a) IN GENERAL.—Chapter 5 of title 10, United States Code, is amended—

(1) by redesignating section 155 as section 156; and

(2) by inserting after section 154 the following new section 155:

"§ 155. Joint Requirements Oversight Council

"(a) COMPOSITION.—There is in the Department of Defense the Joint Requirements Oversight Council. Unless otherwise directed by the Chairman of the Joint Chiefs of Staff, the Vice Chairman of the Joint Chiefs of Staff shall be the chairman of the Council. In addition to its chairman, the Council consists of the following:

"(1) The Vice Chief of Staff of the Army.

"(2) The Vice Chief of Naval Operations.

"(3) The Vice Chief of Staff of the Air Force.

"(4) The Assistant Commandant of the Marine Corps.

"(b) FUNCTION AS ADVISOR ON MILITARY REQUIREMENTS.—The chairman of the Council is the principal military advisor to the Chairman of the Joint Chiefs of Staff with respect to military requirements and shall decide all matters before the Council.

"(c) DUTIES.—Unless otherwise directed by the Secretary of Defense, the Chairman of the Joint Chiefs of Staff shall specify the duties of the Joint Requirements Oversight Council. Those duties (in addition to such other duties as the Chairman shall include) shall include requirements that the Joint Requirements Oversight Council—

"(1) assist the Chairman of the Joint Chiefs of Staff in carrying out the Chairman's responsibility under section

153(a)(4)(F) of this title to assess military requirements for defense acquisition programs;

"(2) in general, assist in identifying military needs and their linkage to national military strategy and validating specific weapon system and equipment programs to meet military needs;

"(3) have authority to review all development and acquisition programs in the Department of Defense, as determined by the Chairman of the Council;

"(4) review all major acquisition programs and all other acquisition programs that in the judgment of the Chairman of the Council have the potential to become major programs;

"(5) in each of its reviews of acquisition programs, consider the alternative ways to fill a military need or needs taking into account the cost, schedule, and expected performance of the program and the alternatives;

"(6) in each of its reviews of military needs and acquisition programs, place emphasis on ensuring interoperability, opportunities for joint or multiservice applications, eliminating unnecessary duplication in programs, and promoting economies of scale; and

"(7) establish priorities for all major programs and other programs as determined by the Chairman of the Council, periodically, but not less often than once each year, in light of the strategic plans developed by the Chairman of the Joint Chiefs of Staff in conformance with resource levels projected by the Secretary of Defense.

"(d) CONSULTATION BY THE CHAIRMAN OF THE COUNCIL.—In carrying out his functions, duties, and responsibilities, the Chairman of the Council shall, as he considers appropriate, seek the advice of—

"(1) the other members of the Council; and

"(2) the commanders of the unified and specified combatant commands.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 155 and inserting in lieu thereof the following new items:

"155. Joint Requirements Oversight Council.
"156. Joint Staff.".

SEC. 1032. NATIONAL MILITARY STRATEGY REPORTS.

(a) REPORTS BY SECRETARY OF DEFENSE.—(1) The Secretary of Defense shall submit to Congress a national military strategy report during each of fiscal years 1992, 1993, and 1994. Each such report shall be submitted with the Secretary's annual report to Congress for that year under section 113(j) of title 10, United States Code and shall include a copy of the report setting forth the strategic plans submitted to the Secretary by the Chairman of the Joint Chiefs of Staff for that year under subsection (b).

(2) Each such report shall also include a report of the Secretary containing the following:

(A) The Secretary's comments and conclusions concerning each of the three strategic plans set forth in the report of the Chairman.

(B) The Secretary's recommendations, based upon one of those plans or a combination of those plans, for a national military strategy that is both coherent and fiscally constrained.

(C) An explanation of how the Secretary's recommendations under subparagraph (B) relate to the current Department of Defense Multiyear Defense Plan.

(D) An explanation of how the Secretary's recommendations under subparagraph (B) relate to the budget of the Department of Defense for the next fiscal year, with such budget formatted by major missions of the Department.

(3) The Secretary shall prepare the report referred to in paragraph (2) after consultation with the Under Secretary of Defense for Policy, the Under Secretary of Defense for Acquisition, and such other officials as the Secretary considers appropriate.

(4) The reports submitted to Congress under this section shall be submitted in both classified and (to the extent practicable) unclassified versions.

(b) REPORT BY CHAIRMAN OF JCS.—The Chairman of the Joint Chiefs of Staff shall prepare, and submit to the Secretary of Defense under subsection (a), a strategic military plan for the Nation for the 10-year period beginning with fiscal year 1991 corresponding to each of three alternative sets of assumptions about future world conditions and defense funding levels (as set forth in subsection (d)). The strategic military plans shall be developed by the Chairman of the Joint Chiefs of Staff with the assistance of the Joint Staff and shall set forth the best strategic military plan, based upon the Chairman's professional judgment, for each of the three alternatives.

(2) Reports under paragraph (1) shall be submitted to the Secretary of Defense not later than January 1, 1991, not later than January 1, 1992, and not later than January 1, 1993.

(c) MATTER TO BE INCLUDED IN STRATEGIC MILITARY PLANS.—Each of the three strategic plans provided in a report under subsection (b) shall include the following:

(1) An elaboration of the threat to the United States from the world conditions assumed in the alternative that the strategic plan is developed to address.

(2) A discussion of the degree to which military forces can contribute to the achievement of selected national objectives with a military posture limited by the available resources specified for purposes of that alternative.

(3) The strategy for applying those military forces to the achievement of specified national objectives.

(4) The missions of strategic, tactical, special operations, land, sea, air, and other forces in achieving that military strategy, including requirements with respect to forward basing, sealift and airlift, logistics and other support, readiness and sustainability, reserve and ready forces assignments, and other relevant factors.

(5) The missions identified in paragraph (4) for which each of the armed forces should organize, train, equip, and otherwise prepare forces for combat.

(6) The recommended size and composition of each of the armed forces, including specification of the number of military and civilian personnel and specification of force structure in terms of both combat weapon systems and major organizational elements.

(7) An assessment, in light of the strategic plan, of the military requirements for all major acquisition programs of the Department, accompanied by a recommendation as to the timing of each acquisition, the number of end items to be procured under each such program, and the annual funding level for each such program.

(8) Recommendations on the priorities to be given to research and development programs necessary to support the strategic plan.

(d) ASSUMED WORLD CONDITIONS FOR WHICH STRATEGIC MILITARY PLANS ARE REQUIRED.—(1) Each report under this section shall be developed with respect to each of the following three alternative sets of assumptions concerning future world conditions and anticipated defense budgets:

(A) The first alternative, set forth more fully in subsection (e), shall assume that present trends in world conditions continue and that levels of defense spending decline at a relatively gradual rate for five years and then stabilize.

(B) The second alternative, set forth more fully in subsection (f), shall assume increased tensions in world conditions and that levels of defense spending decline at a relatively gradual rate for two years and then stabilize.

(C) The third alternative, set forth more fully in subsection (g), shall assume that domestic priorities become dominant for Federal budget purposes and that levels of defense spending decline precipitously.

(2) The Secretary of Defense, in providing guidance to the Chairman of the Joint Chiefs of Staff for preparation of reports under this section, may revise any of the three alternatives with respect to assumptions about world and domestic conditions (as set forth in paragraph (1) of each of subsections (e) through (g)) in any manner the Secretary considers appropriate in order to increase the utility of the reports to the Secretary, the President, and the Congress. The Secretary may not revise any of the three alternatives with respect to assumptions about levels of defense spending (as set forth in paragraph (2) of each of subsections (e) through (g)).

(e) PRESENT TRENDS ALTERNATIVE.—(1) The first alternative shall assume, with respect to world conditions, that present trends continue and specifically that—

(A) the threat posed by the Soviet Union continues to diminish;

(B) arms control agreements providing for the reduction of strategic nuclear weapons (START) and for the limitation on conventional forces in Europe (CFE) are signed and ratified, thus significantly reducing strategic and conventional threats;

(C) warning time for potential hostilities in Europe extends to a minimum of three months;

(D) instability in the Soviet Union and Eastern Europe does not intensify to the point establishing perceived need by political authorities for the United States to have the capability to intervene;

(E) military capabilities of regional powers (such as Iraq and Pakistan) continue to grow but hostilities and other developments in the Middle East, Southwest Asia, and elsewhere do not develop to the point that United States intervention to protect its interests is necessary; and

(F) military capabilities of the United States to interdict narcotics and cope with low-intensity conflicts continue to evolve.

(2) The first alternative shall also assume that defense budgets continue to decline at a rate of 2½ percent per year to a level of $250,000,000,000 in new budget authority for fiscal year 1996 (stated in fiscal year 1989 dollars) and then keep pace with inflation through fiscal year 2001 and thereafter.

(f) INCREASED TENSIONS ALTERNATIVE.—(1) The second alternative shall assume, with respect to world conditions, that world tensions increase and specifically that—

(A) there is significantly increased concern about the growth in chemical, nuclear, and conventional warfare capabilities of re-

gional powers that are potentially hostile to the United States and its allies;

(B) military capabilities of the United States to interdict narcotics and cope with low-intensity conflicts continue to evolve;

(C) the decline in the threat posed by the Soviet Union is reversed, normalization of relations with the Soviet Union is replaced by moderately increased tension, and instability increases in the Soviet Union as a result of popular unrest and ethnic or nationalist secessionist tendencies;

(D) arms control agreements are signed and ratified under the START and CFE-1 processes, but prospects for further arms control progress is unclear; and

(E) warning time for potential hostilities in Europe is estimated to be no more than three months.

(2) The second alternative shall also assume that defense budgets decline to a level of $280,000,000,000 in new budget authority for fiscal year 1992 (measured in fiscal year 1989 dollars) and then keep pace with inflation through fiscal year 2001 and thereafter.

(g) DOMESTIC PRIORITIES ALTERNATIVE.—(1) The third alternative shall assume that, due to a broad public perception (A) that the Soviet Union has become relatively benign, nonexpansionist, and internally focused, and (B) that no comparable threats to United States national interests have emerged, public support for defense expenditures at or near recent levels diminishes precipitously.

(2) The third alternative shall also assume that defense budgets decline to a level of $200,000,000,000 in new budget authority for fiscal year 1996 (measured in fiscal year 1989 dollars) and remain at that level indefinitely so that annual defense expenditures do not exceed 3 percent of gross national product.

SEC. 1033. JOINT STAFF.

(a) NATIONAL MILITARY STRATEGY PLANNING STAFF.—Section 156 of title 10, United States Code (as redesignated by section 1031(a)), is amended by adding at the end the following new subsection:

"(i) ELEMENTS OF JOINT STAFF.—The Chairman of the Joint Chiefs of Staff shall establish within the Joint Staff a national military strategy planning staff, which shall be under the direct authority of the Chairman and shall work exclusively for the Chairman.".

(b) REPEAL OF LIMITATION ON SIZE OF JOINT STAFF.—Such section is further amended by striking out that portion of subsection (g) that precedes paragraph (2) and inserting in lieu thereof the following:

"(g) OFFSETTING REDUCTIONS FOR INCREASE IN JOINT STAFF ABOVE FORMER LIMIT.—(1) Any increase above 1,627 in the total number of members of the armed forces and civilian personnel authorized to be assigned or detailed to permanent duty on the Joint Staff shall be offset by corresponding reductions in the total number of members of the armed forces and civilian personnel (in the aggregate) authorized to be assigned or detailed to permanent duty on the Army Staff, the Air Staff, the Office of the Chief of Naval Operations, and the Headquarters, Marine Corps. The Secretary of Defense shall direct the manner in which any such reductions shall be allocated.".

SEC. 1034. AUTHORITY OF CHIEFS OF RESERVE COMPONENTS.

(a) ARMY RESERVE.—Section 3038(a) of title 10, United States Code, is amended by inserting before the period at the end the following: "and who, subject to the authority, direction, and control of the Chief of Staff, has command and control of the Army Reserve".

(b) NAVAL RESERVE.—Section 5251(a) of such title is amended by adding at the end the following new sentence: "The Chief of the Naval Reserve, subject to the authority, direction, and control of the Chief of Naval Operations, has command and control of the Naval Reserve.".

(c) AIR FORCE RESERVE.—Section 8038(a) of such title is amended by inserting before the period at the end the following: "and who, subject to the authority, direction, and control of the Chief of Staff, has command and control of the Air Force Reserve".

(d) ARMY TRANSITION.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a report on the plans of the Secretary for implementation of the amendment made by subsection (a). Such implementation 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. 1035. INDEPENDENT BOARDS TO CONDUCT INVESTIGATIONS OF MAJOR INCIDENTS AND ALLEGATIONS INVOLVING PERFORMANCE OF THE ARMED FORCES.

(a) INDEPENDENT INVESTIGATORY BOARDS.—(1) Chapter 7 of title 10, United States Code, is amended by adding after section 180 (as added by section 1006(a)) the following new section:

"§ 181. Boards to review military performance: convening by Secretary of Defense

"(a)(1) The Secretary of Defense may direct that an investigation of an incident or allegation of the type described in paragraph (2) be conducted by a board convened under this section if the Secretary determines that the incident or allegation involves a major question of performance of missions assigned to the armed forces or is otherwise of significant public concern.

"(2) Paragraph (1) refers to incidents or allegations involving questions of the performance of missions assigned to the armed forces or of the performance of members of the armed forces (other than the Coast Guard when it is not operating as a service in the Navy) with respect to which the Secretary of the military department concerned or another authority within the Department of Defense, under established procedures and policy, would customarily convene an investigatory board or panel.

"(b)(1) The Secretary of Defense shall appoint a chairman for each board convened under this section. The chairman—

"(A) may not be a member of the armed forces on active duty;

"(B) may not have served on active duty in the armed force with respect to which the investigation is to be conducted for more than six years;

"(C) may not have a current affiliation (including employment or service as a member of the armed forces) with the military department with respect to which the investigation is to be conducted or a former such affiliation within the preceding five years; and

"(D) shall have appropriate qualifications to head the investigation, including qualifications based on experience in national security matters or training and experience in matters relevant to the duties of the board.

"(2) Each board convened under this section shall have a deputy chairman. The deputy chairman shall be selected by the Secretary of Defense after considering recommendations of the Secretary of the military department with respect to which the investigation is to be conducted. The deputy chairman shall be selected from among officers on the active-duty list of the armed force with respect to which the investigation is to be conducted. If the incident or allegation with respect to which the board is convened involves more than one military department, the Secretary of Defense shall designate which Secretary of a military department shall recommend the deputy chairman.

"(3) Such a board shall include such additional members as the Secretary of Defense directs. Such members may be selected from members of the armed force with respect to which the investigation is to be conducted, other members of the armed forces, employees of the Department of Defense, and persons outside the Government. However, the number of members of the panel appointed from persons affiliated with the military department concerned (whether military or civilian) may not be more than half of the total membership of the board and at least one member of the board shall be appointed from outside the Government.

"(4) Members of a board convened under this section who are not members of the armed forces on active duty and (but for service on the board) are not employees of the United States shall be provided a stipend not to exceed $350 for each day in which they are engaged in performance of the work of the board.

"(c) A board convened under this section shall perform such duties, exercise such functions, and make such reports as the Secretary of Defense directs in connection with the investigation of the incident or allegation giving rise to the appointment of the board. The members of the board shall be engaged full time in the duties of the board until the work of the board is completed.

"(d) The Secretary of Defense shall provide a board with such staff assistance as it requires. Not more than one-third of the staff of the board may be from a military department concerned with the investigation. The remainder of such staff shall be from other components of the Department of Defense, from other agencies of the Government, or from the private sector, except that support staff for the board shall be furnished by the Inspector General of the Department.

"(e) The Secretary of Defense shall establish procedures and standards for the convening and functioning of boards under this section in order to facilitate the convening of such a board, and its effective functioning, as expeditiously as possible upon the occurrence of an incident or allegation described in subsection (a).

"(f) Meetings of a board convened under this section may, at the discretion of the chairman of the board, be closed to the public.

"(g) Unless otherwise directed by the Secretary of Defense, the convening of a board under this section shall be considered to meet any requirement imposed by law or regulation for the Secretary of a military department or other authority within the Department of Defense to conduct an investigation or inquiry with respect to an incident or allegation.".

(2) The table of sections at the beginning of such chapter is amended by adding after

the item relating to section 180 (as added by section 1006(a)) the following new item:

"181. Boards to review military performance: convening by Secretary of Defense.".

(b) EFFECTIVE DATE.—Section 181 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1990.

SEC. 1036. SECURITY INVESTIGATIONS.

(a) SECURITY INVESTIGATIONS.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2244. Security investigations

"No funds appropriated to the Department of Defense may be obligated or expended for the conduct of an investigation by the Department of Defense or any other Federal department or agency for purposes of determining whether to grant a security clearance to an individual or a facility unless the Secretary of Defense determines both of the following:

"(1) That a current, complete investigation file is not available from any other department or agency of the Federal government with respect to that individual or facility.

"(2) That no other department or agency of the Federal government is conducting an investigation with respect to that individual or facility that could be used as the basis for determining whether to grant the security clearance.".

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

"2244. Security investigations.".

TITLE XI—DEFENSE REPORTS REDUCTION

SEC. 1101. SHORT TITLE.

This title may be cited as the "Defense Reports Reduction Act of 1990".

PART A—REPEAL OF EXISTING REPORT REQUIREMENTS

SEC. 1111. REPORTS REQUIRED BY TITLE 10, UNITED STATES CODE.

Title 10, United States Code, is amended as follows:

(1) Sections 117 and 118 are repealed.

(2) Section 125 is amended by striking out the second sentence of subsection (c).

(3) Section 836(b) is amended by striking out "and shall be reported to Congress".

(4) Section 946(c)(1) is amended by striking out "a report—" and all that follows through "(B) to the" and inserting in lieu thereof "a report to the".

(5) Section 1051 is amended—

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

(B) by redesignating subsection (g) as subsection (e).

(6) Section 2208 is amended by striking out subsection (k).

(7) Section 2313 is amended by striking out the last sentence of subsection (c).

(8) Section 2215 is repealed.

(9) Section 2330 is amended—

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

(B) by redesignating subsection (d) as subsection (c).

(10) Sections 2349 and 2357 are repealed.

(11) Section 2367 is amended by striking out subsection (c).

(12) Section 2394(b) is amended—

(A) by striking out "only—" and all that follows through "after the approval" and inserting in lieu thereof "only after the approval";

(B) by striking out "; and" and inserting in lieu thereof a period; and

(C) by striking out paragraph (2).

(13) Section 2463 is amended—

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

(B) by redesignating subsection (c) as subsection (b).

(14) Section 2779(b) is amended by striking out paragraph (4).

(15) Section 2805(b) is amended by striking out paragraph (3).

(16) Section 2834 is amended—

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

(B) by redesignating subsection (c) as subsection (b).

(17) Section 2891 is repealed.

SEC. 1112. REPORTS REQUIRED BY ANNUAL DEFENSE AUTHORIZATION ACTS.

(a) PUBLIC LAW 101-189.—The National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1352 et seq.) is amended as follows:

(1) Section 852 (103 Stat. 1517) is amended by striking out subsection (b).

(2) Section 1604 (103 Stat. 1598) is repealed.

(b) PUBLIC LAW 100-180.—The National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1019 et seq.) is amended as follows:

(1) Section 273 (15 U.S.C. 4603) is amended by striking out paragraph (3) of subsection (b).

(2) Section 1201 (as amended by section 1202 of Public Law 100-456) is amended by striking out subsection (e).

(c) PUBLIC LAW 99-661.—The National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661) is amended as follows:

(1) Section 1207(g)(4) (10 U.S.C. 2301 note) is amended—

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

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

(2) Section 1362 (100 Stat. 4001) is repealed.

(d) PUBLIC LAW 99-145.—Section 106(a)(2) of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 596) is amended by striking out "may be obligated—" and all that follows through "(B) for" and inserting in lieu thereof "may be obligated for".

(e) PUBLIC LAW 98-115.—Section 803(b) of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note), is amended—

(1) by striking out "in any year" and all that follows through "the Secretary determines" and inserting in lieu thereof "in any year if the Secretary determines";

(2) by striking out "; and" and inserting in lieu thereof a period; and

(3) by striking out paragraph (2).

SEC. 1113. REPORTS REQUIRED BY OTHER ACTS.

(a) DEFENSE INDUSTRIAL RESERVE ACT.—Section 5 of the Defense Industrial Reserve Act (50 U.S.C. 454) is repealed.

(b) MILITARY SELECTIVE SERVICE ACT.—Section 18 of the Military Selective Service Act (50 U.S.C. App. 468) is amended in subsection (h)—

(1) by striking out "(1)" at the beginning of the text of such subsection; and

(2) by striking out paragraph (2).

PART B—MODIFICATIONS TO EXISTING REPORT REQUIREMENTS

SEC. 1121. REPORTS REQUIRED BY TITLE 10, UNITED STATES CODE.

Title 10, United States Code, is amended as follows:

(1) Section 128(d) is amended by striking out "on a quarterly basis" and inserting in lieu thereof "on an annual basis".

(2) Section 2361(c) is amended—

(A) by striking out "a semiannual report" in paragraph (1) and inserting in lieu thereof "an annual report"; and

(B) by striking out "the six-month periods" in paragraph (2) and all that follows in that paragraph and inserting in lieu thereof "the preceding calendar year and shall be submitted not later than February 1 of the year after the year covered by the report.".

(3) Section 2457(d) is amended by striking out "Before February 1 of each year," and inserting in lieu thereof "Before February 1, 1989, and biennially thereafter,".

(4) Section 2662(b) is amended by striking out "$5,000" and inserting in lieu thereof "$25,000".

(5) Section 2822(b)(4) is amended—

(A) by striking out "if—" and all that follows through "the Secretary concerned provides" and inserting in lieu thereof "if the Secretary concerned provides";

(B) by striking out "; and" and inserting in lieu thereof a period; and

(C) by striking out subparagraph (B).

(6) Section 7434 is amended to read as follows:

"§ 7434. Semiannual reports to Armed Services Committees

"The Secretary shall submit to the Committee on Armed Services of the Senate and House of Representatives a semiannual report on the production from the naval petroleum reserves during the preceding six months. Each such report shall be submitted within 30 days after the end of a fiscal year and the end of the second quarter of a fiscal year.".

SEC. 1122. REPORTS REQUIRED BY ANNUAL AUTHORIZATION ACTS.

(a) PUBLIC LAW 101-189.—Section 121(d) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1379) is amended—

(1) by striking out "BIMONTHLY" in the subsection heading and inserting in lieu thereof "QUARTERLY";

(2) by striking out "a report every two months" in paragraph (1) and inserting in lieu thereof "at the end of each fiscal-year quarter a report"; and

(3) by striking out the first sentence of paragraph (3).

(b) PUBLIC LAW 99-661.—Section 1207(g) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 10 U.S.C. 2301 note) is amended by transferring subparagraph (C) of paragraph (3) to the end of paragraph (4) (as amended by section 1112(c)(1)).

(c) PUBLIC LAW 98-525.—Section 1002(d) of the Department of Defense Authorization Act, 1985 (Public Law 98-525), is amended—

(1) in paragraph (1), by striking out "April 1, 1985, and each year thereafter," and inserting in lieu thereof "April 1, 1990, and biennially thereafter,";
and

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

"(xi) Other selected indicators of NATO capability.".

PART C—REPORT PROVISIONS PREVIOUSLY TERMINATED UNDER GOLDWATER-NICHOLS ACT

SEC. 1131. PURPOSE.

(a) PURPOSE OF PART.—This part, with respect to Goldwater-Nichols terminations described in subsection (b)—

(1) in section 1132, repeals certain provisions of law containing terminated report requirements; and

(2) in section 1133, restores the effectiveness of selected other provisions of law containing such requirements.

(b) DESCRIPTION OF GOLDWATER-NICHOLS TERMINATIONS.—For purposes of subsection (a), Goldwater-Nichols terminations are those provisions of law that—

(1) set forth requirements for reports to Congress; and

(2) by reason of section 602(c) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433; 10 U.S.C. 111 note), are no longer effective.

SEC. 1132. REPEAL OF STATUTORY PROVISIONS TERMINATED BY GOLDWATER-NICHOLS ACT.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 113 is amended—

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

(B) by redesignating subsections (j), (k), and (l) as subsections (i), (j), and (k), respectively.

(2) Section 115(b) is amended by striking out the last sentence of paragraph (4).

(3) Section 2113(j) is amended—

(A) by striking out "subject to paragraph (2)," in subparagraphs (B), (C), and (E) of paragraph (1);

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

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

(4) Section 2307 is amended by striking out subsection (d).

(5) Section 2359 is repealed.

(6) Section 2388 is amended by striking out subsection (d).

(7) Section 2394a is amended—

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

(B) by redesignating subsection (c) as subsection (b).

(8) Section 2404 is amended—

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

(B) by redesignating subsection (e) as subsection (d).

(9) Section 2455 is repealed.

(10) Section 2547 is amended—

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

(B) by redesignating subsection (e) as subsection (d).

(11) Section 2675 is amended—

(A) by striking out "(a)" at the beginning of the text of such section; and

(B) by striking out subsection (b).

(12) Section 2690(b) is amended—

(A) by striking out "the Secretary—" and all that follows through "determines" and inserting in lieu thereof "the Secretary determines";

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

(C) by striking out "; and" and inserting in lieu thereof a period; and

(D) by striking out paragraph (2).

(13) Section 2721 is amended—

(A) by striking out "(a)"; and

(B) by striking out subsection (b).

(14) Section 4314 is amended by striking out the last sentence.

(15) Section 6956 is amended—

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

(B) by redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c), respectively.

(16) Section 7217 is repealed.

(b) TITLE 32, UNITED STATES CODE.—Section 314 of title 32, United States Code, is amended by striking out the last sentence of subsection (d).

(c) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended as follows:

(1) Sections 301a and 301c are amended by striking out subsection (e).

(2) Section 303a(c) is amended by striking out the last sentence.

(3) Section 306 is amended by striking out subsection (f).

(4) Section 308b is amended—

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

(B) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(5) Section 308c is amended—

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

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

(6) Section 310 is amended by striking out subsection (d).

(7) Section 312b is amended—

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

(B) by redesignating subsection (d) as subsection (c).

(8) Section 312c is amended—

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

(B) by redesignating subsection (e) as subsection (d).

(d) PUBLIC LAW 99-145.—The Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 583 et seq.), is amended as follows:

(1) Section 913 (10 U.S.C. 2301 note) is amended—

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

(B) by redesignating subsection (c) as subsection (b).

(2) Section 915 (10 U.S.C. 2431 note) is repealed.

(e) PUBLIC LAW 98-94.—Section 1260 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 703), is amended by striking out the second sentence of subsection (b).

(f) PUBLIC LAW 96-418.—Section 802 of the Military Construction Authorization Act, 1981 (Public Law 96-418; 10 U.S.C. 2431 note), is amended by striking out subsection (e).

(g) PUBLIC LAW 94-106.—Section 808 of the Department of Defense Appropriation Authorization Act, 1976 (Public Law 94-106; 10 U.S.C. 7291 note), is repealed.

SEC. 1133. RESTORATION OF CERTAIN REPORTING REQUIREMENTS OF TITLE 10, UNITED STATES CODE, TERMINATED BY GOLDWATER-NICHOLS ACT.

(a) RESTORAL.—The effectiveness of the report and notification provisions named in subsection (b), previously terminated by section 602(c) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433; 10 U.S.C. 111 note), is hereby restored.

(b) COVERED PROVISIONS.—Subsection (a) applies to the following report and notification provisions set forth in title 10, United States Code:

(1) The quarterly report required by section 127(c) of that title, relating to emergency and extraordinary expenses.

(2) The quadrennial report required by section 2006(e)(3) of that title, relating to the Department of Defense Education Benefits Fund.

(3) The reports required by paragraphs (1)(B) and (3) of section 2438(a) of that title, relating to acquisitions strategies for major defense acquisition programs.

(4) The notifications required by section 2672a(b) of that title, relating to urgent acquisitions of interests in land.

(5) The notifications required by section 7308(c) of that title, relating to the transfer or gift of obsolete, condemned, or captured vessels.

(6) The notifications required by section 7309(b) of that title, relating to construction or repair of vessels in foreign shipyards.

SEC. 1134. REPEAL OF GOLDWATER-NICHOLS REPORTS TERMINATION SECTION.

Section 602(c) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433; 10 U.S.C. 111 note), is repealed.

PART D—CLERICAL AMENDMENTS

SEC. 1141. CLERICAL AMENDMENTS.

Title 10, United States Code, is amended as follows:

(1) The table of sections at the beginning of chapter 2 is amended by striking out the items relating to sections 117 and 118.

(2) The table of sections at the beginning of chapter 131 is amended by striking out the item relating to section 2215.

(3) The table of sections at the beginning of subchapter I of chapter 138 is amended by striking out the item relating to section 2349.

(4) The table of sections at the beginning of chapter 139 is amended by striking out the items relating to section 2357 and 2359.

(5) The table of sections at the beginning of chapter 145 is amended by striking out the item relating to section 2455.

(6) The table of sections at the beginning of chapter 171 is amended by striking out the item relating to section 2891.

(7) The table of sections at the beginning of chapter 631 is amended by striking out the item relating to section 7217.

(8) The item relating to section 7434 in the table of sections at the beginning of chapter 641 is amended to read as follows:

"7434. Semiannual reports to Armed Services Committees.".

TITLE XII—ARMED FORCES RETIREMENT HOME

SEC. 1201. SHORT TITLE.

This title may be cited as the "Armed Forces Retirement Home Act of 1990".

SEC. 1202. AUTHORIZATION OF APPROPRIATIONS FOR THE UNITED STATES SOLDIERS' AND AIRMEN'S HOME.

There are authorized to be appropriated for fiscal year 1991 from the Soldiers' Home, Permanent Fund, $53,999,000 for the operation of the United States Soldiers' and Airmen's Home.

SEC. 1203. DEFINITIONS.

For purposes of this Act:

(1) The term "Retirement Home" means the Armed Forces Retirement Home established under section 1211(a).

(2) The term "Board" means the Armed Forces Retirement Home Board established under section 1215(a).

(3) The term "Director" means a Director of the Armed Forces Retirement Home appointed under section 1217(a).

(4) The term "Fund" means the Armed Forces Retirement Home Trust Fund established under section 1219(a).

(5) The term "Armed Forces" does not include the Coast Guard when it is not operating as a service in the Navy.

(6) The term "warrant officer" does not include a warrant officer in the Navy or the Marine Corps.

(7) The term "chief personnel officers" means—

(A) the Deputy Chief of Staff for Personnel of the Army;

(B) the Chief of Naval Personnel;

(C) the Deputy Chief of Staff, Manpower and Personnel of the Air Force; and

(D) the Deputy Chief of Staff for Manpower of the Marine Corps.

(8) The term "senior noncommissioned officers" means—

(A) the Sergeant Major of the Army;
(B) the Master Chief Petty Officer of the Navy;
(C) the Chief Master Sergeant of the Air Force; and
(D) the Sergeant Major of the Marine Corps.

PART A—ESTABLISHMENT AND OPERATION OF RETIREMENT HOME

SEC. 1211. ESTABLISHMENT OF THE ARMED FORCES RETIREMENT HOME.

(a) INCLUSION OF EXISTING HOMES.—The United States Soldiers' and Airmen's Home and the Naval Home are hereby incorporated into an independent establishment in the executive branch of the Federal Government to be known as the Armed Forces Retirement Home.

(b) PURPOSE.—The purpose of the Retirement Home is to provide, through the United States Soldiers' and Airmen's Home and the Naval Home, a residence and related services for certain retired and former enlisted members and warrant officers of the Armed Forces.

(c) OPERATION.—Each facility of the Retirement Home maintained as a separate establishment of the Retirement Home for administrative purposes shall be operated by a Director under the overall supervision of the Armed Forces Retirement Home Board.

(d) PROPERTY AND FACILITIES.—(1) The Retirement Home shall consist of such property and facilities as may be transferred to the Retirement Home or acquired by the Board for inclusion in the Retirement Home.

(2) On the effective date specified in section 1241(a), the property and facilities known and operated as the Naval Home and the United States Soldiers' and Airmen's Home shall be transferred to, and made a part of, the Retirement Home.

(e) ACCREDITATION.—The Board shall endeavor to secure for each facility of the Retirement Home maintained as a separate establishment of the Retirement Home for administrative purposes the accreditation of that facility by a nationally recognized civilian accrediting organization, such as the Continuing Care Accreditation Commission and the Joint Commission for Accreditation of Health Organizations.

SEC. 1212. RESIDENTS OF RETIREMENT HOME.

(a) PERSONS ELIGIBLE TO BE RESIDENTS.—The following persons who served as enlisted members or warrant officers in the Armed Forces are eligible to be residents of the Retirement Home:

(1) Persons who—
(A) are 60 years of age or over; and
(B) were discharged or released from service in the Armed Forces under conditions other than dishonorable after 20 or more years of active service.

(2) Persons who are determined under rules issued by the Board to be incapable of earning a livelihood because of a service-connected disability incurred in the line of duty in the Armed Forces.

(3) Persons who—
(A) served in a war theater during a time of war declared by Congress or were eligible for hostile fire special pay under section 310 of title 37, United States Code;
(B) were discharged or released from service in the Armed Forces under conditions other than dishonorable; and
(C) are determined under rules issued by the Board to be incapable of earning a livelihood because of injuries, disease, or disability.

(4) Persons who—
(A) were discharged or released from service in the Armed Forces under conditions other than dishonorable; and
(B) are determined under rules issued by the Board to be eligible for admission because of compelling personal circumstances.

(b) ACCEPTANCE.—To apply for acceptance as a resident of a facility of the Retirement Home, a person eligible to be a resident shall submit to the Director of that facility an application in such form and containing such information as the Board may require.

(c) PRIORITIES FOR ACCEPTANCE.—The Board shall establish a system of priorities for the acceptance of residents so as to accept the most deserving applicants whenever the number of eligible applicants is greater than the facilities of the Retirement Home can accommodate.

(d) EFFECT OF DEPARTURE.—A resident of the Retirement Home who leaves the Retirement Home for more than 45 consecutive days (other than for inpatient medical care) shall be required to reapply for acceptance as a resident.

(e) APPLICATION OF ELIGIBILITY REQUIREMENTS TO CURRENT RESIDENTS OF THE NAVAL HOME AND THE SOLDIERS' AND AIRMEN'S HOME.—Residents of the Naval Home and the United States Soldiers' and Airmen's Home as of the effective date specified in section 1241(a)—

(1) shall not be required to apply for acceptance as residents of the Retirement Home; and

(2) shall become residents of the Retirement Home on that date.

SEC. 1213. SERVICES PROVIDED RESIDENTS.

(a) SERVICES PROVIDED.—Except as provided in subsection (b), a resident of the Retirement Home shall receive the services authorized by the Board.

(b) LIMITATION ON PROVISION OF MEDICAL AND DENTAL CARE.—A resident of the Retirement Home may not receive medical and dental care at the Retirement Home if the care is reasonably available to the resident at a facility administered by the Secretary of Veterans Affairs or the Secretary of Defense.

SEC. 1214. FEES PAID BY RESIDENTS.

(a) MONTHLY FEES.—The Directors shall collect from each resident of the Retirement Home a monthly fee.

(b) DEPOSIT OF FEES.—The Directors shall deposit fees collected under subsection (a) in the Armed Forces Retirement Home Trust Fund.

(c) FIXING FEES.—The Board shall from time to time fix the fee required by subsection (a) on the basis of the financial needs of the Retirement Home and the ability of the residents to pay. The fee shall be fixed as a percentage of Federal payments made to a resident, including monthly retired or retainer pay, monthly civil service annuity, monthly compensation or pension paid to the resident by the Secretary of Veterans Affairs, and Social Security payments. The percentage shall be the same for each facility of the Retirement Home maintained as a separate establishment of the Retirement Home for administrative purposes.

(d) APPLICATION OF FEES TO CURRENT RESIDENTS OF THE NAVAL HOME AND THE SOLDIERS' AND AIRMEN'S HOME.—Residents of the Naval Home and the United States Soldiers' and Airmen's Home as of the effective date specified in section 1241(a) shall not be required to pay a monthly fee in excess of any fee required of those residents on that date.

SEC. 1215. COMPOSITION AND OPERATION OF RETIREMENT HOME BOARD.

(a) ESTABLISHMENT.—There is hereby established the Armed Forces Retirement Home Board.

(b) MEMBERS.—The Board shall consist of not less than seven members appointed by the Secretary of Defense as follows:

(1) Five members who—
(A) are not officers or employees of the United States; and
(B) are outstanding in the fields of gerontology, health care, the provision of retirement care, or financial management.

(2) One member from the residents of each facility of the Retirement Home maintained as a separate establishment of the Retirement Home for administrative purposes, upon the recommendation of the residents of the facility.

(c) ADDITIONAL MEMBERS.—The Board shall include the following additional members who shall not have a vote in matters before the Board:

(1) The Director of the Office of Management and Budget.

(2) The chief personnel officers of the Army, Navy, Air Force, and Marine Corps.

(3) Two members designated by the Secretary of Defense from among the four senior noncommissioned officers of the Army, Navy, Air Force, and Marine Corps.

(4) One member designated by the Secretary of Defense who—
(A) is a civilian employee of the Department of Defense; and
(B) is a personnel or finance official of the Department.

(5) One member designated by the Secretary of Health and Human Services from persons who are officers or employees of the Department of Health and Human Services.

(6) One member designated by the Secretary of Veterans Affairs from persons who are officers or employees of the Department of Veterans Affairs.

(d) FIRST APPOINTMENT AND DESIGNATION.—(1) Members of the Board required by subsection (b) to be appointed shall be first appointed not later than the effective date specified in section 1241(a).

(2) Members of the Board required by subsection (c) to be designated shall be first designated not later than the effective date specified in section 1241(a). The first senior noncommissioned officers designated under subsection (c)(3) shall be the Sergeant Major of the Army and the Master Chief Petty Officer of the Navy.

(e) CHAIRMAN.—The Board shall select one of the members appointed under subsection (b)(1) as chairman. The term of office of the chairman shall be three years.

(f) TERMS.—(1) The term of office of each member of the Board appointed under subsection (b) shall be five years.

(2) The term of office of each member of the Board appointed under subsection (b)(2) or designated under subsection (c)(3) shall be one year. A member so appointed or designated may not be reappointed or redesignated for a consecutive term.

(3) A member whose term of office has expired may continue to serve until the successor for the member is appointed or designated.

(4) The terms of office of the members first appointed under subsection (b)(1) shall expire (as designated by the Secretary at the time of the appointment) one at the end of three years, two at the end of four years, and two at the end of five years.

(g) VACANCIES.—(1) A vacancy in the Board shall be filled in the manner in which the original appointment or designation was made.

(2) A member appointed or designated to fill a vacancy occurring before the end of the term of the predecessor of the member shall be appointed or designated, as the case may be, for the remainder of the term.

(3) A vacancy in the Board shall not affect the authority of the Board to perform its duties under section 1216.

(h) COMPENSATION.—(1) A member of the Board appointed under subsection (b) shall—

(A) be provided a stipend not to exceed $100 for each day in which the member is engaged in the performance of services for the Board; and

(B) while away from home or regular place of business in the performance of services for the Board, be allowed travel expenses (including per diem in lieu of subsistence) in the same manner as a person employed intermittently in Government under sections 5701 through 5707 of title 5, United States Code.

(2) A member of the Board who is a member of the Armed Forces on active duty or a full-time officer or employee of the United States shall receive no additional pay by reason of service on the Board.

(i) MEETINGS.—(1) The Board shall meet twice a year, or at more frequent intervals, at the call of the chairman or a majority of the members appointed or designated under subsection (b).

(2) The first meeting of the Board shall be held during the 30-day period beginning on the later of—

(1) the effective date specified in section 1241(a); and

(2) the date on which the last of the five members required by subsection (b)(1) to be appointed is first appointed.

SEC. 1216. DUTIES OF RETIREMENT HOME BOARD.

(a) OVERALL OPERATION OF THE RETIREMENT HOME.—The Board shall be responsible for the overall operation of the Retirement Home. As part of such responsibilities, the Board shall perform the following duties:

(1) Issue and enforce appropriate rules for the operation of the Retirement Home.

(2) Periodically visit, and inspect the operation of, the facilities of the Retirement Home.

(3) Periodically examine and audit the accounts of the Retirement Home.

(4) Establish such advisory bodies as the Board considers to be necessary.

(b) SPECIAL DUTIES OF SPECIFIC MEMBERS.—The Board shall assign specific members of the Board appointed under section 1215(b) to oversee the operations of each facility of the Retirement Home maintained as a separate establishment of the Retirement Home for administrative purposes.

(c) ACQUISITION OF PROPERTY.—For the benefit of the Retirement Home, the Board may acquire property and facilities for inclusion in the Retirement Home.

(d) LIMITATION ON THE DISPOSAL OF PROPERTY.—Real property of the Retirement Home may not be disposed of by the Board by sale or otherwise unless the disposal of the property is specifically authorized by law. The Board shall deposit monies received from the disposal of any property in the Armed Forces Retirement Home Trust Fund.

(e) GIFTS.—(1) The Board may accept on behalf of the Retirement Home and use and dispose of gifts of money, property, and facilities.

(2) Monies received as gifts, or from the disposition of property and facilities received as gifts, shall be deposited in the Fund.

(f) ANNUAL REPORT.—At the close of each fiscal year, the Board shall submit to the Secretary of Defense, for transmission to Congress, a report describing the financial and other affairs of the Retirement Home for the fiscal year.

SEC. 1217. DIRECTORS, DEPUTY DIRECTORS, AND STAFF.

(a) APPOINTMENT AND QUALIFICATIONS.—(1) The Secretary of Defense shall appoint a Director and Deputy Director for each facility of the Retirement Home maintained as a separate establishment of the Retirement Home for administrative purposes.

(2) A Director and Deputy Director shall be appointed from among persons recommended by the Board who—

(A) are not officers or employees of the United States;

(B) have appropriate leadership and management skills, an appreciation and understanding of the culture and norms associated with military service, and a significant military background.

(3) A Director shall be required to pursue a course of study to receive certification as a retirement facilities director by an appropriate civilian certifying organization if the Director is not so certified at the time of appointment.

(b) APPLICATION OF CIVIL SERVICE LAWS TO APPOINTMENT AND FIXING PAY.—The Secretary of Defense may appoint under subsection (a) a Director or Deputy Director without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(c) TERM OF DIRECTOR.—The term of office of a Director shall be five years. A Director may be reappointed for a single additional term upon the completion of the term of office unless the Director has failed to successfully complete a course of study to receive certification as a retirement facilities director.

(d) DUTIES OF DIRECTORS.—(1) A Director shall be responsible for the day-to-day operation of the facility of the Retirement Home for which the Director is appointed, including the acceptance of applicants to be residents of that facility.

(2) The Director shall keep accurate and complete records of the operations of that facility of the Retirement Home.

(e) STAFF.—(1) A Director, subject to the approval of the Board, may appoint and fix the pay of such staff as the Director considers appropriate to assist the Director in operating the facility of the Retirement Home for which the Director is appointed.

(2) The staff should include persons with experience and expertise in the operation and management of retirement homes and in the provision of long-term medical care for older persons.

(f) INITIAL OPERATION.—(1) Until the date on which the Secretary of Defense first appoints the Director for the facility of the Retirement Home known as the Naval Home, the Governor of the Naval Home shall operate that facility consistent with this Act and other laws applicable to the Retirement Home.

(2) Until the date on which the Secretary of Defense first appoints the Director for the facility of the Retirement Home known as the United States Soldiers' and Airmen's Home, the Governor of the United States Soldiers' and Airmen's Home shall operate that facility consistent with this Act and other laws applicable to the Retirement Home.

SEC. 1218. INSPECTION BY INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

The Inspector General of the Department of Defense shall—

(1) conduct not later than three years after the effective date specified in section 1241(a) (and at five-year intervals thereafter) an inspection of the Retirement Home and the records of the Retirement Home; and

(2) submit to the Board and the Secretary of Defense a report describing the results of the inspection and containing such recommendations as the Inspector General considers appropriate.

SEC. 1219. RETIREMENT HOME TRUST FUND.

(a) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a trust fund to be known as the Armed Forces Retirement Home Trust Fund. The Fund shall consist of the following:

(1) Such amounts as may be appropriated or transferred to the Fund.

(2) Monies deposited in the Fund by the Board from gifts or from the disposition of property and facilities.

(3) Amounts deposited in the Fund as monthly fees paid by residents of the Retirement Home under section 1214.

(4) Amounts of stoppages, fines, and forfeitures deposited in the Fund under section 2722 of title 10, United States Code.

(5) Amounts deposited in the Fund as deductions from the pay of enlisted members and warrant officers under section 1007(i) of title 37, United States Code.

(6) Interest from investments made under subsection (c).

(b) AVAILABILITY AND USE OF FUND.—Amounts in the Fund shall be available solely for the operation of the Retirement Home. Such amounts shall be first available beginning on October 1, 1991.

(c) INVESTMENTS.—The Secretary of the Treasury may invest in obligations issued or guaranteed by the United States any monies in the Fund that the Director determines are not currently needed to pay for the operation of the Retirement Home.

(d) TRANSITIONAL ACCOUNTS.—(1) During the period beginning on the effective date specified in section 1241(a) and ending on October 1, 1993, the Fund shall contain a separate account for each facility of the Retirement Home maintained as a separate establishment of the Retirement Home for administrative purposes. Beginning on October 1, 1991, funds required for the operation of the facilities known as Naval Home and the United States Soldiers' and Airmen's Home shall be drawn from the appropriate account.

(2) During the period beginning on the effective date specified in section 1241(a) and ending on October 1, 1993—

(A) amounts referred to in subsection (a)(3) paid by residents of the facility known as the Naval Home and amounts referred to in subsections (a)(4) and (a)(5) derived from enlisted members in the Navy, Marine Corps, or Coast Guard shall be credited to the account relating to that facility; and

(B) amounts referred to in subsection (a)(3) paid by residents of the facility known as the United States Soldiers' and Airmen's Home and amounts referred to in subsections (a)(4) and (a)(5) derived from members and warrant officers in the Army

or Air Force shall be credited to the account relating to that facility.

SEC. 1220. DISPOSITION OF EFFECTS OF DECEASED PERSONS; UNCLAIMED PROPERTY.

(a) EFFECTS OF DECEASED PERSONS.—The Directors shall dispose of the effects of a deceased person delivered to the Retirement Home under section 4712(f) or 9712(f) of title 10, United States Code, as follows:

(1) A will or other paper involving property rights shall be promptly delivered to the proper court of record.

(2) If the heirs or legal representative of the deceased cannot sooner be ascertained, the Directors shall retain the remaining effects until three years after the death of the deceased, and then, if a right to the effects is established to the satisfaction of the Directors, shall deliver the effects to the living person highest on the following list who can be found:

(A) The surviving spouse or legal representative.

(B) A child of the deceased.

(C) A parent of the deceased.

(D) A brother or sister of the deceased.

(E) The next-of-kin of the deceased.

(F) A beneficiary named in the will of the deceased.

(b) SALE OF EFFECTS.—(1) After three years from the date of death of the deceased, the Directors may sell the effects to which a right has not been established under subsection (a) (except decorations, medals, and citations) by public or private sale, as the Directors consider most advantageous.

(2) After five years from the date of death of the deceased, the Directors shall dispose of effects that are not sold under paragraph (1) (including decorations, medals, and citations) and to which a right has not been established under subsection (a) in the manner that the Directors consider most appropriate in the public interest. Disposal may include—

(A) retaining the effects for the use of the Retirement Home;

(B) delivering the effects to the Secretary of Veterans Affairs, to a State or other military home, to a museum, or to any other appropriate institution; or

(C) destroying the effects if the Board determines that they are valueless.

(c) TRANSFER OF PROCEEDS TO THE FUND.—The net proceeds received by the Directors from the sale of effects under subsection (b) shall be deposited in the Fund.

(d) SUBSEQUENT CLAIM.—(1) A claim for the net proceeds of the sale under subsection (b) of the effects of a deceased may be filed with the Comptroller General at any time within six years after the death of the deceased, for action under section 2771 of title 10, United States Code.

(2) A claim referred to in paragraph (1) may not be considered by a court or the Comptroller General unless the claim is filed within the time period prescribed in such paragraph.

(3) A claim allowed by the Comptroller General under paragraph (1) shall be certified to the Secretary of the Treasury for payment from the Fund in the amount found due, including any interest relating to the amount. No claim may be allowed or paid in excess of the net proceeds of the estate deposited in the Fund under subsection (c), and interest thereon.

(e) UNCLAIMED PROPERTY.—In the case of property delivered to the Retirement Home under section 2575 of title 10, United States Code, the Directors shall deliver the property to the owner, the heirs or next of kin of the owner, or the legal representative of the owner, if a right to the property is established to the satisfaction of the Directors within two years after the delivery.

PART B—TRANSITIONAL PROVISIONS

SEC. 1231. TRANSFER OF TRUST FUNDS RELATING TO THE NAVAL HOME AND THE SOLDIERS' AND AIRMEN'S HOME.

(a) INITIAL TRANSFER.—On October 1, 1991, all monies in the following funds in the Treasury shall be transferred to the appropriate account in the Armed Forces Retirement Home Trust Fund, and those funds shall terminate:

(1) Soldiers' Home, permanent fund, referred to in paragraph (59) of section 1321(a) of title 31, United States Code.

(2) Soldiers' Home, interest fund, referred to in paragraph (81) of such section.

(3) Personal funds of deceased inmates, Naval Home, referred to in paragraph (5) of such section.

(b) SUBSEQUENT TRANSFERS.—After the termination of the funds referred to in subsection (a), any monies that would be deposited into one of those funds but for the termination of that fund under subsection (a) shall be deposited into the Armed Forces Retirement Home Trust Fund.

SEC. 1232. REPEAL OF PROVISIONS RELATING TO THE NAVAL HOME AND THE UNITED STATES SOLDIERS' AND AIRMEN'S HOME.

(a) LAWS RELATING TO THE NAVAL HOME.—The following provisions of law are repealed:

(1) Section 11 of the Act of August 2, 1946 (60 Stat. 854; 24 U.S.C. 21a).

(2) Section 9 of the Act of June 26, 1934 (48 Stat. 1229; 24 U.S.C. 21b).

(3) The second, third, fourth, and fifth provisos relating to the maintenance of the Naval Home under the heading "BUREAU OF NAVIGATION" in the Act of June 30, 1914 (38 Stat. 398; 24 U.S.C. 22, 23).

(4) The proviso relating to the maintenance of the Naval Home under the heading "BUREAU OF NAVIGATION" in the Act of March 4, 1917 (39 Stat. 1175; 24 U.S.C. 24).

(5) The first proviso relating to miscellaneous expenses of the Naval Home under the heading "BUREAU OF NAVIGATION" of the Act of August 22, 1912 (37 Stat. 334; 24 U.S.C. 25).

(b) LAWS RELATING TO THE SOLDIERS' AND AIRMEN'S HOME.—The following provisions of law are repealed:

(1) Chapter 2 of title LIX of the Revised Statutes of the United States (24 U.S.C. 41, 43, 45, 49, 50).

(2) The Act entitled "An Act prescribing regulations for the Soldiers' Home located at Washington in the District of Columbia, and for other purposes", approved March 3, 1883 (22 Stat. 564; 24 U.S.C. 41, 43, 46, 48, 59).

(3) The proviso relating to the military prison at Fort Leavenworth, Kansas, under the heading "MISCELLANEOUS OBJECTS, WAR DEPARTMENT" in the Act of March 4, 1909 (35 Stat. 1004; 24 U.S.C. 42).

(4) Section 1 of Public Law 94-454 (90 Stat. 1518; 24 U.S.C. 44b).

(5) The proviso under the heading "UNITED STATES SOLDIERS' HOME" in title II of the Act of April 9, 1935 (49 Stat. 147; 24 U.S.C. 46a).

(6) The proviso under the heading "UNITED STATES SOLDIERS' HOME" in the Act of July 19, 1937 (50 Stat. 519; 24 U.S.C. 46b).

SEC. 1233. CONFORMING AMENDMENTS.

(a) TITLE 10.—Title 10, United States Code, is amended as follows:

(1) Section 1089 is amended—

(A) in subsection (a) by striking out "United States Soldiers' and Airmen's Home" and inserting in lieu thereof "Armed Forces Retirement Home"; and

(B) in subsection (g), by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) the Armed Forces Retirement Home Board, in the case of an employee of the Armed Forces Retirement Home; and".

(2) Section 2575 is amended—

(A) in subsection (a), by striking out "section 4712, 4713, 6522, 9712, or 9713" and inserting in lieu thereof "section 4712, 6522, or 9712"; and

(B) in subsection (c)—

(i) by striking out "United States Soldiers' and Airmen's Home" and inserting in lieu thereof "Armed Forces Retirement Home";

(ii) by striking out "the Secretary of the Army or the Secretary of the Air Force," and inserting in lieu thereof "the Secretary of a military department,"; and

(iii) by striking out the last sentence of such subsection.

(3)(A) Section 2722 is amended to read as follows:

"§ 2772. Share of fines and forfeitures to benefit Armed Forces Retirement Home

"(a) DEPOSIT REQUIRED.—The Secretary of the military department concerned shall deposit in the Armed Forces Retirement Home Trust Fund a percentage (determined under subsection (b)) of the following amounts:

"(1) The amount of stoppages and fines adjudged against an enlisted member or warrant officer of the armed forces by sentence of a court martial or under authority of section 815 of this title (article 15) over and above any amount that may be due from the member or warrant officer for the reimbursement of the United States or any individual.

"(2) The amount of forfeitures on account of the desertion of an enlisted member or warrant officer of the armed forces.

"(b) DETERMINATION OF PERCENTAGE.—The Armed Forces Retirement Home Board shall determine, on the basis of the financial needs of the Armed Forces Retirement Home, the percentage of the amounts referred to in subsection (a) to be deposited in the trust fund referred to in such subsection.

"(c) APPLICATION TO COAST GUARD.—In this section, the term 'armed forces' does not include the Coast Guard when it is not operating as a service in the Navy.

"(d) EXCLUSION OF CERTAIN WARRANT OFFICERS.—This section shall not apply to a warrant officer in the Navy or the Marine Corps.".

(B) The item relating to such section in the table of sections at the beginning of chapter 165 is amended by striking out "retirement homes" and inserting in lieu thereof "Retirement Home".

(4)(A) Section 4624(c) is amended by striking out "United States Soldiers' and Airmen's Home" and inserting in lieu thereof "Armed Forces Retirement Home".

(B) The heading of such section is amended to read as follows:

"§ 4624. Medical supplies: civilian employees of the Army; American National Red Cross; Armed Forces Retirement Home".

(C) The item relating to such section in the table of sections at the beginning of chapter 439 is amended to read as follows:

"4624. Medical supplies: civilian employees of the Army; American National Red Cross; Armed Forces Retirement Home.".

(5) Section 4712 is amended—

(A) in subsection (a)(2), by striking out "an inmate of the United States Soldiers' and Airmen's Home" and inserting in lieu thereof "a resident of the Armed Forces Retirement Home"; and

(B) in subsection (f)—

(i) by striking out "for transmission to the United States Soldiers' and Airmen's Home"; and

(ii) by adding at the end the following: "The Secretary of the Army shall deliver to the Armed Forces Retirement Home all items received by the executive part of the Department of the Army under this subsection.".

(6)(A) Section 4713 is repealed.

(B) The table of sections at the beginning of chapter 445 is amended by striking out the item relating to such section.

(7)(A) Section 9624(c) is amended by striking out "United States Soldiers' and Airmen's Home" and inserting in lieu thereof "Armed Forces Retirement Home".

(B) The heading of such section is amended to read as follows:

"§ 9624. Medical supplies: civilian employees of the Air Force; American National Red Cross; Armed Forces Retirement Home".

(C) The item relating to such section in the table of sections at the beginning of chapter 939 is amended to read as follows:

"9624. Medical supplies: civilian employees of the Air Force; American National Red Cross; Armed Forces Retirement Home.".

(8) Section 9712 is amended—

(A) in subsection (a)(2), by striking out "an inmate of the United States Soldiers' and Airmen's Home" and inserting in lieu thereof "a resident of the Armed Forces Retirement Home"; and

(B) in subsection (f)—

(i) by striking out "for transmission to the United States Soldiers' and Airmen's Home"; and

(ii) by adding at the end the following: "The Secretary of the Air Force shall deliver to the Armed Forces Retirement Home all items received by the executive part of the Department of the Air Force under this subsection."

(9)(A) Section 9713 is repealed.

(B) The table of sections at the beginning of chapter 945 is amended by striking out the item relating to section 9713.

(b) TITLE 37.—Section 1007(i) of title 37, United States Code, is amended—

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

"(2) Amounts deducted under paragraph (1) shall be deposited in the Armed Forces Retirement Home Trust Fund.";

(2) in paragraph (3)—

(A) by striking out "the Governor" and all that follows through "Airmen's Home," and inserting in lieu thereof "the Armed Forces Retirement Home Board,"; and

(B) by striking out "the homes" and inserting in lieu thereof "the Armed Forces Retirement Home"; and

(3) in paragraph (5), by adding before the period the following: "or a warrant officer in the Navy or Marine Corps".

(c) OTHER LAWS.—(1) Section 1321 of title 31, United States Code, is amended—

(A) in subsection (a)—

(i) by striking out paragraph (5) and inserting in lieu thereof the following:

"(5) Armed Forces Retirement Home Trust Fund."; and

(ii) by striking out paragraphs (59) and (81); and

(B) in subsection (b), by striking out "Soldiers' Home, Permanent Fund" both places it appears and inserting in lieu thereof "Armed Forces Retirement Home Trust Fund".

(2) Section 3 of the Act of June 15, 1943 (chapter 125; 57 Stat. 153; 24 U.S.C. 6a) is amended by striking out "naval home or".

(3) Section 906 of title 44, United States Code, is amended in the undesignated subparagraph relating to the provision of the Congressional Record to the United States Soldiers' Home by striking out "the United States Soldiers' Home and" and inserting in lieu thereof "each facility of the Armed Forces Retirement Home maintained as a separate establishment of such home for administrative purposes,".

PART C—EFFECTIVE DATE

SEC. 1241. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsections (b) and (c), this title and the amendments made by this title shall take effect on the first day of the fourth month beginning after the date of the enactment of this Act.

(b) AUTHORIZATION AND APPOINTMENT OF BOARD.—Section 1202 and the provisions of section 1215 that relate to the appointment and designation of members of the Board shall take effect on the date of the enactment of this Act.

(c) TRANSFER OF TRUST FUNDS.—The amendment made by section 1233(c)(1) shall take effect October 1, 1991, and shall apply with respect to fiscal years after fiscal year 1991.

TITLE XIII—GENERAL PROVISIONS

PART A—FINANCIAL AND BUDGET MATTERS

SEC. 1301. 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 between any such authorizations (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 $3,000,000,000.

(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 OBLIGATION LIMITATIONS.—A transfer made under the authority of this section increases by the amount of the transfer the obligation limitation provided in this division on the account (or other amount) to which the transfer is made.

(d) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1302. LIMITATION ON USE BY DEPARTMENT OF DEFENSE OF EXPIRED APPROPRIATIONS.

(a) IN GENERAL.—Section 2782 of title 10, United States Code, is amended—

(1) by redesignating subsections (a), (b), and (c) as subsections (d), (e), and (f), respectively;

(2) by inserting before subsection (d) (as so redesignated) the following new subsections:

"(a) LIMITATION OF RESTORAL FROM MERGED SURPLUS ACCOUNTS.—An unobligated balance of an appropriation account of the Department of Defense as of the end of the period of availability for obligation of the account may not be restored, in whole or in part, under any provision of law to pay obligations and make adjustments (or for any other purpose) after the end of the second fiscal year after the period of availablity for obligation ends.

"(b) LIMITATION OF RESTORAL FROM 'M' ACCOUNTS.—(1) Any amount in a merged account under paragraph (1) of section 1552(a) of title 31 (known as an 'M' account) that remains undisbursed at the close of the 5th fiscal year after it is transferred to the account pursuant to that paragraph shall be deobligated and shall be withdrawn in the manner provided in paragraph (2) of that section. Amounts so deobligated and withdrawn may not be restored.

"(2) Paragraph (1) shall not apply so as to require the deobligation of amounts for which there is documentary evidence that payment will be required within three months.

"(c) PROHIBITION OF RESTORAL OF EXPIRED DEOBLIGATED AMOUNTS.—When any part of the obligated balance of a Department of Defense appropriation account is deobligated after the end of the period of availability for obligation of that account, the amount deobligated may not be restored, in whole or in part, to pay obligations and make adjustments or for any other purpose."; and

(3) in subsection (f) (as so redesignated)—

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

(B) by inserting before paragraph (2) (as so redesignated) the following:

"(1) The terms 'obligated balance' and 'unobligated balance' have the meanings given those terms in section 1551(a) of title 31."; and

(C) in paragraph (2) (as so redesignated), by inserting "(and not prohibited by subsection (a))" after "title 31".

(b) CROSS-REFERENCE.—Section 1552 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(e) Additional provisions relating to unobligated balances in the case of accounts of the Department of Defense are set forth in section 2782 of title 10.".

(c) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 2782. Expired and lapsed appropriations: limitations"

(2) The item relating to such section in the table of sections at the beginning of chapter 165 is amended to read as follows:

2782. Expired and lapsed appropriations: limitations.".

(d) STYLISTIC AMENDMENTS.—(1) Subsection (d) of such section (as redesignated by subsection (a)(1)) is amended by striking out "(d)(1)" and inserting in lieu thereof "(d) LIMITATION ON RESTORALS FOR CERTAIN CONTRACT CHANGES.—(1)".

(2) Subsection (e) of such section (as redesignated by subsection (a)(1)) is amended by inserting "CONGRESSIONAL NOTIFICATION OF CERTAIN RESTORALS.—" after "(e)".

(3) Subsection (f) of such section (as redesignated by subsection (a)(1)) is amended by inserting "DEFINITIONS.—" after "(f)".

SEC. 1303. AUDIT OF M ACCOUNTS.

(a) AUDIT REQUIREMENT.—The Secretary of Defense shall provide for an audit of each merged account of the Department of Defense established under paragraph (1) of section 1552(a) of title 31 (known as an "M" account). The audit shall, with respect to each such account, identify—

(1) the balance in the account;

(2) the amount of such balance that is considered by the Secretary (as of the time of the audit) to represent amounts required for valid obligations (as supported by documentary evidence as required by section 1501 of title 31) and the amount of such balance that is considered by the Secretary (as of the time of the audit) to represent amounts for obligations that are considered to be invalid;

(3) the sources of amounts in the account, shown by fiscal year and by amount for each fiscal year; and

(4) such other matters as the Secretary considers appropriate.

(b) DEOBLIGATION OF INVALID OBLIGATIONS.—Any obligated amounts in M accounts of the Department of Defense that are determined pursuant to the audit under subsection (a) to represent amounts for obligations that are invalid shall be deobligated. Any amounts so deobligated may not be restored to availability for obligation.

(c) REPORT ON AUDIT.—(1) The Secretary shall submit to Congress a report containing the results of the audit conducted pursuant to subsection (a). The report shall set forth—

(A) the information required to be identified pursuant to subsection (a);

(B) for each budget account (i) the average length of time funds have been obligated, (ii) the average size of the obligation, and (iii) the object classification of the obligations, all shown for total obligations and separately for valid and invalid obligations; and

(C) an explanation of the causes of invalid obligations determined to exist in the M accounts.

(2) The report shall describe any procedures that the Secretary intends to implement to prevent future accumulation of invalid obligations in M accounts.

(3) The report shall be submitted not later than December 31, 1991.

(d) GAO REVIEW AND REPORT.—The Comptroller General shall review the audit conducted pursuant to subsection (a) and shall submit to Congress a report setting forth the Comptroller General's findings, conclusions, and recommendations concerning the audit. The report shall be submitted not later than April 1, 1992.

SEC. 1304. CLARIFICATION OF REQUIREMENT FOR SUBMISSION OF ANNUAL MULTIYEAR DEFENSE PLAN.

(a) CLARIFICATION.—Subsection (a) of section 114a of title 10, United States Code, is amended—

(1) by striking out "or about"; and

(2) by striking out "the current" and inserting in lieu thereof "a".

(b) NUMBER OF YEARS COVERED BY PROGRAM.—Such section is further amended—

(1) by striking out "five-year" each place it appears and inserting in lieu thereof "multiyear"; and

(2) by adding at the end of subsection (a) (as amended by subsection (a) of this section) the following new sentence: "Any such multiyear defense program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.".

(c) CLERICAL AMENDMENTS.—(1) The heading of such section is amended by striking out "Five-year" and inserting in lieu thereof "Multiyear".

(2) The item relating to such section in the table of sections at the beginning of chapter 2 of such title is amended by striking out "Five-year" and inserting in lieu thereof "Multiyear".

SEC. 1305. FULL LIFE-CYCLE COST INFORMATION FOR ALL MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) COVERAGE FOR SYSTEMS BEFORE FISCAL YEAR 1985—Subparagraph (A) of section 2432(c)(3) of title 10, United States Code, is amended to read as follows:

"(A) A full life-cycle cost analysis for each major defense acquisition program included in the report that is in the full-scale engineering development stage or has completed that stage.".

(b) DEFINITION.—Section 2432(a) of such title is amended by adding at the end the following new paragraph:

"(4) The term 'full life-cycle cost', with respect to a major defense acquisition program, has the meaning given the term 'cost of the program' in section 2434(c)(2) of this title.".

(c) COORDINATION OF LIFE-CYCLE COST CRITERIA.—Section 2432(c) of such title is amended by adding at the end the following new paragraph:

"(5) The Secretary of Defense shall ensure that paragraph (4) of section 2432(a) of title 10, United States Code, as added by subsection (a)(2), is implemented in a uniform manner, to the extent practicable, throughout the Department of Defense.".

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect with respect to Selected Acquisition Reports submitted under section 2342 of title 10, United States Code, after December 31, 1991.

PART B—NAVAL VESSELS AND SHIPYARDS

SEC. 1321. PROCUREMENT LIMITATIONS WITH RESPECT TO CERTAIN EQUIPMENT FOR NAVAL VESSELS.

Section 2507 of title 10, United States Code, as amended by section 815, is further amended by adding at the end the following new subsections:

"(f) ANCHOR AND MOORING CHAIN.—(1) The Secretary of Defense may not procure anchor and mooring chain, except chain with a diameter greater than four inches, unless—

"(A) the anchor and mooring chain is manufactured in the United States; and

"(B) substantially all of the components of the chain are produced or manufactured in the United States.

"(2) For purposes of paragraph (1)(B), substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States.

"(3) In this subsection, the term 'manufactured' includes cutting, heat treating, quality control, testing of chain, and welding (including the forging and shot blasting process).

"(g) AIR CIRCUIT BREAKERS.—(1) The Secretary of Defense may not procure air circuit breakers for naval vessels unless—

"(A) the air circuit breakers are produced or manufactured in the United States; and

"(B) substantially all of the components of the air circuit breakers are produced or manufactured in the United States.

"(2) For purposes of paragraph (1)(B), substantially all of the components of air circuit breakers shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States.".

SEC. 1322. PROHIBITION OF CERTAIN LIMITATIONS ON CONTRACTING WITH PRIVATE SHIP REPAIR FIRMS.

The Secretary of the Navy may not preclude a private ship repair firm from bidding on, or being awarded, a contract for a major ship repair, overhaul, or maintenance project that requires use of drydock and pier facilities on the grounds that the firm does not have such facilities of its own if facilities of a public shipyard are available to that firm on a reimbursable basis. Nothing in this section requires the Secretary of the Navy to furnish facilities to any firm.

SEC. 1323. REPORT ON USE OF MAYPORT NAVAL STATION AS HOMEPORTS FOR NUCLEAR AIRCRAFT CARRIERS.

Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan for upgrading Mayport Naval Station, Jacksonville, Florida, to provide that naval station with the capability to be able to service nuclear-powered aircraft carriers and otherwise to serve as a homeport for nuclear-powered aircraft carriers.

SEC. 1324. FAST SEALIFT PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of the Navy shall establish a program for the construction and commercial operation of commercially viable cargo vessels that incorporate features essential for military use of the vessels in time of war or national emergency.

(b) PROGRAM CHARACTERISTICS.—The program under this section shall be carried out as follows:

(1) The Secretary of the Navy shall establish the military features to be included in the construction of the vessels and, except for specific cause, shall accept recommendations of the Administrator of the Maritime Administration for all other features of the vessels.

(2) The Administrator of the Maritime Administration shall recommend to the Secretary of the Navy the overall design of the vessels with the express purpose of ensuring that the vessels constructed will be commercially viable.

(3) Construction of the vessels shall be accomplished in private United States shipyards under contracts administered by the Maritime Administration as agent for the Department of the Navy.

(4) The Secretary of the Navy, acting through the Maritime Administration, shall make the vessels constructed under the program available for charter to United States ship operators under competitive bidding arrangements that ensure that the highest charter prices are obtained consistent with good business practice, except that such vessels shall be available for operation by the Secretary of the Navy when such operation is determined (by the Secretary of the Navy) to be in the interest of national defense.

(c) AVAILABILITY OF FUNDS.—Amounts appropriated to the Department of Defense for any fiscal year for acquisition of fast sealift vessels shall be used for the program under this section.

SEC. 1325. PROCUREMENT OF DEFENSE ARTICLES FROM NAVAL SHIPYARDS AND ARMY AND NAVAL AVIATION DEPOTS.

(a) IN GENERAL.—During fiscal year 1991, the Secretary of Defense, before contracting for defense articles that naval shipyards or Army or naval aviation depots are capable of producing, may conduct an analysis to compare the cost of producing those articles in naval shipyards or Army or naval aviation depots with the cost of procurement of those articles from the private sector. Except in a case in which the cost of contracting for purchase of those articles is less than the cost of the articles being provided by a naval shipyard or Army or naval aviation depot, the Secretary may direct that the provision of the articles be from a naval shipyard or Army or naval aviation depot, as the case may be.

(b) LIMITATION.—This section shall not apply if the Secretary determines that there are not adequate facilities or personnel available at naval shipyards or Army or naval aviation depots to provide the required articles.

(c) DEFENSE ARTICLES COVERED.—For purposes of this section, the term "defense articles" does not include—

(1) ship construction, overhaul, repair, and maintenance,

(2) ship refueling,

(3) aircraft maintenance and repair, and

(4) aircraft engine manufacture, overhaul, and repair.

PART C—CODIFICATION OF CERTAIN PROVISIONS OF LAW AND TECHNICAL AMENDMENTS

SEC. 1331. RESTATEMENT IN TITLE 10, UNITED STATES CODE, OF SELECTED PERMANENT LAW PROVISIONS.

(a) CREDITING OF CERTAIN RECEIPTS FROM FOREIGN MILITARY SALES.—(1) Section 114(c) of title 10, United States Code, is amended—

(A) by inserting "(1)" after "(c)"; and

(B) by adding at the end the following:

"(2) Notwithstanding section 37(a) of the Arms Export Control Act (22 U.S.C. 2777(a)), amounts received by the United States pursuant to subparagraph (A) of section 21(a)(1) of that Act (22 U.S.C. 2761(a)(1))—

"(A) shall be credited to the Special Defense Acquisition Fund established pursuant to chapter 5 of that Act (22 U.S.C. 2795 et seq.), as authorized by section 51(b)(1) of that Act (22 U.S.C. 2795(b)(1)), but subject to the limitation in paragraph (1) and other applicable law; and

"(B) to the extent not so credited, shall be deposited in the Treasury as miscellaneous receipts as provided in section 3302(b) of title 31.".

(2) Section 9017 of the Department of Defense Appropriations Act, 1990 (Public Law 101-165), is repealed.

(b) AUTHORITY TO PROCURE SERVICES OF EXPERTS AND CONSULTANTS.—(1) Chapter 3 of title 10, United States Code, is amended by inserting after section 129a (as added by section 554) the following new section:

"§ 129b. Experts and consultants: authority to procure services

"(a) AUTHORITY.—Subject to subsection (b), the Secretary of Defense and the Secretaries of the military departments may—

"(1) procure the services of experts or consultants (or of organizations of experts or consultants) in accordance with section 3109 of title 5; and

"(2) pay in connection with such services travel expenses of individuals, including transportation and per diem in lieu of subsistence while such individuals are traveling from their homes or places of business to official duty stations and return as may be authorized by law.

"(b) CONDITIONS.—The services of experts or consultants (or organizations thereof) may be procured under subsection (a) only if the Secretary of Defense or the Secretary of the military department concerned, as the case may be, determines that—

"(1) the procurement of such services is advantageous to the United States; and

"(2) such services cannot adequately be provided by the Department of Defense.

"(c) REGULATIONS.—Procurement of the services of experts and consultants (or organizations thereof) under subsection (a) shall be carried out under regulations prescribed by the Secretary of Defense.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 129a (as added by section 554) the following new item:

"129b. Experts and consultants: authority to procure services of.".

(3) Section 9002 of the Department of Defense Appropriations Act, 1990 (Public Law 101-165), is repealed.

(c) MILITARY RELOCATION ASSISTANCE PROGRAMS.—(1) Chapter 53 of title 10, United States Code, is amended by adding at the end a new section 1056 consisting of—

(A) a heading as follows:

"§ 1056. Relocation assistance programs";

and

(B) a text consisting of the text of subsections (a) through (g) of section 661 of the National Defense Authorization Act of Fiscal Years 1990 and 1991 (Public Law 101-189), revised—

(i) by replacing "Not later than October 1, 1990, the Secretary of Defense shall establish" at the beginning of subsection (a) with "The Secretary of Defense shall carry out"; and

(ii) by replacing "Armed Forces" each place it appears with "armed forces".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1056. Relocation assistance programs.".

(3) Section 661 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1463) is repealed.

(4) The program required to be carried out by section 1056 of title 10, United States Code, as added by paragraph (1), shall be established by the Secretary of Defense not later than October 1, 1990. The Secretary shall prescribe regulations to implement that section not later than July 1, 1990.

(d) CIVILIAN PERSONNEL ADMINISTRATION.—(1) Section 1584 of title 10, United States Code, is amended—

(A) by inserting "(a) WAIVER OF EMPLOYMENT RESTRICTIONS FOR CERTAIN PERSONNEL.—" before "Laws prohibiting"; and

(B) by adding at the end the following:

"(b) NOTICE TO CONGRESS OF CERTAIN SALARY INCREASES.—The Secretary of Defense shall notify the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives when any salary increase granted to direct and indirect hire foreign national employees of the Department of Defense overseas, stated as a percentage, is greater than the higher of the following percentages:

"(1) The percentage pay increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5.

"(2) The percentage increase provided to national government employees of the host nation.".

(2) The heading of such section is amended to read as follows:

"§ 1584. Employment of non-citizens".

(3) Section 1593 of such title is amended by adding at the end the following new subsection:

"(d) USE OF APPROPRIATED FUNDS FOR ALLOWANCE.—Amounts appropriated annually to the Department of Defense for the pay of civilian employees may be used for uniforms, or for allowance for uniforms, as authorized by this section and section 5901 of title 5.".

(4)(A) Section 8114 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 10 U.S.C. 1584 note), is repealed.

(B) Section 9010 of the Department of Defense Appropriations Act, 1990 (Public Law 101-165), is repealed.

(e) MISCELLANEOUS ADMINISTRATIVE PROVISIONS.—(1)(A) Subchapter I of chapter 134 of title 10, United States Code, is amended by adding after section 2244, as added by section 1036, the following new section:

"§ 2245. Use of aircraft for proficiency flying: limitation

"(a) An aircraft under the jurisdiction of a military department may not be used by a member of the armed forces for the purpose of proficiency flying except in accordance with regulations prescribed by the Secretary of Defense.

"(b) Such regulations—

"(1) may not require proficiency flying by a member except to the extent required for the member to maintain flying proficiency in anticipation of the member's assignment to combat operations; and

"(2) may not permit proficiency flying in the case of a member who is assigned to a course of instruction of 90 days or more.

"(c) In this section, the term 'proficiency flying' has the meaning given that term in Department of Defense Directive 1340.4.".

(B) The table of sections at the beginning of such subchapter is amended by adding after the item relating to section 2244, as added by section 1036, the following new item:

"2245. Use of aircraft for proficiency flying: limitation.".

(C) Section 9006 of the Department of Defense Appropriations Act, 1990 (Public Law 101-165), is repealed.

(2)(A) Subchapter II of such chapter is amended by adding at the end the following new section:

"§ 2254. Authority to accept the use of property and services from foreign countries

"(a) The Secretary of Defense may accept from a foreign country, for the support of any element of the armed forces in an area of that country—

"(1) real property or the use of real property and services and supplies for the United States or for the use of the United States in accordance with a mutual defense agreement or occupational arrangement; and

"(2) services furnished as reciprocal international courtesies or as services customarily made available without charge.

"(b) Within 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to Congress and to the Director of the Office of Management and Budget a report on all real property, services, and

supplies received under this section during that quarter.".

(B) The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2254. Authority to accept the use of property and services from foreign countries.".

(C) Section 9008 of the Department of Defense Appropriations Act, 1990 (Public Law 101-165), is repealed.

(f) REIMBURSEMENT REQUIRED FOR PROVISION OF MEDICAL CARE TO FOREIGN MILITARY AND DIPLOMATIC PERSONNEL.—(1) Chapter 151 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2549. Provision of medical care to foreign military and diplomatic personnel: reimbursement required; waiver for provision of reciprocal services

"(a) REIMBURSEMENT REQUIRED.—Except as provided in subsection (b), whenever the Secretary of Defense provides medical care in the United States on an inpatient basis to foreign military and diplomatic personnel or their dependents, the Secretary shall require that the United States be reimbursed for the costs of providing such care. Payments received as reimbursement for the provision of such care shall be credited to the appropriations against which charges were made for the provision of such care.

"(b) WAIVER WHEN RECIPROCAL SERVICES PROVIDED UNITED STATES MILITARY PERSONNEL.—Notwithstanding subsection (a), the Secretary of Defense may provide inpatient medical care in the United States without cost to military personnel and their dependents from a foreign country if comparable care is made available to a comparable number of United States military personnel and their dependents in that foreign country.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2549. Provision of medical care to foreign military and diplomatic personnel: reimbursement required; waiver for provision of reciprocal services.".

(3) Section 9020 of the Department of Defense Appropriations Act, 1990 (Public Law 101-165), is repealed.

(g) LIMITATION ON LEASING OF AIRCRAFT AND VEHICLES TO NON-FEDERAL AGENCIES.—(1) Chapter 151 of title 10, United States Code, as amended by subsection (f), is further amended by adding at the end the following new section:

"§ 2550. Aircraft and vehicles: limitation on leasing to non-Federal agencies

"The Secretary of Defense (or Secretary of a military department) may not lease to a non-Federal agency in the United States any aircraft or vehicle owned or operated by the Department of Defense if suitable aircraft or vehicles are commercially available in the private sector. However, nothing in the preceding sentence shall affect authorized and established procedures for the sale of surplus aircraft or vehicles.".

(2) The table of sections at the beginning of such chapter, as amended by subsection (f), is further amended by adding at the end the following new item:

"2550. Aircraft and vehicles: limitation on leasing to non-Federal agencies.".

(3) Section 2550 of title 10, United States Code, as added by paragraph (1), does not prohibit the leasing of helicopters authorized by section 1463 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 765).

(4) Section 9025 of the Department of Defense Appropriations Act, 1990 (Public Law 101-165), is repealed.

(h) ADMINISTRATION OF REAL PROPERTY.—(1) Chapter 159 of title 10, United States Code, is amended by inserting after section 2677 the following new section:

"§ 2678. Feral horses and burros: removal from military installations

"When feral horses or burros are found on an installation under the jurisdiction of the Secretary of a military department, the Secretary may use helicopters and motorized equipment for their removal.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2677 the following new item:

"2678. Feral horses and burros: removal from military installations.".

(3) Section 9030 of the Department of Defense Appropriations Act, 1990 (Public Law 101-165), is repealed.

(i) ENVIRONMENTAL RESTORATION.—(1) Section 2701 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(f) USE OF APPROPRIATED FUNDS AT FORMER DOD SITES.—Appropriations available to the Department of Defense may be used at sites formerly used by the Department of Defense for removal of unsafe buildings or debris of the Department of Defense.

"(g) REMOVAL OF UNSAFE BUILDINGS AND DEBRIS BEFORE RELEASE FROM FEDERAL CONTROL.—In the case of property formerly used by the Department of Defense which is to be released from Federal Government control and at which there are unsafe buildings or debris of the Department of Defense, all actions necessary to comply with regulations of the General Services Administration on the transfer of property in a safe condition shall be completed before the property is released from Federal Government control, except in the case of property to be conveyed to an entity of State or local government or to a native corporation.".

(2) Section 9038 of the Department of Defense Appropriations Act, 1990 (Public Law 101-165), is repealed.

(j) FUNDS AVAILABLE FOR PAYMENT OF CLAIMS.—(1) Chapter 163 of title 10, United States Code, is amended by inserting after section 2731 the following new section:

"§ 2732. Payment of claims: availability of appropriations

"Appropriations available to the Department of Defense for operation and maintenance may be used for payment of claims authorized by law to be paid by the Department of Defense (except for civil functions), including—

"(1) claims for damages arising under training contracts with carriers; and

"(2) repayment of amounts determined by the Secretary concerned to have been erroneously collected—

"(A) from military and civilian personnel of the Department of Defense; or

"(B) from States or territories or the District of Columbia (or members of the National Guard units thereof).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2731 the following new item:

"2732. Payment of claims: availability of appropriations.".

(3) Section 8098 of the Department of Defense Appropriations Act, 1989 (Public Law 100-463; 10 U.S.C 2241 note), is repealed.

(4)(A) Section 2734(h) of title 10, United States Code, is amended by striking out "available to the" and all that follows and inserting in lieu thereof the following: "as provided in section 2732 of this title.".

(B) Section 2734a of such title is amended—

(i) in subsection (c), by striking out "for that purpose" and inserting in lieu thereof "as provided in section 2732 of this title"; and

(ii) in subsection (d), by striking out "the appropriation for claims of the Department of Defense" and inserting in lieu thereof "appropriations as provided in section 2732 of this title".

(C) Section 2734b(d) of such title is amended by striking out "for that purpose" and inserting in lieu thereof the following: "as provided in section 2732 of this title".

(k) LEGISLATIVE CONSTRUCTION.—(1) A reference to a law replaced by the provisions of title 10, United States Code, enacted by this section (including a reference in a regulation, order, or other law) shall be treated as referring to the corresponding provision enacted by this section.

(2) A regulation, rule, or order in effect under a law replaced by the provisions of title 10, United States Code, enacted by this section shall continue in effect under the corresponding provision enacted by this title until repealed, amended, or superseded.

(3) An action taken or an offense committed under a law replaced by the provisions of title 10, United States Code, enacted by this section shall be treated as having been taken or committed under the corresponding provision enacted by this title.

SEC. 1332. CODIFICATION OF CERTAIN RECURRING PROVISIONS OF ANNUAL DEFENSE APPROPRIATIONS ACTS.

(a) NOTICE OF INITIATION OF SPECIAL ACCESS PROGRAMS.—Section 119 of title 10, United States Code, is amended—

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

(2) by inserting after subsection (e) the following new subsection (f):

"(f) A special access program may not be initiated until—

"(1) the defense committees are notified of the program; and

"(2) a period of 30 days elapses after such notification is received.".

(b) EMPLOYMENT OF ALIENS.—Section 1584 of title 10, United States Code, is amended by striking out "any expert" and all that follows through "that department" and inserting in lieu thereof "personnel of the Department of Defense".

(c) WORKING CAPITAL FUNDS.—Section 2208 of title 10, United States Code, is amended by striking out subsection (j) and inserting in lieu thereof the following:

"(j)(1) Cash balances in a working-capital fund established under this section may be maintained only in such amounts as are necessary at any time for cash disbursements to be made from the fund.

"(2) Transfers may be made between working-capital funds in amounts determined by the Secretary of Defense and approved by the Director of the Office of Management and Budget, except that a transfer between a stock fund account and an industrial fund account may not be made unless the Secre-

tary of Defense notifies Congress in advance of the proposed transfer.

"(3) An obligation may not be made against a working-capital fund for the purpose of purchasing war reserve material inventory in amounts in excess of amounts appropriated to the fund in appropriation Acts unless the Secretary of Defense notifies Congress in advance of the proposed obligation.".

(d) PROCEDURE FOR TRANSFER OF APPROPRIATIONS.—(1) Chapter 131 of such title is amended by inserting after section 2212 the following new section:

"§ 2214. Transfer of funds: procedure and limitations

"(a) PROCEDURE FOR TRANSFER OF FUNDS.—Whenever authority is provided in an appropriation Act to transfer amounts in working capital funds or to transfer amounts provided in appropriation Acts for military functions of the Department of Defense (other than military construction) between such funds or appropriations (or any subdivision thereof), amounts transferred under such authority shall be merged with and be available for the same purposes and for the same time period as the fund or appropriations to which transferred.

"(b) LIMITATIONS ON PROGRAMS FOR WHICH AUTHORITY MAY BE USED.—Such authority to transfer amounts—

"(1) may not be used except to provide funds for a higher priority item, based on unforeseen military requirements, than the items for which the funds were originally appropriated; and

"(2) may not be used if the item to which the funds would be transferred is an item for which Congress has denied funds.

"(c) NOTICE TO CONGRESS.—The Secretary of Defense shall promptly notify the Congress of each transfer made under such authority to transfer amounts.

"(d) LIMITATIONS ON REQUESTS TO CONGRESS FOR REPROGRAMMINGS.—Neither the Secretary of Defense nor the Secretary of a military department may prepare or present to the Congress, or to any committee of either House of the Congress, a request with respect to a reprogramming of funds—

"(1) unless the funds to be transferred are to be used for a higher priority item, based on unforeseen military requirements, than the item for which the funds were originally appropriated; or

"(2) if the request would be for authority to reprogram amounts to an item for which the Congress has denied funds.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2212 the following new item:

"2214. Transfer of funds: procedure and limitations.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1991.

SEC. 1333. TECHNICAL AND CLERICAL AMENDMENTS.

(a) DUPLICATE SECTION NUMBERS.—The second section 1592 of title 10, United States Code (added by section 501(a) of Public Law 101-193), is redesignated as section 1596, and the item relating to that section in the table of sections at the beginning of chapter 81 of such title is revised to reflect such redesignation.

(b) OBSOLETE PROVISIONS.—

(1) Section 130 of title 10, United States Code, is amended—

(A) by striking out "(1) Within" in subsection (b) and all that follows through "Such regulations" the first place it appears and inserting in lieu thereof "Regulations under this section"; and

(B) by striking out "(2) In this" and inserting in lieu thereof "(c) In this".

(2)(A) Section 2117 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 104 of such title is amended by striking out the item relating to section 2117.

(3) Section 2382(d) of such title is amended by striking out "United States Court of Claims" and inserting in lieu thereof "United States Claims Court".

(4) Section 7307(b) of such title is amended—

(A) in paragraph (1)—

(i) by striking out "After August 5, 1974, no" and inserting in lieu thereof "A";

(ii) by inserting "not" after "may"; and

(iii) by striking out "disposition thereof has been approved by law enacted after such date" and inserting in lieu thereof "disposition of that vessel is approved by law enacted after August 5, 1974"; and

(B) in paragraph (2), by striking out "After August 5, 1974, any" and inserting in lieu thereof "A".

(c) CONFORMING AMENDMENTS TO PRIOR REPEALS.—

(1) Section 303a of title 37, United States Code, is amended by striking out "303, and 311" in subsections (a) and (c) and inserting in lieu thereof "and 303".

(2) Section 801 of such title is amended by striking out "(b)" before "Payment may not be made".

(d) DATE OF ENACTMENT REFERENCES.—

(1) Section 2130a of title 10, United States Code, is amended—

(A) by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991" in subsection (a)(1) and inserting in lieu thereof "November 29, 1989,"; and

(B) by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991" in subsection (d)(3) and inserting in lieu thereof "November 29, 1989".

(2) Section 302d of title 37, United States Code, is amended—

(A) by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991" in subsection (a)(1) and inserting in lieu thereof "November 29, 1989,"; and

(B) by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991" in subsection (d)(4) and inserting in lieu thereof "November 29, 1989".

(3) Section 302e of title 37, United States Code, is amended—

(A) by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991" in subsection (a) and inserting in lieu thereof "November 29, 1989,"; and

(B) by striking out "the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991" in subsection (e)(3) and inserting in lieu thereof "November 29, 1989".

(4) Section 559(a)(1) of title 37, United States Code, is amended by striking out "the date of the enactment of the Victims of Terrorism Compensation Act" and inserting in lieu thereof "August 27, 1986".

(e) U.S.C. CITATIONS.—

(1) Section 430(b) of title 37, United States Code, is amended by inserting "(20 U.S.C. 921 et seq.)" after "Defense Dependents' Education Act of 1978".

(2) Section 559(c)(2) of such title is amended by inserting "(5 U.S.C. 5569 note)" after "Victims of Terrorism Compensation Act".

(f) AMENDMENTS FOR STYLISTIC CONSISTENCY.—

(1) The heading of each chapter of title 37, United States Code, is revised so as to appear in all capital letters.

(2)(A) The heading of section 2004 of title 10, United States Code, is amended by striking out "of the military departments".

(B) The item relating to such section is the table of sections at the beginning of chapter 101 of such title is revised to conform to the amendment made by subparagraph (A).

(3) Section 2382(e) of such title is amended by striking out "issued" and inserting in lieu thereof "prescribed".

(4) Section 2431(c) of such title is amended by striking out "covered, and specifically include, but not be limited to—" in the matter preceding paragraph (1) and inserting in lieu thereof "covered and shall specifically include—".

(5) Section 2432(c)(3) of such title is amended—

(A) by striking out "include—" in the matter preceding subparagraph (A) and inserting in lieu thereof "include the following:";

(B) by capitalizing the first letter of the first word of each of subparagraphs (B) and (C);

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

(D) in subparagraph (C)—

(i) by striking out "program)—" in the matter preceding clause (i) and inserting in lieu thereof "program) the following:";

(ii) by capitalizing the first letter of the first word of each of clauses (i) through (vii);

(iii) by striking out the semicolon at the end of each of clauses (i) through (v) and inserting in lieu thereof a period; and

(iv) by striking out "; and" at the end of clause (vi) and inserting in lieu thereof a period.

(g) DEFINITIONS.—

(1) Section 1079(j)(2)(B) of title 10, United States Code, is amended by inserting "the term" after "In subparagraph (A),".

(2) Section 2382(a)(3) of such title is amended by inserting "the term" after "In this subsection,".

(h) CROSS REFERENCE CORRECTIONS.—

(1) Effective as of November 30, 1989, section 433(a) of title 37, United States Code, is amended by striking out "section 691 of title 10" and inserting in lieu thereof "section 687 of title 10".

(2) Section 1098(a) of title 10, United States Code, is amended by striking out "subsections (b) and (c)" and inserting in lieu thereof "subsection (b)".

(3) Section 2382(a)(3) of such title is amended by striking out "subsection (a)" and inserting in lieu thereof "paragraph (1)".

(4) Section 1013 of title 37, United States Code, is amended by striking out "or 1095" and inserting in lieu thereof "or 1095a".

(5) Section 804(a) of Public Law 101-189 is amended by striking out "(as amended by section 842)" and inserting in lieu thereof "(as amended by section 802(c))".

(6) Section 1213(b)(3) of Public Law 101-189 is amended by inserting "of title 10" after "chapter 18".

(i) PUBLIC LAW 100-180.—Section 638(a) of the National Defense Authorization Act for

Fiscal Years 1988 and 1989 (10 U.S.C. 113 note) is amended by striking out "under 18 years of age".

(j) MISCELLANEOUS.—

(1) Section 1074(b) of title 10, United States Code, is amended by striking out "Administrator" and inserting in lieu thereof "Secretary of Veterans Affairs".

(2) Section 523 of Public Law 100-456 (32 U.S.C. 709 note) is amended in subsection (a) by striking out the second comma after "at the technician's option".

(3) Section 653 of title 10, United States Code, is amended—

(A) by striking out "and" in subsection (a) and inserting in lieu thereof "or"; and

(B) by inserting a comma after "training" the first place it appears in each of paragraphs (1), (2), and (3) of subsection (c).

(4) The table in section 406(b)(1)(C) of title 37, United States Code, is amended by inserting a period at the end of footnote 2.

(5)(A) The heading of section 2007 of title 10, United States Code, is amended by striking out the first two words and capitalizing the first letter of the third word.

(B) The item relating to that section in the table of sections at the beginning of chapter 101 of such title is revised to conform to the amendments made by subparagraph (A).

(6) Section 2435(b)(1) of title 10, United States Code, is amended by striking out the closing parenthesis after "service acquisition executive designated by such Secretary".

(7) Section 2433(c) of such title is amended by striking out "the" each place it appears before "such service acquisition executive".

(8) The table of sections at the beginning of chapter 131 of such title is amended by striking out the item relating to section 2213.

(9) The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2407.

PART D—MISCELLANEOUS

SEC. 1341. EXTENSION OF DEADLINE FOR NATIONAL TEST CENTER INSTRUMENTATION.

Section 166(b)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1391) is amended by striking out "July 1, 1990" and inserting in lieu thereof "January 1, 1993".

SEC. 1342. CLARIFICATION OF PROCEDURES FOR REVIEW OF CERTAIN VESSEL TRANSFERS.

Section 7308(c) of title 10, United States Code, is amended—

(1) by inserting "and" 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).

SEC. 1343. AUTHORITY TO REIMBURSE NORTH AMERICAN VAN LINES FOR CERTAIN DAMAGES CAUSED DURING OPERATION JUST CAUSE.

(a) AUTHORITY TO REIMBURSE.—Notwithstanding any other provision of law, the Secretary of the Army may, to the extent that funds are available for obligation, reimburse North American Van Lines, a corporation operating under the laws of the State of Delaware, in an amount not to exceed $357,000, for damage to, or loss of, property owned by that corporation that—

(1) was located pursuant to the requirements of a contract with the Department of Defense at Albrook Air Force Base, Panama, on December 22, 1989; and

(2) was damaged or destroyed by United States Armed Forces during Operation Just Cause begun on December 22, 1989.

(b) ADMINISTRATIVE REQUIREMENTS.—A request for reimbursment may be allowed under subsection (a) only if—

(1) the request is presented to the Secretary of the Army in writing within two years after the damage to, or loss of, property occurred;

(2) the damage to, or loss of, property was not caused in whole or in part by a negligent or wrongful act of North American Van Lines (or an agent or employee of North American Van Lines); and

(3) the request is substantiated by the Secretary concerned.

(c) LIMITATION.—No funds may be paid pursuant to this section until North American Van Lines had made every reasonable effort (as determined by the Secretary of the Army) to secure compensation for the losses covered by this section through private means.

SEC. 1344. OVERSEAS WORKLOAD PROGRAM.

(a) IN GENERAL.—A firm of any member nation of the North Atlantic Treaty Organization (NATO) or of any major non-NATO ally shall be eligible to bid on any contract for the maintenance, repair, or overhaul of equipment of the Department of Defense to be awarded under competitive procedures as part of the program of the Department of Defense known as the Overseas Workload Program.

(b) SITE FOR PERFORMANCE OF WORK.—A contract awarded during fiscal year 1991 to a firm described in subsection (a) may be performed in the theater in which the equipment is normally located or in the country in which the firm is located.

(c) EXCEPTIONS.—The Secretary of a military department may restrict the geographic region in which a contract referred to in subsection (a) may be performed if the Secretary determines that performance of the contract outside the specific region—

(1) could adversely affect the military preparedness of the Armed Forces of the United States; or

(2) would violate the terms of an international agreement to which the United States is a party.

SEC. 1345. DESIGNATION OF THE COLONEL THOMAS HAWKINS JOHNSON VISITING SCHOLAR PROGRAM, LECTURE SERIES, AND SCIENCE LABORATORY.

(a) VISITING SCHOLAR PROGRAM.—(1) The Secretary of the Army shall establish a visiting scholar program at the United States Military Academy to be known as the "Thomas Hawkins Johnson Visiting Scholar Program". The Secretary shall select not more than two scholars to participate in the program for an academic year. A person selected to participate in the program shall serve as an instructor at the Academy for two weeks during the academic year and perform such duties as the Secretary may assign.

(2) There is authorized to be appropriated to the Secretary of the Army $25,000 for each fiscal year to carry out this subsection.

(b) LECTURE SERIES.—(1) The Secretary of Defense shall establish a lecture series at the National Defense University to be known as the "Thomas Hawkins Johnson Lecture Series". The Secretary shall use the lecture series to bring prominent persons to the National Defense University to deliver lectures on topics relating to public policy, national security, and science.

(2) There is authorized to be appropriated to the Secretary of Defense $25,000 for each fiscal year to carry out this subsection.

(c) DESIGNATION OF LABORATORY.—(1) The building located at the United States Military Academy and known as the Science Research Laboratory shall be known and designated as the "Thomas Hawkins Johnson Science Research Laboratory".

(2) Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in paragraph (1) shall be deemed to be a reference to the "Thomas Hawkins Johnson Science Research Laboratory".

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1991".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS INSIDE THE UNITED STATES.

The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ALABAMA

Anniston Army Depot, $15,100,000.
Redstone Arsenal, $14,400,000.
Fort Rucker, $3,400,000.

ALASKA

Fort Wainwright, $5,600,000.

ARIZONA

Fort Huachuca, $1,050,000.

ARKANSAS

Pine Bluff Arsenal, $1,600,000.

CALIFORNIA

Fort Irwin, $4,200,000.
Fort Ord, $7,400,000.

COLORADO

Fort Carson, $23,500,000.
Falcon Air Force Base, $1,450,000.

GEORGIA

Fort Benning, $10,880,000.
Fort Stewart, $1,650,000.

HAWAII

Schofield Barracks, $9,700,000.

INDIANA

Fort Benjamin Harrison, $8,500,000.

KANSAS

Fort Riley, $14,900,000.

KENTUCKY

Fort Campbell, $2,300,000.
Fort Knox, $25,400,000.

MARYLAND

Aberdeen Proving Ground, $45,100,000.
Fort Detrick, $530,000.

MISSOURI

Fort Leonard Wood, $12,750,000.

NEW YORK

Fort Drum, $9,408,000.

NORTH CAROLINA

Fort Bragg, $60,070,000.

OKLAHOMA

Fort Sill, $25,150,000.
McAlister Army Ammunition Plant, $700,000.

PENNSYLVANIA

Carlisle Barracks, $1,200,000.
Fort Indiantown Gap, $6,350,000.

Tobyhanna Army Depot, $6,800,000.

SOUTH CAROLINA

Fort Jackson, $1,600,000.

TEXAS

Camp Swift, $100,000.
Fort Bliss, $20,000,000.
Fort Hood, $57,469,000.
Fort Sam Houston, $33,700,000.

UTAH

Dugway Proving Ground, $4,550,000.
Toole Army Depot, $11,800,000.

VIRGINIA

Fort A. P. Hill, $3,200,000.
Fort Belvoir, $2,500,000.
Fort Eustis, $530,000.
Fort Lee, $520,000.
Fort Myer, $2,150,000.
Fort Story, $1,600,000.

WASHINGTON

Fort Lewis, $9,200,000.

WISCONSIN

Fort McCoy, $24,400,000.

CONUS CLASSIFIED

Classified Location, $3,000,000.

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Army may construct or acquire family housing units (including land acquisition), using amounts appropriated pursuant to section 2104(a)(6)(A), at the following installation, in the number of units shown, and in the amount shown:

Hawaii, Oahu Various, one hundred thirty-eight units, $15,000,000.

(b) PLANNING AND DESIGN.—The Secretary of the Army may, using amounts appropriated pursuant to section 2104(a)(6)(A), 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 $2,700,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS INSIDE THE UNITED STATES.

Subject to section 2825 of title 10, United States Code, the Secretary of the Army may, using amounts appropriated pursuant to section 2104(a)(6)(A), improve existing military family housing inside the United States in an amount not to exceed $69,100,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,288,547,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101, $495,407,000.

(2) For the construction of the Ammunition Demilitarization Facility, Phase II, Tooele Army Depot, Utah, as authorized by section 2101(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2088), $49,400,000.

(3) For unspecified minor construction projects authorized under section 2805 of title 10, United States Code, $7,603,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $89,577,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $10,400,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $86,800,000; and

(B) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,492,650,000, of which not more than $434,316,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $56,710,000, to remain in effect until expended.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this division may not exceed the total amount authorized to be appropriated under paragraph (1) of subsection (a).

SEC. 2105. RESTRICTION OF AUTHORITY TO CARRY OUT CERTAIN MILITARY CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) RESTRICTION.—The authority provided by section 2101(b) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189) to the Secretary of the Army to acquire real property and carry out military construction projects outside the United States is hereby terminated with respect to projects for which funds have not been obligated before the date of the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of acquiring real property and carrying out military construction projects for which authority is provided under section 2101 of this Act, the Secretary of the Army may, to the extent provided in appropriation Acts, use funds that have been appropriated for projects to which subsection (a) is applicable.

SEC. 2106. AMMUNITION DEMILITARIZATION FACILITY, TOOELE ARMY DEPOT, UTAH.

(a) PROJECT AMOUNT.—Section 2101(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2088) is amended by striking out "Tooele Army Depot, $92,300,000." and inserting in lieu thereof "Tooele Army Depot, $141,700,000.".

(b) TITLE TOTAL.—Section 2105(b) of such Act (102 Stat. 2091) is amended—

(1) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

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

"(3) $49,400,000 (the balance of the amount authorized under section 2101(a) for the construction of the Ammunition Demilitarization Facility, Tooele Army Depot, Utah).".

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ALASKA

Adak, Naval Air Station, $13,750,000.
Adak, Naval Security Group Activity, $3,000,000.

ARIZONA

Yuma, Marine Corps Air Station, $3,720,000.

CALIFORNIA

Camp Pendleton, Amphibious Task Force, $13,770,000.
Camp Pendleton, Marine Corps Air Station, $4,110,000.
Camp Pendleton, Marine Corps Base, $19,910,000.
Corona, Naval Weapons Station, Seal Beach Annex, $8,870,000.
El Toro, Marine Corps Air Station, $6,980,000.
Lemoore, Naval Air Station, $900,000.
Long Beach, Naval Shipyard, $500,000.
Long Beach, Naval Station, $3,520,000.
Miramar, Naval Air Station, $9,010,000.
Monterey, Naval Postgraduate School, $8,810,000.
North Island, Naval Air Station, $1,510,000.
Point Mugu, Pacific Missile Test Center, $2,070,000.
Port Hueneme, Naval Construction Battalion Center, $2,010,000.
Port Hueneme, Naval Ship Weapon Systems Engineering Station, $10,150,000.
San Diego, Fleet Anti-Submarine Warfare Training Center, Pacific, $8,950,000.
San Diego, Naval Ocean Systems Center, $11,760,000.
San Diego, Naval Submarine Base, $4,670,000.
San Diego, Naval Supply Center, $8,800,000.
San Diego, Naval Training Center, $15,229,000.
San Diego, Navy Public Works Center, $3,320,000.
Twentynine Palms, Marine Corps Air-Ground Combat Center, $10,820,000.

CONNECTICUT

New London, Naval Submarine Base, $22,500,000.
New London, Naval Submarine School, $18,990,000.

DISTRICT OF COLUMBIA

Washington, Naval Research Laboratory, $9,850,000.
Washington, Commandant Naval District, $3,600,000.

FLORIDA

Jacksonville, Naval Air Station, $9,140,000.
Jacksonville, Naval Aviation Depot, $14,670,000.
Key West, Naval Air Station, $7,030,000.
Mayport, Fleet Training Center, $4,300,000.
Mayport, Naval Station, $7,100,000.
Orlando, Naval Training Center, $18,030,000.
Panama City, Naval Coastal Systems Center, $4,330,000.
Pensacola, Navy Public Works Center, $3,460,000.

GEORGIA

Albany, Marine Corps Logistics Base, $1,360,000.
Kings Bay, Naval Submarine Base, $66,675,000.

HAWAII

Barbers Point, Naval Air Station, $3,300,000.
Kaneohe Bay, Marine Corps Air Station, $1,650,000.
Lualualei, Naval Magazine, $1,660,000.
Pearl Harbor, Commander Oceanographic System Pacific, $12,780,000.
Pearl Harbor, Naval Submarine Base, $2,010,000.

Pearl Harbor, Navy Public Works Center, $6,940,000.

ILLINOIS

Great Lakes, Naval Training Center, $2,170,000.
Great Lakes, Navy Public Works Center, $2,460,000.

INDIANA

Crane, Naval Weapons Support Center, $13,520,000.

KENTUCKY

Louisville, Naval Ordnance Station, $5,660,000.

MAINE

Kittery, Portsmouth Naval Shipyard, $38,182,000.

MARYLAND

Bethesda, National Naval Medical Center, $9,040,000.
Indian Head, Naval Ordnance Station, $12,430,000.
Patuxent River, Naval Air Test Center, $11,040,000.
Patuxent River, Naval Hospital, $2,510,000.
St. Inigoes, Naval Electronic Systems Engineering Activity, $4,020,000.

MISSISSIPPI

Gulfport, Naval Construction Training Center, $9,310,000.

NEW JERSEY

Earle, Naval Weapons Station, $86,650,000.

NORTH CAROLINA

Camp Lejeune, Marine Corps Base, $29,170,000.
Cherry Point, Marine Corps Air Station, $13,950,000.

OKLAHOMA

Tinker Air Force Base, $4,800,000.

PENNSYLVANIA

Warminster, Naval Air Development Center, $10,770,000.

RHODE ISLAND

Newport, Naval Education and Training Center, $7,430,000.
Newport, Naval Underwater Support Center, $13,700,000.

SOUTH CAROLINA

Beaufort, Marine Corps Air Station, $6,700,000.
Charleston, Naval Station, $720,000.
Charleston, Naval Weapons Station, $27,030,000.
Parris Island, Marine Corps Recruit Depot, $3,410,000.

TEXAS

Lackland Air Force Base, Naval Technical Training Center Detachment, $11,850,000.

VIRGINIA

Arlington, Headquarters Marine Corps, $2,810,000.
Dahlgren, Naval Space Surveillance System, $9,850,000.
Dam Neck, Fleet Combat Direction Systems Support Activity, $6,500,000.
Little Creek, Naval Amphibious Base, $22,870,000.
Little Creek, Naval Amphibious School, $2,600,000.
Norfolk, Fleet Training Center, $16,080,000.
Norfolk, Naval Station, $10,950,000.
Norfolk, Navy Public Works Center, $4,020,000.
Norfolk, Naval Shipyard, $14,600,000.
Oceana, Naval Air Station, $3,670,000.
Quantico, Marine Corps Combat Development Command, $19,964,000.
Quantico, Naval Research Laboratory Annex, $2,600,000.
Wallops Island, AEGIS Combat Systems Center, $5,490,000.

WASHINGTON

Bangor, Trident Refit Facility, $3,020,000.
Bangor, Trident Training Facility, $3,610,000.
Bremerton, Puget Sound Naval Shipyard, $22,000,000.
Everett, Naval Station, $22,267,000.
Keyport, Naval Undersea Warfare Engineering Station, $18,590,000.
Oak Harbor, Naval Hospital, $2,180,000.
Silverdale, Strategic Weapons Facility Pacific, $56,480,000.
Whidbey Island, Naval Facility, $1,750,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

GUAM

Naval Magazine, $9,319,000.
Navy Public Works Center, $7,500,000.

ICELAND

Keflavik, Naval Air Station, $2,440,000.

ITALY

Sicily, Naval Communication Station, $1,513,000.
Sigonella, Naval Air Station, $8,390,000.

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Navy may, using amounts appropriated pursuant to section 2205(a)(7)(A), construct or acquire family housing units (including land acquisition), at the following installations in the number of units shown, and in the amount shown, for each installation:

Camp Pendleton, Marine Corps Base, California, one hundred and sixteen units, $11,805,000.
Long Beach, Naval Station, California, three hundred units, $24,928,000.
San Diego, Navy Public Works Center, California, three hundred units, $31,880,000.
Little Creek, Naval Amphibious Base, Virginia, Family Housing Office, $372,000.
Norfolk, Navy Public Works Center, Virginia, two Community Centers, $834,000.
New York, Naval Station, New York, one hundred and fifty units, $19,692,000.
Guantanamo Bay, Naval Station, Cuba, one hundred and thirty-four units, $18,409,000.
Keflavik, Naval Air Station, Iceland, one hundred twelve units, $27,479,000.

(b) PLANNING AND DESIGN.—The Secretary of the Navy may, using amounts appropriated pursuant to section 2205(a)(7)(A), 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 $6,200,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS INSIDE THE UNITED STATES.

Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may, using amounts appropriated pursuant to section 2205(a)(7)(A), improve existing military family housing units inside the United States in the amount of $67,420,000.

SEC. 2204. DEFENSE ACCESS ROADS.

The Secretary of the Navy may, using amounts appropriated pursuant to section 2205(a)(6), make advances to the Secretary of Transportation for the construction of defense access roads under section 210 of title 23, United States Code, at the following locations and in the following amounts:

Naval Station, Charleston, South Carolina, $3,000,000.
Various locations, $4,017,000.

SEC. 2205. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,018,645,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $908,637,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $29,162,000.

(3) For the construction of the Headquarters Building, Naval Intelligence Command Headquarters, Suitland, Maryland, as authorized by section 2201(a) of the Military Construction Authorization Act, 1989, $55,048,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, $13,311,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $76,951,000.

(6) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $7,017,000.

(7) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, $209,019,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $719,500,000, of which not more than $53,775,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost 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 division may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $65,300,000 (the balance of the amount authorized under section 2201(a) for the construction of trestles replacement at Naval Weapons Station, Earle, New Jersey).

SEC. 2206. RESTRICTION OF AUTHORITY TO CARRY OUT CERTAIN MILITARY CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) RESTRICTION.—The authority provided by section 2201(b) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189) to the Secretary of the Navy to acquire real property and carry out military construction projects outside the United States is hereby terminated with respect to projects for which funds have not been obligated before the date of the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of acquiring real property and carrying out military construction projects for which authority is provided under section 2201 of this Act, the Secretary of the Navy may, to the extent provided in appropriation Acts, use funds that have been appropriated for projects to which subsection (a) is applicable.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amount shown for each of the installations and locations inside the United States:

ALABAMA

Gunter Air Force Base, $20,100,000.
Maxwell Air Force Base, $22,500,000.

ALASKA

Clear Air Force Station, $5,000,000.
Eielson Air Force Base, $12,400,000.
Galena Airport, $8,700,000.
King Salmon Airport, $2,500,000.
Shemya Air Force Base, $47,400,000.
Various Locations, $11,000,000.

ARIZONA

Williams Air Force Base, $3,650,000.

CALIFORNIA

Beale Air Force Base, $7,090,000.
Castle Air Force Base, $13,200,000.
Edwards Air Force Base, $23,600,000.
March Air Force Base, $1,050,000.
McClellan Air Force Base, $11,200,000.
Sierra Army Depot, $3,650,000.
Travis Air Force Base, $10,800,000.
Vandenberg Air Force Base, $115,000,000.

COLORADO

Air Force Academy, $18,000,000.
Falcon Air Force Station, $710,000.
Lowry Air Force Base, $4,550,000.
Peterson Air Force Base, $4,050,000.

FLORIDA

Avon Park Range, $700,000.
Cape Canaveral Air Force Station, $2,400,000.
Eglin Air Force Base, $4,700,000.
Homestead Air Force Base, $12,800,000.
MacDill Air Force Base, $8,900,000.

GEORGIA

Moody Air Force Base, $4,400,000.
Robins Air Force Base, $21,200,000.

HAWAII

Hickam Air Force Base, $11,420,000.
Wheeler Air Force Base, $3,500,000.

IDAHO

Mountain Home Air Force Base, $1,350,000.

ILLINOIS

Scott Air Force Base, $2,160,000.

INDIANA

Grissom Air Force Base, $2,500,000.

LOUISIANA

Barksdale Air Force Base, $1,600,000.

MAINE

Bangor Air National Guard Base, $970,000.
Loring Air Force Base, $830,000.

MARYLAND

Andrews Air Force Base, $6,900,000.
Fort George G. Meade, $1,800,000.

MASSACHUSETTS

Hanscom Air Force Base, $3,800,000.

MICHIGAN

K.I. Sawyer Air Force Base, $2,700,000.
Wurtsmith Air Force Base, $960,000.

MISSISSIPPI

Columbus Air Force Base, $3,100,000.

MISSOURI

Whiteman Air Force Base, $62,400,000.

NEVADA

Indian Springs Auxiliary Field, $2,550,000.
Nellis Air Force Base, $15,620,000.

NEW JERSEY

McGuire Air Force Base, $7,850,000.

NEW MEXICO

Holloman Air Force Base, $3,010,000.
Kirtland Air Force Base, $4,200,000.

NEW YORK

Griffis Air Force Base, $4,500,000.
Plattsburgh Air Force Base, $1,200,000.

NORTH CAROLINA

Pope Air Force Base, $2,150,000.
Seymour Johnson Air Force Base, $2,502,000.

NORTH DAKOTA

Grand Forks Air Force Base, $8,850,000.
Minot Air Force Base, $3,600,000.

OHIO

Newark Air Force Base, $5,100,000.
Wright-Patterson Air Force Base, $5,500,000.

OKLAHOMA

Altus Air Force Base, $21,700,000.
Tinker Air Force Base, $56,950,000.
Vance Air Force Base, $400,000.

SOUTH CAROLINA

Charleston Air Force Base, $14,090,000.
Shaw Air Force Base, $3,000,000.

SOUTH DAKOTA

Ellsworth Air Force Base, $13,150,000.

TEXAS

Brooks Air Force Base, $4,100,000.
Carswell Air Force Base, $12,616,000.
Dyess Air Force Base, $7,550,000.
Goodfellow Air Force Base, $980,000.
Kelly Air Force Base, $10,300,000.
Lackland Air Force Base, $22,500,000.
Laughlin Air Force Base, $1,820,000.
Randolph Air Force Base, $1,750,000.
Reese Air Force Base, $5,090,000.
Sheppard Air Force Base, $8,400,000.

UTAH

Hill Air Force Base, $33,057,000.

VIRGINIA

Langley Air Force Base, $3,850,000.

WASHINGTON

Fairchild Air Force Base, $11,200,000.
McChord Air Force Base, $5,200,000.

WYOMING

F.E. Warren Air Force Base, $4,400,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

ANTIGUA

Antigua Air Station, $8,200,000.

CANADA

Various locations, $6,300,000.

GREENLAND

Thule Air Base, $6,300,000.

KOREA

Osan Air Base, $3,500,000.

SEYCHELLES ISLANDS

Mahe Missile Tracking Site, $4,600,000.

TURKEY

Incirlik Air Base, $1,100,000.
Pirinclik Air Station, $1,250,000.

UNITED KINGDOM

RAF Lakenheath, $3,155,000.

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Air Force may construct or acquire family housing units (including land, acquisition) using amounts appropriated pursuant to section 2304(a)(7)(A), at the following installations in the number of units shown, and in the amount shown, for each installation:

Nellis Air Force Base, Nevada, housing office, $235,000.

Holloman Air Force Base, New Mexico, housing maintenance facility, $219,000.

Seymour-Johnson Air Force Base, North Carolina, housing office, $365,000.

Charleston Air Force Base, South Carolina, housing office and maintenance facility, $592,000.

Myrtle Beach Air Force Base, South Carolina, housing office, $258,000.

Ellsworth Air Force Base, South Dakota, housing office, $313,000.

(b) PLANNING AND DESIGN.—The Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(7)(A), 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 $6,000,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS INSIDE THE UNITED STATES.

Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(7)(A), improve existing military family housing units inside the United States in an amount not to exceed $198,612,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,996,787,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $730,175,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $34,405,000.

(3) For the construction of the Large Rocket Test Facility, Arnold Engineering Development Center, Tennessee, as authorized by section 2301(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), and as amended by section 2307 of the Military Construction Authorization Act, 1990, Public Law 101-189, $109,300,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, $10,272,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $107,741,000.

(6) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, $9,000,000.

(7) For military family housing functions:

(A) For construction and acquisition of military family housing and facilities, $206,594,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $789,300,000 of which not more than $110,911,000 may be obligated or expended for leasing of military family housing units worldwide.

(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 division may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $85,800,000 (the balance of the amount authorized for the construction of the Titan IV Launch Complex Vandenberg Air Force Base, California.)

(c) AUTHORIZED EXPENDITURE.—Of the funds appropriated pursuant to subsection (a)(4), the Secretary of the Air Force may expend not more than $332,000 to purchase a facility at the operation and test evaluation center at Edwards Air Force Base, California.

SEC. 2305. AUTHORIZATION OF A FACILITY.

The Secretary of the Air Force may acquire at no cost an existing building constructed on Eglin Air Force Base, Florida, in 1986 as part of a three-year incrementally funded research, development, test and evaluation contract.

SEC. 2306. RESTRICTION OF AUTHORITY TO CARRY OUT CERTAIN MILITARY CONSTRUCTION PROJECTS.

(a) RESTRICTIONS.—(1) The authority that was provided by section 2301(b) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189) to the Secretary of the Air Force to acquire real property and carry out military construction projects outside the United States is hereby terminated with respect to projects for which funds have not been obligated before the date of the enactment of this Act.

(2)(A) Section 2301(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189) is amended by striking out the following:

"WYOMING

"F.E. Warren Air Force Base, $104,850,000.".

(B) Section 2304(a) of such Act is amended—

(i) by striking out "$2,193,638,000" and inserting in lieu thereof "$2,088,788,000; and

(ii) in paragraph (1), by striking out "$945,836,000" and inserting in lieu thereof "$840,986,000".

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of acquiring real property and carrying out military construction projects for which authority is provided under section 2301 of this Act, the Secretary of the Air Force may, to the extent provided in appropriation Acts, use funds that have been appropriated for projects to which subsection (a) is applicable.

(c) EFFECTIVE DATE.—The provisions of subsection (a)(2) shall take effect as of July 26, 1990.

SEC. 2307. MANDATE TO CARRY OUT RECOMMENDATIONS OF THE BASE CLOSURE COMMISSION.

(a) IN GENERAL.—Consistent with the recommendations of the Commission on Base Realignment and Closure, the Secretary of the Air Force may not relocate, until after September 30, 1995, any of the functions that were being carried out at the ballistics missile office at Norton Air Force Base, California, on the date on which the Secretary of Defense transmitted a report to the Committees on Armed Services of the Senate and House of Representatives as described in section 202(a)(1) of Public Law 100-526.

(b) EFFECTIVE DATE.—This section shall take effect as of the date on which the report referred to in subsection (a) was transmitted to such Committees.

SEC. 2308. DESIGNATION OF INSTALLATION.

The Secretary of the Air Force shall provide that the installation which receives the last operational upgrade for the Minuteman II system shall be the installation from which the last Minuteman II ballistic missile is retired.

SEC. 2309. RESTRICTION ON RELOCATION OR REALIGNMENT AT TONOPAH RESEARCH SITE, NEVADA.

None of the funds available to the Department of Defense during fiscal year 1991 may be used, directly or indirectly, to transfer, realign, relocate, or otherwise diminish any part of the 37th Tactical Fighter Wing at the Tonopah Research Site, Nevada, until—

(1) an environmental impact statement on any such action is completed by the Secretary of the Air Force; and

(2) after the 21-day period beginning on the date on which such Secretary transmits to the Committees on Armed Services of the Senate and House of Representatives a report containing an analysis of the costs and benefits of taking any such action.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

DEFENSE COMMUNICATIONS AGENCY

Wheeler Air Force Base, Hawaii, $1,491,000.

Arlington Service Center, Virginia, $2,664,000.

DEFENSE LOGISTICS AGENCY

Defense Reutilization and Marketing Office, Anniston Army Depot, Alabama, $2,370,000.

Defense Depot, Tracy, California, $1,700,000.

Defense Reutilization and Marketing Office, Eglin Air Force Base, Florida, $2,850,000.

Defense Reutilization and Marketing Office, Fort Meade, Maryland, $9,500,000.

Defense Depot, Mechanicsburg, Pennsylvania, $18,100,000.

Defense Personnel Support Center, Philadelphia, Pennsylvania, $3,940,000.

Defense Reutilization and Marketing Office, Fort Jackson, South Carolina, $500,000.

Defense Depot, Memphis, Tennessee, $14,900,000.

Defense General Supply Center, Richmond, Virginia, $7,000,000.

Defense Reutilization and Marketing Office, F.E. Warren Air Force Base, Wyoming, $1,700,000.

DEFENSE MEDICAL FACILITIES OFFICE

Marine Corps Base, Camp Pendleton, California, $1,750,000.

Walter Reed Army Medical Center, District of Columbia, $4,000,000.

MacDill Air Force Base, Florida, $2,900,000.

Fort Benning, Georgia, $2,000,000.

Fort Riley, Kansas, $1,050,000.

Marine Corps Base, Camp Lejeune, North Carolina, $3,200,000.

Altus Air Force Base, Oklahoma, $500,000.

Philadelphia Naval Shipyard, Pennsylvania, $11,600,000.

Lackland Air Force Base, Texas, $2,250,000.

Cheatham Annex, Virginia, $6,500,000.

Dam Neck Flight Center, Virginia, $4,050,000.

Fort Lee, Virginia, $4,850,000.

Marine Corps Base, Quantico, Virginia, $2,450,000.

NATIONAL SECURITY AGENCY

Fort George C. Meade, Maryland, $16,046,000.

OFFICE OF THE SECRETARY OF DEFENSE

Defense Language Institute, Monterey, California, $4,182,000.

Uniformed Services University of the Health Sciences, Bethesda, Maryland, $800,000.

Classified Locations, $26,600,000.

SECTION VI SCHOOLS

Fort Benning, Georgia, $9,400,000.

SPECIAL OPERATIONS COMMAND

Coronado Naval Amphibious Base, California, $21,020,000.

Eglin Air Force Base, Florida, $11,750,000.

Fort Stewart/Hunter Army Air Field, Georgia, $4,900,000.

Norristown, Army Reserve Center, Pennsylvania, $2,598,000.

Dam Neck Marine Environmental Facility, Virginia, $9,160,000.

Classified Location, $2,747,000.

STRATEGIC DEFENSE INITIATIVE ORGANIZATION

Barking Sands Pacific Missile Range, Hawaii, $3,870,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects outside the United States at a classified location in the amount of $7,800,000 for the Office of the Secretary of Defense.

SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, the Secretary of Defense may, using amounts appropriated pursuant to section 2404(a)(13)(A), improve existing military family housing units in an amount not to exceed $100,000.

SEC. 2403. CONFORMING STORAGE FACILITIES

Section 2404(a) of the Military Construction Authorization Act, 1987 (Public Law 99-661) is amended to read as follows:

"(a) AUTHORITY.—The Secretary of Defense may carry out military construction projects not otherwise authorized by law for conforming storage facilities using funds appropriated for such purpose.".

SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, 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 $1,602,528,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $226,888,000.

(2) For military construction projects outside the United States authorized in section 2401(b), $7,800,000.

(3) For military construction projects at Nellis Air Force Base, Nevada, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991, as amended, $56,000,000.

(4) For military construction projects at Fort Sill, Oklahoma, authorized by section

2401(a) of the Military Construction Authorization Act, 1989, as amended, $10,400,000.

(5) For an energy conservation program, $50,000,000.

(6) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987 $50,000,000.

(7) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991, $40,000,000.

(8) For unspecified minor construction projects under section 2805 of title 10, United States Code, $14,955,000.

(9) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(10) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, $94,285,000.

(11) For base closure and realignment activities as authorized by the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), $1,016,500,000.

(12) For conforming storage facilities constructed under the authority of section 2404 of the Military Construction Authorization Act, 1987, $5,000,000.

(13) For military family housing functions—

(A) for construction and acquisition of military family housing facilities, $100,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), $20,600,000, of which not more than $17,897,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations 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 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2405. MEDICAL FACILITY, NELLIS AIR FORCE BASE, NEVADA.

(a) PROJECT AMOUNT.—The item listed under the heading "Defense Medical Facilities Office" in section 2401 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189) is amended by striking out "Nellis Air Force Base, Nevada, $62,000,000." and inserting in lieu thereof "Nellis Air Force Base, Nevada, $66,000,000.".

(b) TITLE TOTAL.—Section 2405(b)(3) of such Act is amended by striking out $52,000,000." and inserting in lieu thereof "$56,000,000.".

SEC. 2406. RESTRICTION OF AUTHORITY TO CARRY OUT CERTAIN MILITARY CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) RESTRICTION.—The authority provided by section 2401(b) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189) to the Secretary of Defense to acquire real property and carry out military construction projects outside the United States is hereby terminated with respect to projects for which funds have not been obligated before the date of the enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of acquiring real property and carrying out military construction projects for which authority is provided under section 2401 of this Act, the Secretary of the Defense may, to the extent provided in appropriation Acts, use funds that have been appropriated for projects to which subsection (a) is applicable.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) IN GENERAL.—The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should provide that funds made available after September 30, 1990, for the North Atlantic Treaty Organization Infrastructure program be used only for—

(1) verifying or implementing the terms of conventional arms control agreements;

(2) environmental restoration of military installations or portions thereof used or previously used for military activities in connection with the North Atlantic Treaty Organization;

(3) recoupment owed by the United States for projects completed before the date of the enactment of this Act; and

(4) the completion of any construction project the construction of which began before October 1, 1990.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501, in the amount of $175,000,000.

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, 1990, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $208,898,000; and

(B) for the Army Reserve, $66,992,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $63,300,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $119,620,000; and

(B) for the Air Force Reserve, $37,700,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS; EFFECTIVE DATES

SEC. 2701. EXPIRATION OF AUTHORIZATIONS.

(a) EXPIRATION OF AUTHORIZATIONS AFTER TWO YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI, XXII, XXIII, XXIV, and XXV for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor) shall expire on October 1, 1992, or the date of the enactment of the military construction authorization act for fiscal year 1993, whichever is later.

(b) EXCEPTION.—The provisions of subsection (a) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor) for which appropriated funds have been obligated before October 1, 1992, or the date of the enactment of the military construction authorization act for fiscal year 1993, whichever is later, for construction contracts, land acquisition, family housing projects and facilities, or contributions to the NATO Infrastructure Program.

SEC. 2702. EFFECTIVE DATE.

Except as specifically provided otherwise, titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on October 1, 1990, or the date of enactment of this Act, whichever is later.

SEC. 2703. EXTENSION OF 1989 AUTHORIZATIONS.

Section 2701 of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456) is amended—

(1) by striking out "1990" each place it appears and inserting in lieu thereof "1991"; and

(2) by striking out "1991" each place it appears and inserting in lieu thereof "1992".

TITLE XXVIII—GENERAL PROVISIONS

PART A—CONSTRUCTION, IMPROVEMENTS, LEASING, AND UTILIZATION OF MILITARY INSTALLATIONS AND FACILITIES

SEC. 2801. DUAL BASING.

(a) IN GENERAL.—(1) For purposes of meeting the world-wide security responsibilities of the United States effectively and efficiently and reducing tension and increasing stability internationally, the Secretary of Defense shall provide for the dual basing of units of the Army, Air Force, and Marine Corps in accordance with the requirements of this section.

(2) In this section—

(A) the term "dual basing" means the stationing of units of the Armed Forces on a permanent basis at military installations inside the United States with rotating short-term assignments to military installations outside the United States for purposes of training, carrying out exercises, meeting obligations to other nations, or carrying out other international security responsibilities of the United States; and

(B) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and any other commonwealth, territory, or possession of the United States.

(b) IMPLEMENTATION.—(1) The Secretary of Defense shall conduct a review of all units of the Army, Air Force, and Marine Corps stationed on a permanent basis at military installations outside the United States for

the purpose of identifying those units that should be exempted from the dual basing requirement of this section because dual basing would render the unit incapable of performing its mission.

(2) The Secretary shall, no later than March 15, 1991, transmit to the Committees on Armed Services of the Senate and the House of Representatives a report describing those units of the Armed Forces identified as a result of the review carried out under paragraph (1).

(3) The Secretary shall, beginning as soon as practicable after March 15, 1991, implement dual basing with respect to all units of the Army, Air Force, and Marine Corps stationed on a permanent basis at military installations outside the United States on the date of the enactment of this Act for which an exemption from dual basing has not been made in the report transmitted pursuant to paragraph (2).

(4) The Secretary shall complete the implementation of dual basing required under paragraph (3) by March 1, 1994.

(5) Nothing in this section shall apply to any deployment of military personnel by the President for reasons of national security or a military emergency.

SEC. 2802. PROHIBITION ON CONSTRUCTION AT CROTONE, ITALY.

None of the funds available to the Department of Defense, including contributions for the North Atlantic Treaty Organization Infrastructure program pursuant to section 2806 of title 10, United States Code, may be obligated or expended (whether obligated before the date of the enactment of this Act or not) in connection with relocating functions of the Department of Defense located at Torrejon Air Force Base, Madrid, Spain, on June 15, 1989, to Crotone, Italy, or any other location outside the United States.

SEC. 2803. RESTRICTIONS ON LEASING IN THE NATIONAL CAPITAL REGION.

(a) LIMITATION.—(1) During the following fiscal years, the total amount of administrative space in the National Capital Region for which the Department of Defense (including all departments, agencies, and other instrumentalities thereof) may expend, or be obligated to expend, funds under a lease or other agreement (including agreements entered into with any other Federal agency) may not exceed the following numbers of square feet:

(A) During fiscal year 1991, the number of square feet being utilized for administrative space by such Department on the date of the enactment of this Act.

(B) During fiscal year 1992, 10,000,000 square feet.

(C) During fiscal year 1993, 9,000,000 square feet.

(D) During fiscal year 1994 and each fiscal year thereafter, 8,000,000 square feet.

(2) The Department of Defense (including all departments, agencies, and other instrumentalities thereof) may not enter into or amend any lease or other agreement (including leases entered into with any other Federal agency) for administrative space in the National Capital Region that would result in a violation of the restrictions imposed by paragraph (1).

(b) PROHIBITION.—After March 31, 1991, the Department of Defense (including all departments, agencies, and other instrumentalities thereof) may not utilize any space under any lease or other agreement in the area known as Buzzard's Point in Washington, D.C., including the facility located at 1900 Half Street, Southwest.

(c) DEFINITIONS.—As used in this section—

(1) the term "administrative space" means property used for the operation of an office, for storage of office equipment or materials, or in support of activities carried out in an office, including those with special architectural features, fixed equipment, or utilities (such as laboratories, dark rooms, automatic data processing areas, food service areas, and security vaults); and

(2) the term "National Capital Region" means the District of Columbia; Montgomery and Prince Georges Counties in the State of Maryland; Arlington, Fairfax, Loudoun, and Prince William Counties in the Commonwealth of Virginia; all cities and other units of local governments within the geographic areas of such Counties; and the City of Alexandria, Virginia.

SEC. 2804. IMPROVEMENTS TO MILITARY FAMILY HOUSING PROJECTS.

For the purpose of carrying out improvements to family housing projects with funds appropriated pursuant to authorizations in this Act, the term "$40,000" in section 2825(b)(1)(A) in title 10, United States Code, shall be considered to be $50,000.

SEC. 2805. SENSE OF CONGRESS CONCERNING A MILITARY CONSTRUCTION MORATORIUM.

It is the sense of the Congress that the Secretary of Defense should not issue an order during fiscal year 1991 that prohibits, totally or generally, the military departments from entering into contracts for authorized military construction projects inside the United States or from exercising options under existing contracts for such projects.

PART B—LAND TRANSACTIONS

SEC. 2811. LAND CONVEYANCE, REDSTONE ARSENAL, ALABAMA.

(a) IN GENERAL.—Subject to subsections (b) through (f), the Secretary of the Army may convey to the Solid Waste Disposal Authority of the City of Huntsville, Alabama, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 20 acres, including improvements thereon, at the Redstone Arsenal, Alabama, that, on the date of the enactment of this Act, is leased to such Authority pursuant to Department of the Army lease DACA 01-1-87-225, dated December 14, 1987.

(b) CONSIDERATION.—In consideration for the conveyance specified in subsection (a), the Authority shall be required to provide to the Secretary, in accordance with requirements determined by the Secretary to be in the best interests of the United States—

(1) evidence that it has constructed on such real property, and is commercially operating, a refuse fired steam plant for the disposal of municipal solid waste;

(2) an executed agreement obligating the Authority to accept from the United States up to 50 tons per day of acceptable waste for processing, without consideration, at such site;

(3) an agreement indemnifying the United States from any liability with respect to the construction and operation of any waste disposal facility on the property; and

(4) an agreement obligating the Authority with respect to furnishing steam and electricity to the Department of the Army at such site.

(c) RESERVATIONS.—The deed of conveyance shall—

(1) reserve to the United States all mineral rights in the real property conveyed;

(2) reserve to the United States an easement for the maintenance and operation of ground water monitoring equipment located in the southeast corner of the parcel of real property and an easement for ingress and egress to the equipment;

(3) incorporate the easement granted by the Secretary of the Army to the city of Huntsville, Alabama, contained in the Road or Street Easement Numbered DACA 01-2-68-4, dated November 7, 1967, and recorded in Deed Book 458, pages 356-358, Probate Records, Madison County, Alabama; and

(4) be subject to any leases to which the real property conveyed under subsection (a) is subject at the time of the conveyance.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed pursuant to this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Authority.

(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. 2812. LAND CONVEYANCE, NAVAL WEAPONS STATION, CONCORD, CALIFORNIA.

(a) IN GENERAL.—Subject to subsections (b) through (e), the Secretary of the Navy may sell and convey to the San Francisco Bay Area Rapid Transit District (hereafter in this section referred to as "BART") all right, title and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 40 acres comprising a portion of the Naval Weapons Station, Concord, California.

(b) CONSIDERATION.—(1) In consideration for the conveyance authorized in subsection (a), BART shall be required to—

(A) pay to the United States an amount equal to not less than the fair market value of the property to be conveyed under subsection (a), as determined by the Secretary;

(B) pay for the cost of relocating certain railroad tracks located on such property; and

(C) pay for the cost of relocating the existing security fence to conform with the new boundaries of the Naval Weapons Station after such conveyance.

(2) Costs incurred by BART in connection with the relocations referred to in subparagraphs (B) and (C) of paragraph (1) may not be considered as any part of the fair market value of the property referred to in subsection (a).

(c) USE OF PROCEEDS.—(1) The Secretary may use the proceeds received from the sale of property authorized by this section for the payment of—

(A) the cost of design and construction, at the Naval Weapons Station, Concord, of—

(i) a child care center;

(ii) family housing; and

(iii) parking for residents of barracks; and

(B) the costs of appraisals and other costs related to the sale and conveyance of property under this section.

(2) The Secretary may not enter into any contract for construction under this section until after the 21-day period beginning on the date on which the Secretary transmits to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a detailed report on the proposed contract.

(3) The Secretary shall deposit into the Treasury as miscellaneous receipts any amount received under this section and not obligated under this section by the end of

the four-year period beginning on the date of the receipt thereof.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by BART.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2813. LEASE AT HUNTERS POINT NAVAL SHIPYARD, SAN FRANCISCO, CALIFORNIA.

(a) IN GENERAL.—(1) The Secretary of the Navy shall, within one year after the date of the enactment of this Act, lease to the City of San Francisco, California, at fair market value and for at least 30 years, not less than 260 acres of the area known as the Hunters Point Naval Shipyard, San Francisco, California.

(2) In carrying out paragraph (1), the Secretary shall—

(A) determine the location of the acres to be leased;

(B) provide that the acres leased shall be used by the City subject to such terms and conditions as the Secretary determines appropriate to protect the interests of the United States; and

(C) take steps to minimize the disruption and displacement of tenants on Hunters Point to the maximum extent practicable.

(b) REPORT.—The Secretary shall transmit, by no later than February 1, 1991, to the Committees on Armed Services of the Senate and of the House of Representatives a report of the status of the negotiations carried out for the purpose of entering into a lease under subsection (a).

SEC. 2814. LAND CONVEYANCE, EGLIN AIR FORCE BASE, FLORIDA.

(a) IN GENERAL.—Subject to subsections (b) through (f), the Secretary of the Air Force may convey to the City of Valparaiso, Florida, all right, title, and interest of the United States in and to approximately 3.5 acres of real property, including improvements thereon, located on Eglin Air Force Base, Florida.

(b) CONSIDERATION.—In consideration for the conveyance authorized by subsection (a), the City of Valparaiso, Florida, shall pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the real property so conveyed shall be used by the City of Valparaiso, Florida, as a public cemetery.

(d) REVERSION.—If the Secretary determines at any time that the property conveyed pursuant to this section is not being used for the purpose specified in subsection (c), all right, title, and interest in and to the property, including improvements thereon, shall revert to the United States and the United States shall have the right of immediate reentry thereon.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City of Valparaiso, Florida.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2815. LAND CONVEYANCE, NAVAL AIR STATION, JACKSONVILLE, FLORIDA.

(a) IN GENERAL.—The Secretary of the Navy may sell, subject to subsection (b)(1), the real property and improvements owned by the United States in Duval County, Florida, comprising the Outlying Landing Field, Whitehouse, and utilize, in the manner described in subsection (b), funds received from such sale and other sales authorized by subsection (b)(3) and funds appropriated for military construction to the Department of the Navy for fiscal years beginning after September 30, 1990, to—

(1) acquire interests in real property, including improvements thereon, in the vicinity of the Naval Air Station, Cecil Field, Jacksonville, Florida, to locate an outlying landing field for Cecil Field to replace the Outlying Landing Field, Whitehouse, Duval County, Florida;

(2) construct facilities upon such property that are necessary to replace those at the Outlying Landing Field, Whitehouse, Duval County, Florida; and

(3) pay expenses related to the sale of property authorized by subsection (b).

(b) USE OF PROCEEDS.—(1) In carrying out subsection (a), the Secretary may use funds appropriated for military construction to the Department of the Navy for fiscal years beginning after September 30, 1990, but shall reimburse the appropriation accounts from which funds were expended with the proceeds from the sale of the real property and improvements owned by the United States in Duval County, Florida, comprising the Outlying Landing Field, Whitehouse, with such sale being carried out only after the completion of the activities described in paragraphs (1) and (2) of subsection (a).

(2) The sale of such property shall be by competitive procedures and at not less than the fair market value of the property (as determined by the Secretary).

(3)(A) The Secretary may also sell any property that is excess to the needs of the Department of the Navy if the Secretary determines that such a sale is necessary to fully reimburse the appropriations accounts from which funds were expended under subsection (a), but only after the 21-day period beginning on the date on which the Secretary transmits to the Committees on Armed Services of the Senate and of the House of Representatives a report containing the location of the property to be sold and its estimated value.

(B) Such additional sales shall also be by competitive procedures but not less than fair market value.

(4) The Secretary shall deposit into the Treasury as miscellaneous receipts any amount received under this section and not obligated under this section by the end of the four-year period beginning on the date of the receipt thereof.

SEC. 2816. LAND EXCHANGE, FORT BENNING, GEORGIA.

(a) AUTHORITY TO CONVEY.—Subject to subsections (b), (c), and (d), the Secretary of the Army may convey to the City of Columbus, Georgia, all right, title, and interest of the United States in and to a tract of real property, including improvements thereon, consisting of approximately 3,000 acres and comprising a portion of Fort Benning, Georgia.

(b) CONSIDERATION.—(1) In consideration for the conveyance by the Secretary under subsection (a), the City of Columbus shall be required to convey to the United States approximately 4,000 acres of real property located adjacent to the southern boundary of Fort Benning.

(2) If the fair market value of the land conveyed by the Secretary under subsection (a) exceeds the fair market value of the land conveyed to the United States, as determined by the Secretary, the City of Columbus shall pay an amount equal to the difference to the United States. The Secretary shall deposit any such amount into the Treasury as miscellaneous receipts.

(c) LEGAL DESCRIPTION OF LANDS.—The exact acreages and legal descriptions of the lands to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the City.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the transactions authorized by this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2817. LAND CONVEYANCE, ROBINS AIR FORCE BASE, GEORGIA.

(a) IN GENERAL.—Subject to subsections (b) through (e), the Secretary of the Air Force may sell and convey all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of a total of approximately 70 acres, and comprising a portion of Robins Air Force Base, Georgia.

(b) COMPETITIVE BID REQUIREMENT, MINIMUM SALE PRICE.—(1) The Secretary shall use competitive procedures for the sale of property referred to in subsection (a).

(2) In no event may any of the property referred to in subsection (a) be sold for less than the fair market value, as determined by the Secretary.

(c) USE OF PROCEEDS.—(1) The Secretary may use the proceeds from the sale of the property referred to in subsection (a) for the rehabilitation of military family housing at Robins Air Force Base, Georgia.

(2) The Secretary shall deposit into the Treasury as miscellaneous receipts any amount received under this section and not obligated under this section by the end of the four-year period beginning on the date of the receipt thereof.

(d) LEGAL DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of such survey shall be borne by the purchaser.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with any transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2818. LAND CONVEYANCE, SOUTH BEND, INDIANA.

(a) IN GENERAL.—Subject to subsections (b) through (f), the Secretary of the Army shall convey to the Civic Foundation, Incorporated, a not-for-profit corporation organized and operating pursuant to the laws of the State of Indiana, or the City of South Bend, Indiana, or to both, all right, title, and interest of the United States in and to real property aggregating approximately 4.15 acres, including improvements thereon, located at 1733 East Northside Boulevard, South Bend, Indiana, and known as the Northside Army Reserve Training Center.

(b) CONSIDERATION.—(1) In consideration for the conveyance made under subsection (a), the Civic Foundation or the City, as the case may be, shall, in accordance with the agreement required by subsection (c), be required to—

(A) convey to the United States all right, title, and interest in and to a parcel of real property of approximately eight acres, together with improvements thereon, located at 2402 Rose Street, South Bend, Indiana, and known as the Maple Lane School;

(B) repair and rehabilitate the Maple Lane School in accordance with plans and specifications approved by the Secretary;

(C) construct an access driveway to the Maple Lane School property from Ironwood Drive; and

(D) design to Department of the Army standards and construct additional improvements on the Maple Lane School property in accordance with the requirements, and subject to the approval, of the Secretary.

(2) The cost of the repair, rehabilitation, construction work, and other improvements carried out under subparagraphs (B), (C), and (D) of paragraph (1) (including but not limited to the cost of any and all architectural, engineering design, environmental assessment and remediation, construction financing, and all legal and inspection fees for the additional improvements) shall be paid as follows:

(A) The Civic Foundation or the City, or both, shall pay a total of $500,000. Any funds expended by the Civic Foundation or the City pursuant to obligations under paragraph (1) before the execution of the agreement required by subsection (c) shall be considered as part of this payment.

(B) After payment by the Civic Foundation or the City, or both, as provided in subparagraph (A), the Secretary of the Army shall pay any remaining amount necessary to complete the work described in subparagraphs (B), (C), and (D) of paragraph (1), out of funds available for such purpose.

(3) The amount of $397,000 is hereby authorized to be appropriated to pay for the design and construction of improvements authorized by paragraph (1)(D).

(c) AGREEMENT.—In order to implement this section, the Secretary shall enter into an agreement with the Civic Foundation or the City, or both.

(d) OCCUPANCY.—The Department of the Army shall vacate the Northside Army Reserve Training Center upon beneficial occupancy of Maple Lane School.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the properties to be conveyed under this section shall be determined by surveys acceptable to the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions as the Secretary considers appropriate to carry out the provisions of this section and to protect the interests of the United States.

SEC. 2819. LAND EXCHANGE, LEXINGTON PARK, MARYLAND.

(a) IN GENERAL.—Subject to subsections (b) through (d), the Secretary of the Navy may convey to the County of St. Mary's, Maryland, all right, title, and interest of the United States in and to approximately 32 acres of unimproved real property consisting of two severable parcels at the Naval Air Test Center, Patuxent River, Maryland.

(b) CONSIDERATION.—In consideration for the conveyance authorized by subsection (a), the County shall be required to convey to the United States approximately 7.2 acres of real property, including improvements thereon, known as the former Frank Knox Elementary School, Lexington Park, Maryland.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of any property to be conveyed or received under this section shall be determined by surveys satisfactory to the Secretary. The cost of such 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 this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2820. RELEASE OF REVERSIONARY INTEREST, BERRIEN COUNTY, MICHIGAN.

(a) IN GENERAL.—Subject to subsections (b) through (e), the Secretary of the Navy may release the reversionary interest of the United States in and to approximately 1.7 acres of real property conveyed by the quitclaim deed described in subsection (b).

(b) DEED DESCRIPTION.—The deed referred to in subsection (a) is a quitclaim deed executed by the Secretary of the Navy, dated February 25, 1936, that conveyed to the State of Michigan approximately 1.7 acres of real property in Berrien County, Michigan, situated in section 23, township 4 south, range 19 west.

(c) PROPERTY DESCRIPTION.—The exact acreage and legal description of the property to which the reversionary interest is to be released under this section shall be determined by surveys satisfactory to the Secretary of the Navy. The cost of such surveys shall be borne by the State.

(d) FILING.—The Secretary of the Navy shall execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effecting the release of the reversionary interest under this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require additional terms and conditions in connection with the conveyance under this section that the Secretary determines appropriate to protect the interests of the United States.

SEC. 2821. EXCHANGE OF INTERESTS, CAMP WITHYCOMBE, OREGON.

(a) RELEASE OF REVERSIONARY INTEREST.—Subject to subsections (b) through (d), the Secretary of the Army may release to the State of Oregon the reversionary interest of the United States in and to two parcels of real property totaling approximately 160 acres, including improvements thereon, at Camp Withycombe, Clackamas County, Oregon, that were conveyed by the United States to the State of Oregon by a quitclaim deed dated November 9, 1956.

(b) CONSIDERATION.—(1) In consideration for the release under subsection (a), the State of Oregon shall be required to convey to the United States a contingent interest, described in paragraph (2), in approximately 166 acres of real property, including improvements thereon, comprising Camp Rilea, Clatsop County, Oregon.

(2) The contingent interest referred to in paragraph (1) is an interest that provides that—

(A) in the event that Camp Rilea ceases to be used by the State of Oregon for military purposes, title to such property, including improvements thereon, shall immediately vest in the United States without payment of consideration and the United States shall have the immediate right to enter thereon; and

(B) in the event of a war declared by Congress or a national emergency declared by Congress or the President, and upon a determination by the Secretary of Defense that any of such property is needed for military purposes, the United States shall have the right, without payment of consideration, to enter the property and use the property or any part thereof, including any improvements thereon, for such period as the Secretary determines necessary, but in no event for any period that extends beyond 180 days after the end of such war or national emergency.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property from which the reversionary interest referred to in subsection (a) is to be released, and the exact acreage and legal description of the property in which the contingent interest is to be conveyed to the United States under subsection (b), shall be determined by surveys satisfactory to the Secretary of the Army. The cost of such surveys shall be borne by the State.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the release of the reversionary interest under subsection (a) and the conveyance of the contingent interest under subsection (b) as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2822. LAND TRANSFER, ARLINGTON, VIRGINIA.

The property consisting of approximately 14.05 acres of real property, and improvements thereon, known as Barracks "K", located in Arlington, Virginia, shall be deemed excess property, and the Administrator of General Services may transfer the property to the Secretary of the Navy without consideration.

SEC. 2823. EASEMENT CONVEYANCE, FORT LAWTON, SEATTLE, WASHINGTON.

(a) IN GENERAL.—Subject to subsections (b) through (e) the Secretary of the Navy may convey to the municipality of metropolitan Seattle, Washington, certain easement interests of the United States in approximately 1.42 acres of real property comprising a portion of the Department of the Navy Fort Lawton family housing area, Seattle, Washington.

(b) CONSIDERATION.—(1) In consideration for the conveyance authorized in subsection (a), the municipality shall provide new waterline hookups at such Navy family housing area.

(2) If the fair market value of the easement interests to be conveyed under subsection (a) exceeds the fair market value of the consideration received under paragraph (1), as determined by the Secretary, the municipality shall pay the amount of the difference to the United States. Any such payment shall be deposited into the Treasury as miscellaneous receipts.

(c) HOUSING UNITS.—(1) The municipality may be permitted to occupy, without consideration except for reimbursement for utility and services, the ten units of military family housing that will be impacted by the waterline hookups referred to in subsection (b)(1) until such time as is mutually agreed to by the municipality and the Secretary.

(2) The Secretary may acquire, without payment of consideration, ten replacement housing units comparable to the ten housing units referred to in paragraph (1) at a site

within the Puget Sound area to be determined by the Secretary.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the municipality.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States, including a requirement that the municipality provide, without consideration, the ten housing units referred to in subsection (c)(2).

PART C—PROVISIONS RELATING TO BASE CLOSURES AND REALIGNMENTS

SEC. 2831. CLOSURES AND REALIGNMENTS OF MILITARY INSTALLATIONS.

(a) FORCE-STRUCTURE PLAN AND TERMINATION OF OPERATIONS AT INSTALLATIONS OUTSIDE THE UNITED STATES.—(1) The Secretary of Defense shall formulate a force-structure plan for the Armed Forces of the United States based on an assessment by the Secretary of the probable threats to the national security in the five-year period ending September 30, 1996, and of the anticipated levels of funding that will be available for national defense purposes during such period. Such plan shall include, without any reference directly or indirectly to military installations inside the United States that may be closed or realigned under such plan—

(A) a description of such assessment;

(B) a description (i) of the anticipated force structure during and at the end of such period for each military department (with specifications of the number and type of units in the active and reserve forces of each such department), and (ii) of the units that will need to be forward based (with a justification thereof) during and at the end of such period;

(C) a description of the anticipated implementation of such force-structure plan; and

(D) the plan described in paragraph (2).

(2) The Secretary shall formulate and implement a plan for reducing and terminating military operations by the United States at installations outside the United States.

(b) REPORTING REQUIREMENT.—(1) As part of the request for authorizations of appropriations for fiscal year 1992, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(A) the force-structure plan formulated pursuant to subsection (a)(1);

(B) a description of the actions carried out and to be carried under subsection (a)(2), including a list of the installations outside the United States at which military operations by the United States will be reduced or terminated and an estimate of the extent of each such reduction;

(C) a legislative proposal containing (i) a fair process, as described in paragraph (2)(A), by which military installations inside the United States could be selected for closure and realignment as part of the implementation of the force-structure plan referred to in subsections (a)(1) and (ii) the policy referred to paragraph (2)(B); and

(D) a proposal for assistance (including worker retraining and economic conversion assistance) for individuals and communities that will be adversely affected economically by the closure or realignment of military installations inside the United States under such force-structure plan, including recommendations for any legislative action that the Secretary determines is needed to provide such assistance.

(2) The legislative proposal referred to in paragraph (1)(C) shall provide—

(A) a fair process for selecting military installations inside the United States for closure or realignment solely on the basis of objective criteria designed to achieve effectively and efficiently the military objectives of the Department of Defense contained in the force-structure plan transmitted under paragraph (1); and

(B) a policy ensuring the prompt environmental restoration of all property that will become excess to the needs of the Department of Defense as result of a military installation inside the United States being selected for closure or realignment.

(3) The proposal for economic assistance referred to in paragraph (1)(D), in addition to providing for economic assistance generally to individuals and communities adversely affected economically by the closure or realignment of a military installation, shall provide for appropriate economic assistance to State and local governments that made expenditures in reliance on, and in support of, Federal plans to establish or continue to operate a military installation that was not opened or was selected for closure.

(c) MILITARY INSTALLATIONS INSIDE THE UNITED STATES.—(1) None of the funds available to the Department of Defense may, except as provided in paragraph (4), be expended (whether obligated before the date of enactment of this Act or not) to—

(A) identify, through any transmittal to the Congress or through any other public announcement or notification, any military installation inside the United States as an installation to be closed or realigned or as an installation under consideration for closure or realignment; or

(B) close or realign any military installation inside the United States,

until specifically authorized by law during the 102nd Congress or until January 1, 1992, whichever occurs first.

(2) None of the funds appropriated pursuant to authorizations in this Act may be obligated or expended, except as provided by paragraph (4), to initiate any study necessary to meet the requirements of section 2687 of title 10, United States Code, or the National Environmental Policy Act that are applicable to the closure or realignment of military installations.

(3) In providing for the repair and maintenance of facilities at military installations inside the United States during fiscal year 1991, the Secretary of Defense and the Secretaries of the military departments shall, except as provided in paragraph (4), expend an amount during such fiscal year, with funds appropriated for operation and maintenance pursuant to authorizations made by this Act and with other funds that may be available for such purpose for such fiscal year, for repair and maintenance at each such installation equal to not less than 75 percent of the average annual amount expended for repair and maintenance of facilities at the installation concerned during fiscal years 1985 through 1989.

(4) Paragraphs (1), (2), and (3) shall not apply to—

(A) closures and realignments carried out under title II of Public Law 100-526; and

(B) closures and realignments to which section 2687 of title 10, United States Code, is not applicable.

(d) PROHIBITION AND REMEDIAL ACTION.—(1) The provisions of the transmittal to the Congress by the Secretary of Defense, dated January 29, 1990, identifying certain military installations as candidates for closure, and the provisions of any other proposal (whether transmitted to the Congress or not) developed during the year ending on the date of the enactment of this Act with respect to identifying military installations for closure, shall not be used as the basis for any decision concerning the assignment of mission, personnel, or resources to any installation identified in such provisions.

(2) The Secretary of Defense—

(A) shall review all actions taken during the year ending on the date of the enactment of this Act with regard to any installation identified in any provision referred to in paragraph (1); and

(B) shall take such steps as may be necessary to remedy the damage to such installation that has resulted from any such action.

(e) DEFINITIONS.—(1) For purposes of this section—

(A) the term "military installation" means a base, camp, post, station, yard, center, homeport facility or any ship, or any other activity under under the jurisdiction of a department, agency, or other instrumentality of the Department of Defense, including a leased facility, except that such term shall not include any facility used primarily for civil works, rivers and harbor projects, or flood control projects;

(B) the term "United States" means the several States and the District of Columbia; and

(C) the term "realignment" has the meaning given such term by section 2687(e)(3) of title 10, United States Code.

(2) Section 2687 of title 10, United States Code, is amended—

(A) by striking out paragraph (2) of subsection (a) and inserting in lieu thereof the following:

"(2) any realignment with respect to any military installation referred to in paragraph (1) that would result, during any two-year period, in a reduction of more than 1,000 in, or by more than 50 percent of, the number of civilian personnel authorized to be employed at such military installation at the beginning of the two-year period concerned; or"; and

(B) in subsection (e)(3), by striking out "includes" and inserting in lieu thereof "means".

(3) For the purpose of making determinations with respect to closures and realignments carried out on or after the date of the enactment of this Act, the amendment made by paragraph (2)(A) shall be applied to include reductions of civilian personnel occurring during any two-year period beginning after the date that occurred two years before the date of the enactment of this Act.

(f) CLARIFYING AMENDMENT.—Section 2687(e)(1) of title 10, United States Code, is amended by striking out "under the jurisdiction of the Secretary of a military department" and inserting in lieu thereof "under the jurisdiction of a department, agency, or other instrumentality of the Department of Defense, including a leased facility,".

SEC. 2832. SENSE OF CONGRESS CONCERNING THE RESIDUAL VALUE OF IMPROVEMENTS MADE BY THE DEPARTMENT OF DEFENSE AT MILITARY INSTALLATIONS OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—It is the sense of the Congress that, in providing for the termination of military operations by the United States

at any installation outside the United States, the Secretary of Defense should take steps to ensure that the United States receives, through direct payment or otherwise, consideration equal to the the fair market value of the improvements made by the United States at the installation.

(b) REPORT.—(1) For each installation on the list required by section 2831(b)(1)(B), the Secretary of Defense shall include, as part of the report required by such section, an estimate of the fair market value of the improvements made at the installation by the United States.

(2) For purposes of this section—

(A) the term "fair market value of the improvements" means the value of improvements determined by the Secretary on the basis on their highest use; and

(B) the term "improvements" includes new construction of facilities and all additions, improvements, modifications, or renovations made to existing facilities or to real property, without regard to whether they were carried out with appropriated or nonappropriated funds.

SEC. 2833. RESTRICTION ON FUNDING FOR ENVIRONMENTAL RESTORATION BY THE DEPARTMENT OF DEFENSE AT CERTAIN MILITARY INSTALLATIONS OUTSIDE THE UNITED STATES.

Funds provided under section 2806 of title 10, United States Code, for the North Atlantic Treaty Organization Infrastructure program are the only funds that may be made available by the Department of Defense for environmental restoration at any military installation outside the United States (1) that is located in a country which is a member of the North Atlantic Treaty Organization, and (2) at which military operations by the United States have been terminated or substantially reduced on or after the date of the enactment of this Act.

SEC. 2834. FUNDING FOR ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS SCHEDULED FOR CLOSURE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Department of Defense Base Closure Account for fiscal year 1991, in addition to any other funds authorized to be appropriated to that account for that fiscal year, the sum of $100,000,000. Amounts appropriated to that account pursuant to the preceding sentence shall be available only for activities for the purpose of environmental restoration at military installations closed or realigned under title II of Public Law 100-526, as authorized under section 204(a)(3) of that title.

(b) EXCLUSIVE SOURCE OF FUNDING.—(1) Section 207 of Public Law 100-526 is amended by adding at the end the following:

"(b) BASE CLOSURE ACCOUNT TO BE EXCLUSIVE SOURCE OF FUNDS FOR ENVIRONMENTAL RESTORATION PROJECTS.—No funds appropriated to the Department of Defense may be used for purposes described in section 204(a)(3) other than funds that have been authorized for and appropriated to the Account. The prohibition in the preceding sentence expires upon the termination of the authority of the Secretary to carry out a closure or realignment under this title.".

(2) The amendment made by paragraph (1) does not apply with respect to the availability of funds appropriated before the date of the enactment of this Act.

SEC. 2835. COMMUNITY PREFERENCE CONSIDERATION IN CLOSURE AND REALIGNMENT OF MILITARY INSTALLATIONS.

In any process of selecting any military installation inside the United States for closure or realignment, the Secretary of Defense shall take such steps as are necessary to assure that special consideration and emphasis is given to any official statement from a unit of general local government adjacent to or within a military installation requesting the closure or realignment of such installation.

PART D—MISCELLANEOUS PROVISIONS

SEC. 2841. IMPACT ASSISTANCE FOR WHITEMAN AIR FORCE BASE.

Section 802 of the Military Construction Authorization Act, 1981 (Public Law 96-418), is amended—

(1) in subsection (a), by inserting "or Whiteman Air Force Base" after "East Coast Trident Base" each place it appears;

(2) in subsection (b)(3), by inserting "or Whiteman Air Force Base" after "East Coast Trident Base"; and

(3) in subsection (d), by striking out "program" and inserting in lieu thereof "or Whiteman Air Force Base programs".

SEC. 2842. MODIFICATION OF HEIGHT RESTRICTION IN AVIGATION EASEMENT.

(a) IN GENERAL.—The Act of July 2, 1948 (62 Stat. 1229), is amended by adding at the end the following new section:

"SEC. 6. The height restriction in subsection d. of the first section of this Act shall not apply with respect to any public utility structure that does not exceed 160 feet above mean low-water level.".

(b) FILING.—The Secretary of the Air Force shall execute and file in the appropriate office any instrument necessary to effect the modification of the avigation easement referred to in the amendment made in subsection (a).

SEC. 2843. HENDERSON HALL, ARLINGTON, VIRGINIA.

Section 2843(a)(1) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189) is amended by striking out "62,000 square feet" and inserting in lieu hereof "77,000 square feet".

SEC. 2844. LEASE-PURCHASE OF FACILITY FOR UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Section 2112 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) The Secretary of Defense may provide for the acquisition of a facility for the Uniformed Services University of the Health Sciences for classroom, laboratories, and office space through lease-purchase arrangements on real property under the jurisdiction of the Department of Defense.

"(2)(A) In carrying out this subsection and notwithstanding any other provision of law, the Secretary may lease, with or without compensation and for a period of not to exceed 35 years, to another party any of the real property described in paragraph (1) of this subsection.

"(B) Such real property shall be used as the site of the facility referred to in paragraph (1) of this subsection—

"(i) constructed and owned by the lessee of such real property; and

"(ii) leased under paragraph (3)(A) of this subsection to the Department for such use and for such other activities as the Secretary determines are appropriate.

"(3)(A) The Secretary may enter into a lease for the use of the facility described in paragraph (2)(B) of this subsection for not more than 35 years under such terms and conditions as may be in the best interests of the Department.

"(B) The agreement to lease a facility under subparagraph (A) of this paragraph shall include a provision that—

"(i) the obligation of the United States to make payments under the agreement is subject to the availability of appropriations for that purpose; and

"(ii) the ownership of such facility shall vest in the United States at the end of such lease.

"(4)(A) The Secretary may sublease any space in such a facility to another party at a rate not less than—

"(i) the rental rate paid by the Secretary for such space under paragraph (3) of this subsection; plus

"(ii) the amount the Secretary pays for the costs of administering such facility (including operation, maintenance, utility, and rehabilitation costs) which are attributable to such space.

"(B) In any such sublease, the Secretary shall include such terms relating to default and nonperformance as the Secretary considers appropriate to protect the interests of the United States.

"(5) The Secretary shall use the receipts of any payment for the lease of real property under paragraph (2) for the payment of the lease of a facility under paragraph (3).

"(6) The authority to enter into an agreement under this subsection shall expire on October 1, 1994.".

SEC. 2845. SALE OF AGGREGATE, NAVAL AIR STATION, MIRAMAR, CALIFORNIA.

(a) AUTHORITY.—(1) Subject to subsections (b) through (e), the Secretary of the Navy may extract, sell, and remove aggregate from the real property comprising the Naval Air Station, Miramar, California.

(2) Such extraction, sale, and removal shall be by competitive procedures except for that portion of the station where the City of San Diego operates a sanitary landfill. Within such area, the City may extract, sell, or remove the aggregate.

(b) CONSIDERATION.—In consideration for the rights authorized to the City of San Diego by subsection (a), the City shall pay to the United States fair market value, as determined by the Secretary, for any aggregate it extracts, sells, or removes.

(c) USE OF FUNDS.—(1) The Secretary may use proceeds generated under this section solely for the purpose of acquiring suitable sites for military family housing or constructing military family housing units, or both, in the San Diego area.

(2) Any funds received by the Secretary under this section and not used for the acquisition of a site for military family housing or the construction of military family housing units within 48 months after the receipt of such funds shall be deposited into the miscellaneous receipts of the Treasury.

(d) NOTIFICATION.—The Secretary may not enter into any contract under this section to—

(1) permit the extraction, sale, or removal of aggregate;

(2) acquire a site for military family housing; or

(3) construct housing.

until after the 21-day period beginning on the date on which the Secretary transmits to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a report of the details of the contract.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions under this section as

the Secretary considers appropriate to protect the interest of the United States.

DIVISION C—OTHER NATIONAL DEFENSE AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

PART A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

SEC. 3101. OPERATING EXPENSES.

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1991 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For weapons activities, $3,816,627,000 to be allocated as follows:

(A) For research and development, $931,564,000.

(B) For weapons testing, $442,268,000.

(C) For weapons safety, $150,000,000.

(D) For production and surveillance, $2,188,000,000.

(E) For program direction, $104,715,000.

(2) For defense nuclear materials production, $1,892,770,000, to be allocated as follows:

(A) For production reactor operations, $811,457,000.

(B) For processing of defense nuclear materials, including naval reactors fuel, $628,969,000.

(C) For supporting services, $292,043,000.

(D) For uranium enrichment for naval reactors, $117,801,000.

(E) For program direction, $42,500,000.

(3) For waste transportation and site management, $36,046,000.

(4) For verification and control technology, $186,484,000.

(5) For nuclear materials safeguards and security technology development program, $83,934,000.

(6) For security investigations, $65,000,000.

(7) For new production reactors, $132,900,000.

(8) For naval reactors development, $569,200,000.

SEC. 3102. PLANT AND CAPITAL EQUIPMENT.

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1991 for plant and capital equipment (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

(1) For weapons activities:

Project GPD-101, general plant projects, various locations, $27,100,000.

Project GPD-121, general plant projects, various locations, $36,350,000.

Project 91-D-123, production assurance transformer replacement, Kansas City Plant, Kansas City, Missouri, $2,600,000.

Project 91-D-124, safeguards and security upgrades, Phase III, Mound Facility, Miamisburg, Ohio, $1,100,000.

Project 91-D-125, environmental, safety, and health upgrades, Phase III, Mound Facility, Miamisburg, Ohio, $1,746,000.

Project 91-D-126, health physics calibration facility, Mound Plant, Miamisburg, Ohio, $1,000,000.

Project 91-D-127, criticality alarm and production annunciation utility replacement, Rocky Flats Plant, Golden, Colorado, $6,600,000.

Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, $19,600,000.

Project 90-D-126, environmental, safety, and health enhancements, various locations, $8,500,000.

Project 89-D-126, environmental, safety, and health upgrade, Phase II, Mound Plant, Miamisburg, Ohio, $488,000.

Project 88-D-104, safeguards and security upgrade, Phase II, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 88-D-105, special nuclear materials research and development laboratory replacement, Los Alamos National Laboratory, Los Alamos, New Mexico, $20,600,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, $72,547,000.

Project 88-D-122, facilities capability assurance program, various locations, $106,806,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, $18,244,000.

Project 88-D-124, fire protection upgrade, various locations, $1,481,000.

Project 88-D-125, high explosive machining facility, Pantex Plant, Amarillo, Texas, $8,840,000.

Project 88-D-126, personnel radiological monitoring laboratories, various locations, $1,600,000.

Project 87-D-104, safeguards and security enhancement II, Lawrence Livermore National Laboratory, Livermore, California, $1,150,000.

Project 87-D-122, short-range attack missile II (SRAM II) warhead production facilities, various locations, $8,634,000.

Project 86-D-130, tritium loading facility replacement, Savannah River Plant, Aiken, South Carolina, $2,360,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Nevada, $4,242,000.

(2) For materials production:

Project GPD-146, general plant projects, various locations, $36,994,000.

Project 91-D-143, increase 751-A electrical substation capacity, Phase I, Savannah River, South Carolina, $6,000,000.

Project 91-D-145, new whole body counter facility, Savannah River, South Carolina, $4,350,000.

Project 91-D-148, reactor charge/discharge training simulator, Savannah River, South Carolina, $2,000,000.

Project 90-D-141, Idaho chemical processing plant fire protection, Idaho National Engineering Laboratory, Idaho, $6,000,000.

Project 90-D-143, plutonium finishing plant fire safety and loss limitation, Richland, Washington, $2,500,000.

Project 90-D-149, plantwide fire protection, Phases I and II, Savannah River, South Carolina, $49,100,000.

Project 90-D-150, reactor safety assurance, Phases I and II, Savannah River, South Carolina, $32,600,000.

Project 90-D-151, engineering center, Savannah River, South Carolina, $4,000,000.

Project 89-D-140, additional separations safeguards, Savannah River, South Carolina, $16,300,000.

Project 89-D-148, improved reactor confinement system, Savannah River, South Carolina, $12,800,000.

Project 88-D-153, additional reactor safeguards, Savannah River, South Carolina, $1,000,000.

Project 87-D-159, environmental, health, and safety improvements, Phases I, II, III, IV, and V, Feed Materials Production Center, Fernald, Ohio, $14,133,000.

Project 86-D-149, productivity retention program, Phases I, II, III, IV, V, and VI, various locations, $61,750,000.

Project 85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, $87,500,000.

Project 85-D-145, fuel production facility, Savannah River, South Carolina, $8,481,000.

(3) For waste transportation and site management:

Project GPD-171, general plant projects, various locations, $13,556,000.

Project 91-D-170, Idaho National Engineering Laboratory transportation complex, Idaho, $870,000.

Project 91-D-175, 300 area electrical distribution conversion and safety improvements, Phase I, Richland, Washington, $900,000.

Project 90-D-175, landlord program safety compliance-I, Richland, Washington, $8,230,000.

Project 89-D-171, Idaho National Engineering Laboratory road renovation, Idaho, $7,300,000.

(4) For verification and control technology:

Project 90-D-186, center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico, $3,000,000.

(5) For nuclear materials safeguards and security:

Project GPD-186, general plant projects, Central Training Academy, Albuquerque, New Mexico, $2,000,000.

(6) For new production reactor:

Project 88-D-154, new production reactor capacity, various locations, $221,300,000.

(7) For naval reactors development:

Project GPN-101, general plant projects, various locations, $8,600,000.

Project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $4,000,000.

Project 90-N-103, advanced test reactor off-gas treatment system, Idaho National Engineering Laboratory, Idaho, $1,800,000.

Project 90-N-104, facilities renovation, Knolls Atomic Power Laboratory, Niskayuna, New York, $7,900,000.

Project 89-N-102, heat transfer test facility, Knolls Atomic Power Laboratory, Niskayuna, New York, $3,600,000.

Project 88-N-102, expended core facility receiving station, Naval Reactors Facility, Idaho, $1,500,000.

(8) For capital equipment not related to construction:

(A) For weapons activities, $272,231,000.

(B) For materials production, $105,622,000.

(C) For waste transportation and site management, $19,098,000.

(D) For verification and control technology, $9,924,000.

(E) For nuclear safeguards and security, $5,066,000.

(F) For new production reactors, $8,800,000.

(G) For naval reactors development, $55,400,000.

SEC. 3103. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1991 for carrying out the environmental restoration and waste management programs

necessary for national security programs as follows:

(1) For operating expenses, $2,346,022,000.

(2) For capital equipment, $100,819,000.

(3) For plant projects:

Project GPD-171 General Plant Projects, various locations, $50,133,000.

Project 91-D-125, environmental, safety, and health upgrades, Phase III, Mound Plant, Miamisburg, Ohio, $284,000.

Project 91-D-171, waste receiving and processing facility module 1, Richland, Washington, $2,700,000.

Project 91-D-172, high-level waste tank farm replacement, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $13,000,000.

Project 91-D-173, hazardous low-level waste processing tanks, Savannah River, South Carolina, $5,800,000.

Project 90-D-103, environment, safety, and health improvements, various locations, $4,200,000.

Project 90-D-125, steam plant ash disposal facility, Y-12 Plant, Oak Ridge, Tennessee, $6,000,000.

Project 90-D-171, laboratory ventilation and electrical system upgrade, Richland, Washington, $4,100,000.

Project 90-D-172, aging waste transfer lines, Richland, Washington, $4,000,000.

Project 90-D-173, B plant canyon crane replacement, Richland, Washington, $4,300,000.

Project 90-D-174, decontamination laundry facility, Richland, Washington, $9,900,000.

Project 90-D-175, landlord program safety compliance-I, Richland, Washington, $2,640,000.

Project 90-D-176, transuranic (TRU) waste facility, Savannah River, South Carolina, $15,300,000.

Project 90-D-177 RWMC transuranic (TRU) waste treatment and storage facility, Idaho National Engineering Laboratory, Idaho Falls, Idaho, $26,000,000.

Project 90-D-178, TSA retrieval containment building, Idaho National Engineering Laboratory, Idaho Falls, Idaho, $11,100,000.

Project 89-D-122, production waste storage facilities, Y-12 Plant, Oak Ridge, Tennessee, $5,500,000.

Project 89-D-126, environmental, safety, and health upgrade, Phase II, Mound Plant, Miamisburg, Ohio, $1,723,000.

Project 89-D-141, M-area waste disposal, Savannah River, South Carolina, $7,500,000.

Project 89-D-142, reactor effluent cooling water thermal mitigation, Savannah River, South Carolina, $44,600,000.

Project 89-D-172, Hanford environmental compliance, Richland, Washington, $42,460,000.

Project 89-D-173, tank farm ventilation upgrade, Richland, Washington, $3,400,000.

Project 89-D-174, replacement high level waste evaporator, Savannah River, South Carolina, $11,330,000.

Project 89-D-175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina, $7,600,000.

Project 88-D-102, sanitary wastewater systems consolidation, Los Alamos National Laboratory, Los Alamos, New Mexico, $3,500,000.

Project 88-D-173, Hanford waste vitrification plant, Richland, Washington, $75,500,000.

Project 88-D-159, environmental, health, and safety improvements, Phases I, II, III, and IV, Feed Materials Production Center, Fernald, Ohio, $27,586,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, $5,000,000.

(4) The total amount authorized to be appropriated by paragraph (3) is reduced by a total of $129,751,000 for anticipated savings and schedule slippages.

SEC. 3104. FUNDING LIMITATIONS.

(a) INERTIAL CONFINEMENT FUSION.—Of the funds appropriated to the Department of Energy for fiscal year 1991 for operating expenses and plant and capital equipment, not less than $175,000,000 shall be obligated or expended for the defense inertial confinement fusion program.

(b) SECURITY INVESTIGATIONS.—No funds appropriated to the Department of Energy may be obligated or expended for the conduct of an investigation by the Department of Energy or any other Federal department or agency for purposes of determining whether to grant a security clearance to an individual or a facility unless the Secretary of Energy determines both of the following:

(1) That a current, complete investigation file is not available from any other department or agency of the Federal government with respect to that individual or facility.

(2) That no other department or agency of the Federal government is conducting an investigation with respect to that individual or facility that could be used as the basis for determining whether to grant the security clearance.

PART B—RECURRING GENERAL PROVISIONS

SEC. 3121. REPROGRAMMING.

(a) NOTICE TO CONGRESS.—(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) $10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may be taken after a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives of notice from the Secretary of Energy 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.

(b) LIMITATION ON AMOUNT OBLIGATED.—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.

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 provisions authorized by this title if the total estimated cost of the construction project does not exceed $1,200,000.

(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 $1,200,000, the Secretary shall immediately furnish a complete report to the Committees on Armed Services and on the Committees on Appropriations of the Senate and House of Representatives 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 3102 or 3103 of this title, 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 after a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives of notice from the Secretary of Energy 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.

(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) IN GENERAL.—Funds appropriated pursuant to this title may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

(b) SPECIFIC TRANSFER.—The Secretary of Defense may transfer to the Secretary of Energy not more than $100,000,000 of the funds appropriated for fiscal year 1991 to the Department of Defense for research, development, test, and evaluation for the Defense Agencies for the performance of work on the Strategic Defense Initiative. Funds so transferred—

(1) may be used only for research, development, and testing for nuclear directed energy weapons concepts, including plant and capital equipment related thereto; and

(2) shall be merged with the appropriations of the Department of Energy.

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed $2,000,000.

(2) In any case in which the total estimated cost for such planning and design exceeds $300,000, the Secretary shall notify the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds $2,000,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN.

In addition to the advance planning and construction design authorized by sections 3102 and 3103, the Secretary may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation 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 operating expenses or for plant and capital equipment may remain available until expended.

PART C—MISCELLANEOUS PROVISIONS

SEC. 3131. EXTENSION OF AUTHORITY TO LOAN PERSONNEL AND FACILITIES TO COMMUNITY DEVELOPMENT ORGANIZATIONS NEAR HANFORD RESERVATION.

(a) EXTENSION.—Subsection (c) of section 1434 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456) is amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1992".

(b) CONFORMING AMENDMENT.—Subsection (a)(3) of such section is amended by striking out "fiscal years 1989 and 1990" and inserting in lieu thereof "fiscal years 1989, 1990, 1991, and 1992".

SEC. 3132. REPORT ON ENVIRONMENTAL RESTORATION EXPENDITURES.

Each year, at the same time the President submits to Congress the budget for a fiscal year (pursuant to section 1105 of title 31, United States Code), the Secretary of Energy shall submit to Congress a report on how the environmental restoration and waste management funds for defense activities of the Department of Energy were expended during the fiscal year preceding the fiscal year during which the budget is submitted. The report shall include details on expenditures by operations office, installation, budget category, and activity. The report also shall include any schedule changes or modifications to planned activities for the fiscal year in which the budget is submitted.

PART D—INTERNATIONAL FISSILE MATERIAL AND WARHEAD CONTROL

SEC. 3141. SHORT TITLE.

This part may be cited as the "International Fissile Material and Warhead Control Act".

SEC. 3142. FINDINGS AND DECLARATION OF POLICY.

The Congress finds and declares as follows:

(1) On June 1, 1990, the President of the United States and the President of the Soviet Union issued a joint summit statement which stated that follow-on negotiations for further reductions below the levels achieved in the Strategic Arms Reduction Talks (START), so-called START II negotiations, would commence "at the earliest practical date".

(2) In May 1990, the President announced that the United States would begin talks with the Soviet Union on short-range nuclear forces (SNF) as soon as an agreement on conventional forces in Europe is signed and, at the July 1990 meeting of NATO leaders in London, NATO declared that as soon as SNF negotiations begin, "the Alliance will propose, in return for reciprocal action by the Soviet Union, the elimination of all its nuclear artillery shells from Europe".

(3) Verifiable warhead dismantlement and limitations on the production and stockpiles of fissile materials would impose an additional constraint on "break out" by either side from future agreements for deep reductions in strategic and tactical nuclear weapons.

(4) In light of the accelerated schedule now set for START II and SNF negotiations, it is appropriate to begin immediately to assess the verifiability of (A) requirements for warhead dismantlement, and (B) limitations on the production and stockpiles of fissile materials.

(5) At the present time, the United States is observing a de facto moratorium on the production of fissile materials, with no production of highly enriched uranium for nuclear weapons since 1964. While the United States has ceased operation of all of its reactors used for the production of plutonium for nuclear weapons, the Soviet Union currently operates as many as nine reactors for the production of plutonium for nuclear weapons.

(6) During 1990, the Secretary of Energy presented testimony to Congress that the Department of Energy could meet future stockpile requirements for plutonium through recycling retired warheads and processing existing scrap. To do this, however, will require that the United States promptly site, fund, and develop plutonium reprocessing facilities to meet future weapon requirements.

SEC. 3143. BILATERAL MORATORIUM ON PRODUCTION OF PLUTONIUM AND HIGHLY ENRICHED URANIUM FOR NUCLEAR WEAPONS AND DISPOSAL OF NUCLEAR STOCKPILES.

(a) AGREEMENTS WITH THE SOVIET UNION.—Congress urges the President to enter into additional negotiations with the Soviet Union, to complement ongoing and future arms reduction negotiations and agreements, with the goal of achieving verifiable agreements in the following areas:

(1) Dismantlement of nuclear warheads.

(2) An end by both the United States and the Soviet Union to the production of plutonium and highly enriched uranium for nuclear weapons.

(b) EXCHANGES OF INFORMATION.—Congress urges the President, in order to establish a data base on the Soviet Union's production capabilities and its stockpile of fissile materials, to seek to achieve an agreement with the Soviet Union to—

(1) exchange information on the location, mission, and maximum annual production capacity of their respective facilities that are essential to the production of tritium for replenishment of that nation's tritium stockpile;

(2) provide to each other a complete inventory of their facilities dedicated to the production of plutonium and highly enriched uranium for weapons purposes; and

(3) declare the size of their stockpiles of plutonium and highly enriched uranium for their nuclear arsenals.

(c) MUTUAL TECHNICAL WORKING GROUP.—Congress urges the President, in order to facilitate the achievement of agreements referred to in subsection (a), to seek to establish with the Soviet Union a mutual technical working group to examine and demonstrate cooperative technical monitoring and inspection arrangements that could be applied to the verification of—

(1) information on mission, location, and maximum annual production capacity of the two nations respective nuclear material production facilities and the size of their stockpiles of plutonium and highly enriched uranium;

(2) nuclear arms reduction agreements that would include provisions requiring the verifiable dismantlement of nuclear warheads, and

(3) an agreement between the two nations to halt the production of plutonium and highly enriched uranium for nuclear weapons.

(d) PRODUCTION BY THE SOVIET UNION.—Congress urges the President of the Soviet Union—

(1) to institute a moratorium on production by the Soviet Union of plutonium and highly enriched uranium for nuclear weapons; and

(2) to pledge to continue such moratorium for so long as the United States maintains its moratorium on production of such materials.

SEC. 3144. REPORT ON VERIFICATION TECHNIQUES.

(a) REPORT REQUIRED.—The President shall submit to Congress a report on the following matters:

(1) The on-site monitoring techniques, inspection arrangements, and national technical means that could be used by the United States to verify dismantlement of nuclear warheads of the Soviet Union under an agreement between the United States and the Soviet Union requiring such dismantlement.

(2) The on-site monitoring techniques, inspection arrangements, and national technical means that could be used by each nation to verify—

(A) the end use of any plutonium and highly enriched uranium recovered from the dismantlement of warheads; and

(B) a mutual halt by the two nations in the production of plutonium and highly enriched uranium for nuclear weapons.

(b) TECHNICAL WORKING GROUP.—In order to prepare the report required by subsection (a), the President shall establish a technical working group to advise the President on issues relating to nuclear material monitoring and nuclear warhead dismantlement. The working group shall be established not later than December 31, 1990.

(c) DEADLINE FOR REPORT.—The report required by subsection (a) shall be submitted not later than April 30, 1991. The report shall be submitted in both classified and unclassified form.

SEC. 3145. DEVELOPMENT AND DEMONSTRATION OF MEANS FOR WARHEAD DISMANTLEMENT VERIFICATION.

The Secretary of Energy shall use funds available to the Secretary for national security programs of the Department of Energy for fiscal year 1991 to carry out a program to develop and demonstrate a means for verifiable dismantlement of nuclear warheads. The Secretary shall include a report on such

program in budget justification documents submitted to Congress in support of the budget of the Department of Energy for fiscal year 1992. The report shall be submitted in both classified and unclassified form.

SEC. 3146. PRODUCTION OF TRITIUM.

Nothing in this part may be construed as intending to affect the production of tritium.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1991 $12,500,000 for the establishment and operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2268 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. AUTHORITY TO BARTER MATERIAL IN THE NATIONAL DEFENSE STOCKPILE TO FINANCE THE UPGRADING, REFINING, OR PROCESSING OF STOCKPILE MATERIAL.

(a) BARTER AUTHORIZED.—Subsection (c) of section 6 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e) is amended—

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

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

"(3) Notwithstanding section 3(c) or any other provision of law, whenever the President provides under subsection (a)(3) for the upgrading, refining, or processing of a material in the stockpile to convert that material into a form more suitable for storage, subsequent disposition, and immediate use in a national emergency, the President may barter a portion of the same material or any other material in the stockpile to finance that upgrading, refining, or processing.".

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a)(3)—

(A) by striking out "refining" and inserting in lieu thereof "upgrading, refining,";

(B) by inserting "(notwithstanding any intermediate stockpile quantity established for such material)" after "stockpile"; and

(C) by striking out "storage and subsequent disposition;" and inserting in lieu thereof "storage, subsequent disposition, and immediate use in a national emergency;";

(2) in subsection (c)(1)—

(A) by inserting "under subsection (a)(1)" after "the acquisition"; and

(B) by inserting "under subsection (a)(5) or (a)(6)" after "the disposal"; and

(3) in subsection (c)(2)—

(A) by striking out ", the disposition of which is authorized by law," and inserting in lieu thereof the following: "(the disposition of which is authorized by paragraph (3) to finance the upgrading, refining, or processing of a material in the stockpile, or is otherwise authorized by law)"; and

(B) by striking out "of refining" and inserting in lieu thereof "of upgrading, refining".

TITLE XXXIV—CIVIL DEFENSE

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated $154,117,000 for the fiscal year ending September 30, 1991, for the purpose of carrying out the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.).

The CHAIRMAN. No amendments are in order except amendments specified by House Resolution 457, by House Report 101-668, or by subsequent order of the House. Said amendments shall be considered in the manner specified and shall be considered as having been read.

Under the procedure outlined in House Resolution 457, the chairman of the Committee on Armed Services has requested the Chair to change the order of consideration of amendments listed in that resolution. Therefore, the committee will consider subject areas in the following order:

First, acquisition work force;

Second, home porting; and

Third, defense burdensharing.

The amendments specified by House Resolution 457 and House Report 101-668 may be offered only by the Member designated, or such Member's designee, shall not be subject to amendment except as specified, and shall not be subject to a demand for a division of the question.

Pro forma amendments for the purpose of debate may be offered and controlled only by the chairman or ranking minority member of the Committee on Armed Services, and are in order at any time.

It is now in order to debate the subject matter of an acquisition work force.

Pursuant to the rule, the gentleman from Massachusetts [Mr. MAVROULES] will be recognized for 30 minutes and the gentleman from Kentucky [Mr. HOPKINS] will be recognized for 30 minutes.

The chair recognizes the gentleman from Massachusetts [Mr. MAVROULES].

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

Mr. Chairman, it is with great pride that at the conclusion of this general debate I shall offer an acquisition reform amendment with my ranking Republican member, Mr. HOPKINS, and other members of the Armed Services Committee and the Post Office and Civil Service Committee. If enacted this amendment shall become the "Defense Acquisition Workforce Improvement Act."

At the outset, I want to recognize and commend the efforts of my colleagues, Mr. HERTEL and Mrs. BOXER, for having the foresight to focus attention on this issue early on and push for congressional action.

In addition, LARRY HOPKINS, NORM SISISKY, ANDY IRELAND, and others have also provided invaluable assistance and support in putting this landmark legislation together. From the Post Office and Civil Service Committee, we have benefited from the counsel of Chairman FORD, Mr. GILMAN, Mr. SIKORSKI, and Mrs. MORELLA. I would also like to single out the unique role of FRANK MCCLOSKEY and PAT SCHROEDER who serve on both the Armed Services Committee and the Post Office Committee.

This amendment represents a new approach to addressing the defense acquisition problems that have plagued the Department of Defense for many years. As we all know, procurement scandals are nothing new to the Pentagon, but the 1980's seemed to have brought one scandal after another. In response, Congress enacted major procurement legislation every year from 1982 through 1986. However, as we have seen this year with the $999 pliers, the $1,868 toilet cover, the $688,000 fax machine—not to mention the Navy's A-12 attack aircraft—the defense acquisition horror stories go on and on. Something must be done today to again address these problems.

After much research and consultation, I believe it is time to try a new approach. It is time to address not the symptoms but the root causes.

In the past, reform initiatives have focused on changing either the process of acquisition, including the rules and procedures that must be followed, or the structure of acquisition, that is, offices and agencies that do the buying. While previous efforts were all well-meaning and rational, they failed to take into account the most vital and critical area: the quality and capabilities of the people who must work within the structure. My amendment provides a comprehensive framework for developing an acquisition workforce with the skills and attributes required for effectively managing the defense acquisition process.

My recommendations were not developed overnight. They are the culmination of years of consultation with many acquisition experts from DOD, private industry and academia. They are the culmination of many hearings, field trips, and staff reviews.

Their roots lie in a 776—page report the subcommittee issued in May that cataloged the scope and detail of the problems facing the 240,000 individuals which comprise the defense acquisition work force. We then developed recommendations for improving the quality and professionalism of the acquisition work force.

Our subcommittee work also revealed that many personnel assigned to key acquisition positions in the Defense Department are seriously unprepared for their jobs. The Department often places military officers and civil servants in impossible situations, asking them to control complex industrial programs—yet failing to equip them with a working knowledge of the acquisition process, with skills in analysis and technical negotiations, and with the stable assignments required to deal with defense contractors on an equal footing. During the past 25 years, Pentagon officials have assumed that the acquisition process could be

managed effectively at any level by generalists, technology specialists, and by military officers whose primary training and experience has been in combat operations. Many of the key acquisition leadership and decision-making positions were held by personnel with little practical training or experience in industrial management, and only one or two acquisition assignments.

Furthermore, the Defense Department appears to have assumed it unnecessary to implement previous congressional direction to lengthen the average tenure of program managers for major weapon systems. In fact, we found that program manager tenure actually dropped after passage of the 1984 law mandating longer tours.

It now seems clear to me—as I hope it will to you—that the Defense Department must develop a comprehensive acquisition work force management program. Such a program is a prerequisite for any further progress that may derive from the structural or process changes directed by the Defense Management Review.

I would sum up the theme of today's amendment as quality, professionalism, and empowerment. This legislation creates a professional and powerful Acquisition Corps in each of the military services and sets high standards in order to attract the most highly qualified personnel.

This legislation would demand substantial education and training. Acquisition needs to be recognized as a specialized field of knowledge. I want to stop for all time the practice of assigning great pilots to manage billion dollar aircraft procurement programs when they have had only minimal experience in acquisition. You'd never send a great military commander to perform heart surgery or defend your case in court. Why on earth do we send them in to handle immensely intricate acquisition programs?

This legislation would set high standards of experience. The managers in the top jobs shouldn't be getting OJT. They should already have earned their spurs. They should be appointed to acquisition leadership positions because of their capabilities and outstanding performance in the field of acquisition—not because they were successful battalion commanders, squadron leaders, or ship skippers.

This legislation would also reverse the current weird tenure system. Civilian acquisition managers now stay on the job too long and military managers not long enough. Civilian managers tend to be left on the job so long that they become cobwebbed and closed to new ideas. On the other hand, military managers are rotated through assignments so fast they can't master the intricacies of their jobs. We want to correct both these errors.

Recognizing that there is a quality shortfall not only in the defense acquisition community, but throughout the Federal Government, my colleague Congressman GILMAN will be offering an amendment to provide added educational opportunities and benefits for all Federal agencies. Congressman GILMAN and other members of the Post Office and Civil Service Committee have had the insight to recognize that improved quality and professionalism must be achieved throughout the Federal Government, if we are ever to achieve more cost effective government operations, and reduce the mounting Federal deficit. I believe the Gilman amendment will go a long way toward recruiting and retaining higher quality personnel. I fully support this amendment.

In closing, let me thank the entire leadership of the Post Office and Civil Service Committee and recognize their contribution to the amendment which I offer. The amendment has been substantially improved thanks to their help. Mr. HOPKINS, Mr. HERTEL, and I have worked closely with Mr. FORD, Mr. SIKORSKI, Mr. GILMAN, and Mrs. MORELLA. Working closely together, all of us have crafted a package we believe goes hand-in-hand to address some of the most critical workforce quality problems facing the Federal Government today.

The pair of amendments being offered for your consideration are both bipartisan and bicommittee. They are the joint product of the labors of both Republicans and Democrats on both the Armed Services and Post Office and Civil Service Committees. All of us urge you to join with us today in adopting these amendments to advance the quality and professionalism of the personnel working in the acquisition system.

DISCUSSION OF THE ACQUISITION WORKFORCE IMPROVEMENT ACT

PURPOSE AND SUMMARY

Although it has been recognized for over 30 years in studies and commissions (including the First and Second Hoover Commissions in 1949 and 1955, the Fitzhugh Commission in 1970, the Commission on Government Procurement in 1972, and the Packard Commission in 1986) that the quality and professionalism of the Department of Defense (DOD) acquisition workforce should be improved, implementation of the recommendations of these commissions has been sorely lacking. Although workforce problems have surfaced frequently in previous studies of the acquisition system, the great majority of reform efforts have focused on changes in policies and procedures, or in the organizational structure of the offices executing the acquisition process.

The Defense Acquisition Workforce Improvement Act would focus on improving the effectiveness of the people who must implement the defense acquisition system and make it work. Improving the quality of the workforce will not in and of itself address such problems as service parochialism and budget instability. Nor will improvements in the skill levels of program managers in and of itself stop cost underestimating, force service commitment to joint programs, or lower technical risk. Although improvements in the quality and professionalism of the acquisition workforce will not guarantee that the acquisition process runs flawlessly; however, such improvements will significantly improve the ability of personnel to carry out the acquisition process and will also make it work more cost-effectively.

Before considering the adoption of any of the myriad proposals for improving the acquisition workforce, the Committee on Armed Services believed it crucial to conduct an in-depth assessment of the state of the acquisition workforce—including an analysis of the qualifications (training, education, and experience) and professionalism of acquisition personnel and a review of various DOD efforts to establish and manage the career development of the acquisition workforce. In this manner. the committee hoped a better assessment of cause and effect could be made—providing greater assurance that changes adopted will in fact bring about the desired result.

The committee's 776-page report, "The Quality and Professionalism of the Acquisition Workforce," was printed on May 8, 1990 (Committee Print No. 10). The report focused on four major questions: (1) Are the services appointing program managers, deputy program managers, and contracting officers with the experience, education and training required by law and regulation, and are program managers being retained in their positions the mandatory four-years or until completion of a major milestone? (2) Is there a career program structure to develop qualified and professional acquisition personnel—both military and civilian? (3) Is there an appropriate mix of military and civilian personnel within the workforce? and (4) What impediments exist that must be overcome in order to develop a quality, professional workforce?

The committee concluded that acquisition is a complex process, and that professional skills and attributes are essential for the people performing acquisition functions. Thus, a comprehensive program is needed to ensure required improvement in the quality and professionalism of those personnel working in acquisition positions throughout the Department of Defense. The Defense Acquisition Workforce Improvement Act would address this goal by establishing the framework for a career program for all personnel who wish to pursue careers in the defense acquisition field. That framework—discussed in more detail below—would establish organizational responsibility and set minimum policy objectives, to the extent necessary, for each of the elements of a career program: accession, education, training, experience, assignment, promotion, and retention.

IDENTIFICATION OF ACQUISITION WORK FORCE COMPONENTS

Initially, the legislation would provide for establishment of certain minimum education, training, and experience requirements to be met by individuals filling acquisition positions. The legislative provisions would address acquisition positions rather than acquisition personnel in recognition of the fact that acquisition is a multi-disciplinary or multi-functional career field. Acquisition includes such functions as: program management; systems planning, research, development, engineering, and testing procurement, including contracting; industrial prop-

erty management; logistics; quality control and assurance; manufacturing and production; business, cost estimating, financial management and auditing; education, training, and career development; construction; and joint development and production with other government agencies and foreign countries.

Individuals in some career fields or disciplines, such as contracting, are involved in acquisition no matter what organization they are assigned to. But there are other individuals for whom the determination of whether or not they are said to be in acquisition is dependent on whether or not they are performing acquisition functions. Examples of the latter include individuals in the auditing, financial management, and education and training career fields. The legislation is not intended to alter the status of individuals in these latter areas within their own "functional" area or specific technical career field. However, the legislation would attempt to ensure that when assigned to perform functions integral to the acquisition process, personnel in these functions or career fields are appropriately trained, educated, and experienced in acquisition matters.

Although it is sometimes difficult to ascertain the dimensions of the term "acquisition positions," the legislation would assume that the department is much more capable of defining that term than describing the acquisition workforce. Thus, the act would require that the department designate all "acquisition positions," to include, at a minimum, those acquisition-related positions in the areas designated in the statute, as well as any additional positions the Secretary deems appropriate. Thus the Department of Defense would be given the necessary flexibility to delineate the specific positions within the guidelines provided.

It is intended that the Secretary's designation include acquisition positions relating to special access programs, contract auditors, inspector general personnel performing acquisition related inspections, and certain operational billets, such as the commander of a test squadron. In addition, although the designation of acquisition positions may not include pure research or scientific positions, it should include many of the supervisory, management, and other positions in research and scientific organizations that are performing "acquisition" functions.

To varying degrees, each of the services use non-commissioned officers such as warrant officers, limited duty officers, and enlisted personnel to perform acquisition functions. Because the initial cut at establishing job requirements is based on the position rather than the individual, the legislation would make no distinction at this level between commissioned officers and non-commissioned military personnel. The Under Secretary of Defense for Acquisition, in reviewing the use of military and civilian personnel in various acquisition organizations, should review whether or not such personnel are being appropriately utilized.

Acquisition Corps

In recognition of the complexity of the skills and professional characteristics required of persons in certain acquisition positions, the Defense Acquisition Workforce Improvement Act would provide that special recognition be accorded these individuals. Specific standards required for entry into the acquisition corps are discussed later in this statement.

Designation as a member of the Acquisition Corps would be a personal distinction and would imply that one so designated had met the criteria to distinguish that individual as a member of an elite group of professionals who had obtained expertise in the multi-disciplinary acquisition career field. Membership in the corps would not in and of itself qualify an individual for any particular acquisition position; rather, an individual would still be required to meet the specific education, training and experience requirements established for a position he or she were seeking. Because corps designation would be a personal, individual distinction, individuals would retain that characterization independent of whether or not they were serving in an acquisition position. Just as attorneys, having met the requirements for entry into the "bar" of a particular state or court, retain that privilege and distinction irrespective of whether they are practicing law, members of the "Acquisition Corps" would retain that distinction whether they had, for example, returned to the cockpit or any other non-acquisition position. Although the legislation would not be intended to preclude individuals who are members of the Acquisition Corps from moving in and out of acquisition and non-acquisition positions, it would be very difficult for an individual to do so other than on an exception basis and still acquire the education, training, and experience needed to qualify for many acquisition positions.

The concept of the Acquisition Corps as structured in the legislative proposal is unlike that of the French Delegation Pour Armaments, which is organizationally a separate entity from the military services. In reviewing the French system, the committee found that while it had many beneficial attributes, the differences in size and other distinctions between the French and U.S. systems made it inappropriate for the United States to copy the French organizational structure at this point in time.

The legislation would concentrate on the professionalism of the workforce rather than on organizational structure or process. As such, this legislation would create a professional Acquisition Corps without altering the fundamental personnel structure within the miltiary departments. The Acquisition Corps established as a result of this legislation would be a highly qualified cadre of individuals who, by a demonstration of their capabilities (as reflected by their achievement of a certain rank or grade and attainment of certain educational qualifications), would have earned recognition as experts in the field of acquisition.

Critical acquisition positions

Recognizing that there are certain positions that by their very nature warrant special management attention, the legisation would require the designation of critical acquisition positions. All acquisition positions to be held by GS-14s or O-5s (lieutenant colonels or commanders) or above would be classified as critical acquisition positions. Additionally, certain positions—programs executive officers, program managers and deputy program managers of major defense acquisition programs and any other acquisition positions of significant responsibility in which the primary duties are supervisory or management—would be designated as critical acquisition positions if held by a GS-13 or 0-4 (major or lieutenant commander). The effect of the designation of critical acquisition positions would be to preclude individuals who do not possess the requisite acquisition skills from being placed in positions that are essential to the acquisition process.

Although the legislation would allow individuals to enter the Acquisition Corps at the GS-13, O-4 level, only certain positions at that level could be designated as "critical" positions. Thus, the services could transition individuals (primarily military) from operational career fields into acquisition. These individuals, because they presumably would not be able to meet the experience requirements for entry into the Acquisition Corps, would not be able to hold critical acquisition positions. They would occupy positions that would provide them the necessary experience to hold a critical acquisition position when they become eligible.

Because these individuals would not have the requisite acquisition expertise, however, they would not be able to qualify to hold program executive officer, acquisition program manager, deputy program manager, or other acquisition positions of significant responsibility in which the primary duties were management or supervisory.

The legislation would end the practice of assigning military personnel (particularly rated or line officers) from operational career fields directly into supervisory or management positions in acquisition organizations. Although it might be beneficial to allow individuals without acquisition experience to transfer into the career field at this level, it would be inappropriate to place them in positions where they were managing or supervising acquisition personnel. Instead, they should be placed in "training" positions commensurate with their grade level.

ORGANIZATIONAL STRUCTURE

The Defense Acquisition Workforce Improvement Act would rely principally on existing officials and organizational entities for implementation. The Secretary of Defense, charged with overall responsibility for establishing policies for the effective management of DOD personnel in acquisition positions, would be expected to fulfill his responsibilities through the Under Secretary of Defense for Acquisition. Thus the legislation would add to the stature of the "acquisition czar" Congress established in 1986 to remedy problems in defense acquisition.

Similarly, the legislation would focus responsibilities on the service acquisition executives. Each service acquisition executive would be authorized 'to carry out all powers, functions, and duties" of the military department secretary "with respect to the acquisition workforce", and to ensure that the acquisition workforce policies established by the Secretary of Defense are implemented. The legislation would not, however, undermine or in any way to diminish the authority of the Secretaries of the military departments. Thus, the legislation would provide that the responsibilities and authorities of the service acquisition executives would be "subject to the authority, direction, and control" of the Secretary of the military department concerned.

To provide staff assistance to the principal officials, the legislation would establish a Director of Acquisition Education, Training, and Career Development in the Office of the Secretary of Defense (OSD) and Directors of Acquisition Career Management in each military department. The OSD official would assist the Under Secretary of Defense for Acquisition by formulating education, training and career development policies for the acquisition workforce; overseeing the implementation of the legislation; and coordinating the overall management of

acquisition training, education, and career development programs. Although not required in the legislation, the Under Secretary for Acquisition is encouraged to establish and chair a board composed of the Director of Acquisition Educaction, Training and Career Development, the service acquisition executives, the Assistant Secretary of Defense for Manpower and Reserve Affairs, representatives of the defense agencies, and other OSD and component officials to advise on the implementation of this legislation.

Under the legislation, the director of acquisition career management in each of the military departments, in assisting the service acquisition executive, would be responsible for monitoring compliance with the legislation, coordinating management of the acquisition workforce within their department, serving as the principal liaison with other officials in the military department concerned with the acquisition workforce, and serving as the executive secretary of the acquisition career program board discussed below.

The legislation would require that each military department have an acquisition career program board to advise the service acquisition executive on acquisition workforce issues. The responsibilities of the board would include recommending policies to manage the acquisition workforce, providing technical advice on the various career fields, monitoring and evaluating the effectiveness of career programs, and screening applicants for appointment to the Acquisition Corps. The acquisition career program board would be headed by the service acquisition executive or his designated representative and would include the following members (or their designated representatives): the director of acquisition career management; senior officials responsible for personnel development in the various acquisition career fields in the military departments; and the assistant secretary with responsibility for manpower and reserve component affairs.

Although the legislation would require only a single acquisition career program board composed of senior management officials in each military department, it is anticipated that a hierarchial board structure would in fact be needed to carry out the provisions of the legislation. Subordinate boards at command headquarters and other major acquisition installations would probably be needed to facilitate the screening of personnel for the Acquisition Corps, advising on the designation of critical acquisiton positions, and advising on the execution of waivers authorized in the legislation. By not specifying a specific board structure, the legislation would leave this matter to the discretion of the service acquisition executive; as a consequence, the board structure could be tailored to the needs of each military department.

Although these provisions in the legislation are framed in terms of the requirements for the military departments, it is intended that the provisions also apply to the Office of the Secretary of Defense and the defense agencies, including elements such as the Strategic Defense Initiative Organization, and the National Guard and Reserves. Thus, a key provision would require that the Secretary of Defense establish and implement policies for his office and the defense agencies that are "as uniform as practicable with the policies established . . . for the military departments." As a corollary, the Director of Acquisition Education, Training, and Career Development would be assigned the additional responsibility of serving as the Director of Acquisition Career Management for the Office of the Secretary of Defense and the defense agencies.

Likewise, the legislation would make it the responsibility of the Secretary of Defense to "ensure that acquisition workforce policies . . . are implemented in the Department of Defense as uniformly as practicable" throughout the department. Although the uniqueness of military missions and dissimilarities in the organization and structure of the military departments might justify some differences in the manner in which the provisions in the legislation were implemented, those differences should be very few. Therefore the Secretary of Defense, to the maximum extent possible, should frame regulations and other directives to carry out the provisions of the legislation without need for amplification in component regulations.

Finally, this legislation would authorize, but not require, that the Navy Department establish separate management systems for the Navy and the Marine Corps. Recognizing that there would be advantages in both the unitary and the dual approaches, the decision on the appropriate structure for the Department of the Navy would be left to the Secretary.

QUALIFICATION STANDARDS AND CAREER PROGRESSION OF DEFENSE ACQUISITION PROFESSIONALS

This legislation would respond to the need for increased emphasis on developing a better qualified and more professional civilian and military acquisition workforce. Although the department has made some improvements in professionalizing certain aspects of the acquisition workforce, much more needs to be done. Specifically, the creation of an overall acquisition career program structure, including education, training, and experience requirements for acquisition positions throughout the Department of Defense, would be considered essential for developing the highly qualified and productive workforce which is needed to conduct the department's vast and diverse acquisition business efficiently and effectively.

The establishment of such a structure would not be intended to replace individual career programs previously established within a given acquisition functional area, such as contracting or logistics. Neither would it be intended to supplant or conflict with existing civilian and military career programs. Rather, the intent is that the department recognize acquisition as a multidisciplinary career field that encompasses many specific functional career fields. The department should use the existing systems and programs for specific career fields, supplementing these where necessary to achieve the desired improvements in the management of the entire civilian and military acquisition workforce.

The legislation would require that the Secretary of Defense establish qualification standards for all acquisition positions in the Department of Defense. Standards would be stated in terms of the required education, training, and experience needed for each position. They should reasonably reflect the required knowledge, skills, and abilities at the various grade levels or ranks within given career fields or specialties. The standards should be written such that they would be applicable without regard to whether the individual who may hold the position is civilian or military, unless the position is designated to require a military officer.

It is recognized that there may be acquisition positions that could ony be held by military personnel. Such determinations would only be made, however, after the department established clear and definitive criteria and conducted a position by position review to evaluate current positions against the established criteria. It is intended that the department make a distinction with respect to experience—in particular, operational experience—as a desired job qualification and the need for an active-duty military member to hold a position. Only the latter should be the basic for designating a position "for military only." If operational experience were a desired job qualification, it would be stated in terms of the experience required for the job—not in terms of military or civilian status—and should be clearly justified in terms of required job performance. The Department of Defense should expect the Congress to scrutinize the criteria established for designating a "military only" position and to review the positions designated as requiring operational experience. In those limited cases where operational experience were established as a requirement for a position not designated "for military only", this qualification factor would be applicable equally to military and civilian personnel.

In establishing qualification standards, to the extent practicable, basic requirements should be established by major category across a functional area and rank or grade level equivalent. The same uniform standards would not necessarily be appropriate, however, for every position in the same job series and grade throughout the department. For example, a supervisory contracting position in which the incumbent would be responsible for overseeing multi-million dollar contracts for the procurement of complex command, control, and communications systems would probably not have the same standards as those established for a supervisory contracting position at the same grade level responsible for supervising other contracting personnel who are engaged in base contracting.

The legislation would require that the Defense Department submit standards for all positions (except those identified to be filled solely by miltary personnel) to the Director of the Office of Personnel Management for approval. If not disapproved within 30 days, the standards would be considered approved.

To the maximum extent practicable, education, training, and experience qualification standards should be the same for like positions in each military department. Of necessity, there would be some diversity, but uniformity across the services would be the goal.

Career progression

As previously noted, an essential component of improving the quality and professionalism of acquisition personnel is the establishment of a comprehensive program for the development and management of all acquisition personnel within the department. The legislation would require the establishment of specified career paths for acquisition professionals which would permit both military and civilian personnel to advance to the most senior levels of the defense acquisition system. This provision is not intended to suggest that there be only one, or even a few, career paths leading to senior positions. Nor would it imply that fol-

lowing an identified career path would provide any guarantee that an acquisition professional would reach the most senior acquisition career positions.

The legislation would require cross fertilization of experience and talent among various acquisition career fields. The only way to "grow" the high quality, professional acquisition leaders of tomorrow is to identify today the qualifications and standards which are needed so that the personnel who aspire to hold those positions in the future have a clear roadmap as to the types of job experience, education and training they should strive to achieve in order to be competitive for future acquisition leadership positions.

The department would be expected to identify for each functional area and career field the professional experience the department considers important for subsequent movement to successively higher positions of responsibility and authority within that career field—as well as to specify what cross-functional or cross-disciplinary experience would be necessary to progress within the multi-disciplined acquisition career field. Moreover, the department would be required to make available published information to serve as guidelines for career planning by defense acquisition professionals. In developing the career program, the maximum degree of uniformity should be established within the department with regard to personnel management of the acquisition workforce.

Increased opportunities for civilians to achieve key acquisition leadership positions

An important feature of the acquisition career management program required by this legislation would be the increased emphasis on improving opportunities for career development and advancement for civilian acquisition professionals. In the past most key leadership positions in the defense acquisition system were earmarked for military officers. Although the defense acquisition workforce was predominantly comprised of civilians, they could not aspire to many of the top-level positions because the positions were considered "for military only." In general, the committee's detailed review of the defense acquisition workforce revealed that civilian career progression has been geared towards developing technical experts while military personnel were groomed for management and supervisory positions. Moreover, civilians were not in general provided access to career broadening positions and training.

By requiring that most acquisition positions be available to both civilian and military personnel, this legislation would seek to ensure that in the selection of an individual to fill a particular acquisition position, the best qualified individual—whether civilian or military—would be selected. The legislation would also provide that civilians be offered the opportunity to achieve the education, training, and experience necessary to compete for senior-level acquisition positions.

The legislation would recognize that there may be some limited number of acquisition positions that must be performed by a military officer because of legal restrictions or for other compelling reasons. The legislation would provide that the Secretary of Defense establish a policy under which such positions would be identified.

Although some shift in the civilian/military mix of the defense acquisition leadership probably could be achieved in the short term, the legislation would recognize that significant changes in the mix of personnel in some career fields will take time. The legislation would provide that the Secretary of Defense should make every effort to (1) fill at least 50 percent (by grade level and career field) of all critical acquisition positions with civilians by January 1, 1996, and (2) increase substantially the number of civilians in program manager and division head positions.

Rotation policy

Another critical area of career management addressed by the legislation is job rotation—or the movement of personnel from one position to another. Overall, military acquisition personnel rotate too frequently. Conversely, civilians often stay too long in any one position, thus limiting their opportunity to broaden their experience and to offer new and innovative job management perspectives. The Acquisition Workforce Improvement Act would require that the Secretary of Defense establish a policy that would provide for a balance between the need for personnel to serve in career broadening positions and the need for requiring sufficient time in each such position to effectively carry out the duties of the position and to allow for the establishment of responsibility and accountability.

Seeking to address the long-standing issue of the abbreviated tours served by the program managers of major weapons (all of whom were military), Congress required in Section 1243 of Public Law 98-525, the Fiscal Year 1985 National Defense Authorization Act, that the tour of duty for any newly named program managers should be four years or until the program reached one of its "major milestones." The law provided the service secretaries with the legal authority to waive the mandated tour length. But the framers' intent was that this authority be exercised only in exceptional circumstances.

The Investigations Subcommittee recently found that the department has complied with the law in only 11 percent of the instances of program manager turnovers. Of the 94 major programs examined, the subcommittee found that 5 program managers served 48 or more months, 4 served until achievement of a major program milestone, and the requirement was waived in 4 instances by a service secretary. The subcommittee found the average program manager tenure to be only 24.6 months. The Investigations Subcommittee believes this is an egregious example of the flouting of statutory requirements and must be addressed.

The Defense Acquisition Workforce Improvement Act would make yet another attempt to address the program manager tenure problem. It would provide that program managers and deputy program managers of major defense acquisition programs must be assigned to their positions at least until completion of the first major milestone that occurs closest in time to the date on which the person has served in the position for four years. This slight change in the statutory requirement—to completion of the nearest milestone—is intended to focus attention on the fact that what is needed is continuity and accountability—making an individual responsible and accountable for the achievement of program management goals (i.e., completion of the milestone). Rotation is tied to four years, not as an arbitrary measure, but as a guideline to ensure some minimum amount of continuity in the event milestones are within a short time of each other.

Unless a waiver were executed by the service Secretary, a program manager or deputy program manager of a major system could not be reassigned until after a major milestone had occurred. The legislation would require that persons not be assigned to program manager/deputy program manager positions unless they executed a written agreement to remain in the position for the required tour length—with the proviso that the service Secretary could waive the requirement under certain circumstances.

The legislation would also specify job-tenure requirements for other acquisition leadership positions. The legislation would provide that any persons assigned to critical acquisition positions (including program managers and deputy program managers for less than major systems) serve in those positions for not fewer than three years. To foster appropriate job rotation for civilians in critical acquisition positions, the legislation would also require that the Secretary of Defense establish a policy encouraging the rotation of members of the Acquisition Corps serving in critical acquisition positions after they have served in the position for five years (or, in the case of a program manager, after completion of a major program milestone, whichever is longer).

Rotation would not be required if continuation in a given critical acquisition position were in the best interest of the government and the individual. The legislation would provide that a procedure be established whereby, after not more than five years, a tenure review would be conducted to determine whether or not rotation were appropriate.

It should be noted that the term "rotation" in the legislation is not intended to connote relocation from one physical locale to another, but rather reassignment from one position to another which might very well be in the same physical location.

Military promotion opportunities

A key factor in developing a more highly qualified, professional military acquisition workforce is to ensure that military officers in acquisition are primarily devoted to acquisition management as opposed to operations. Consequently, it is expected that military officers serving in the Acquisition Corps would spend the predominant share of their remaining military careers serving in acquisition positions. To offset any potential promotion disadvantage, the legislation would require equitable advancement opportunities for highly qualified officers.

Under the Acquisition Workforce Improvement Act, the Secretary of each military department would be directed to ensure that the qualifications of officers selected for the Acquisition Corps are such that those officers are expected, as a group, to be promoted to the next higher grade at a rate not less than the rate for all line officers (or the equivalent) of the same armed force (both in the zone and below the zone) in the same grade. Each service Secretary would be required to report yearly to the Secretary of Defense regarding his department's progress in meeting these promotion objectives, and, as a part of his annual report to Congress, the Secretary of Defense would include a report on promotion rates of Acquisition Corps officers in each of the services. Should the promotion rates fail to meet the objectives set forth in the Defense Acquisition Workforce Improvement Act, the Secretary of Defense would be required to notify Congress immediately of such failures and of what actions the Secretary has

taken or plans to take in reaction to such failures. It is assumed that the promotion board reviewing the records of acquisition personnel would have appropriate representation of Acquisition Corps members.

Performance appraisals of military and civilian acquisition professionals

The subject of performance appraisals is almost always a sensitive area, and is particularly sensitive for civilian and military personnel in some phases of acquisition. For example, it is possible that a contracting official working in a program office may be pressured to do something that conflicts with his professional judgment to expedite a procurement or to otherwise be more responsive to program office considerations. The operational chain of command must be maintained along the same lines as the chain of responsibility. But it is also important that functional leaders remain cognizant of the job performance and work environment of personnel within their career field who are serving in organizations in which they are supervised by personnel from other career fields. Thus, the legislation would provide that any appraisal of the performance of a person serving in an acquisition position must be either completed or endorsed by a person serving in an acquisition position in the same acquisition career field. The intent of the provision is to ensure when the rating official (typically the individual's supervisor) is in a non-acquisition career field or a different acquisition career field from the acquisition professional being rated, an endorsement will be completed by an appropriate civilian or military official in the individual's career field.

Centralized job referral system

Under the legislation, each military department would be required to establish a centralized referral system for promoting and reassigning civilians to critical acquisition positions. Although the referral process would be centralized, the actual selection from a list of qualified candidates should remain the responsibility of the supervisor or manager of the organization to which the position belongs.

The establishment of such a system should have a number of salutary effects. First, the effective development of civilian personnel to compete on an equal basis with military officers for critical acquisition positions, especially those at the senior levels, requires an assignment process that will assure that the best qualified individuals can compete for jobs at various functional and organizational levels within the military department. Only by expanding the experiential horizons of civil servants, as is done for military officers, will civilians develop the breadth of vision necessary for them to fill the most senior acquisition positions.

Second, only a centralized system can assure that the best qualified individuals within a military department are given due consideration for the critical acquisition positions.

The Under Secretary of Defense for Acquisition would be directed to establish a comparable centralized referral system for the Office of the Under Secretary of Defense for Acquisition and for acquisition positions in the defense agencies.

SPECIAL QUALIFICATION REQUIREMENTS

Although the legislation would in general allow the department to determine the qualification standards for acquisition workforce positions (subject to review by the Director of the Office of Personnel Management), it would require that specific standards be established for contracting officers and contracting personnel in the contract management GS-1102 career field, the Acquisition Corps, program managers, program executive officers, senior executive service or flag officers in critical acquisition positions, senior contracting officials, and certain other positions. The intent of the legislation is not to prevent people from entering acquisition who could perform competently, but rather to recognize the existence of skills that are essential for developing fully qualified acquisition professionals.

Contracting personnel

Special qualification standards are needed for DOD civilian contracting personnel in the GS-1102 series, as well as for both military and civilian not in the GS-1102 series who are legally authorized to enter into and administer contracts on behalf of the department. It is essential that only qualified individuals be appointed as contracting officers or serve in other contracting positions. The committee found, however, that some unqualified personnel have been assigned to such positions in the past.

Educational requirements for job entry into the contracting work force have long been touted as a key requirement for developing a high quality, motivated corps of expert contracting managers. Contracting personnel must deal with professionals such as accountants and engineers who themselves have earned professional status through college degree programs. Many experts believe that until contracting personnel are required to follow the same rigorous preparations, they will not be treated as equals—a factor which adversely impacts their working relationships and their ability to perform their jobs effectively.

Contracting officers must be conversant in cost and pricing analysis, financial management, cost-benefit analysis, and other technical and legal considerations and must act as the team leaders for the contracting process. Educators and trainers of contracting personnel point out that they currently must develop training courses that are appropriate for audiences ranging from high school graduates to those having masters degrees. They contend that because technical contracting courses must be understood by personnel not having higher level mathematics skills, the courses must be watered down and are currently not as rigorous as they should be to develop fully qualified contracting specialists.

Recognizing the need for improving the qualifications of its contracting work force, the Department of Defense has made significant, though unsuccessful, efforts over the past few years to establish educational requirements for the GS-1102 job series. Despite its highly complex, technical, and sensitive nature, only about 50 percent of the personnel in the GS-1102 career field are college graduates. After considerable study, the committee concluded that establishing academic standards for entry into the GS-1102 contracting job series is essential for improving the quality and professionalism of the defense contracting workforce. Thus, the legislation would require that, effective three years after the date of enactment, a person may not be employed by the Department of Defense in the GS-1102 occupational series, or be appointed as a contracting officer (for other than small purchases), unless the person has: (1) received a baccalaureate degree; or (2) completed 24 semester hours of college study in business, finance, quantitative methods, or management-related subjects; or (3) passed an examination considered by the Secretary of Defense to demonstrate skills, knowledge, and abilities comparable to that of an individual who has completed at least 24 semester credit hours in business, finance, quantitative methods or management-related subjects. The legislation would require that any examination given to civilian employees must be submitted to the Director of the Office of Personnel Management (OPM) for approval. If the Director did not disapprove an examination within 30 days after the date on which the director received the examination, it would be deemed to be approved. The legislation would include an identical provision concerning OPM with respect to other required examinations discussed below.

It is recognized that some existing GS-1102 positions may not require the credentials gained through formal college education. In general, those positions should be reclassified into another existing contracting series or into a newly established category. The legislation would also require that the same academic standards would apply to civilian personnel who are appointed as contracting officers but are not in the GS-1102 series, as well as to all military personnel acting as contracting officers.

The legislation would provide for certain exemptions and waivers to the academic requirements established for GS-1102s and contracting officers (for other than small purchases). These requirements would not apply to any employee who, on the date of enactment of the workforce improvement act, had at least 10 years of acquisition experience. Furthermore, the requirements would not apply to any employee for purposes of qualifying that individual to serve in the position in which he or she was serving on the date of the enactment of the act. Finally, the acquisition career program board of a military department could waive the requirements if the board certified that the employee possesses significant potential for advancement to levels of greater responsibility and authority based on demonstrated job performance and qualifying experience.

Acquisition Corps

Educational and experience standards are not only important for the contracting career field but also for leadership positions in other acquisition career fields. The Defense Acquisition Workforce Improvement Act would provide that certain requirements be met by acquisition workforce personnel seeking entry into the Acquisition Corps. It would specify that, effective three years after the date of enactment, a person could not serve in the corps unless the person has a baccalaureate degree or had been certified by the acquisition career program board of the employing military department as possessing significant potential for advancement to levels of greater responsibility and authority based on demonstrated analytical and decision-making capabilities, job performance, and qualifying experience. Furthermore, to qualify for the corps, acquisition personnel would also be required to have completed at least 24 semester credit hours in business, finance, quantitative methods or management-related subjects; have at least four years of experience in an acquisition position; and, as a minimum, have achieved the level of GS-13 for civilians or major (or, in the case of the Navy, lieutenant commander) for military officers. Civilians must also have agreed to sign a mobility statement.

The legislation would provide several exceptional and waivers to the standards established for Acquisition Corps members. The requirements would not apply to any employee with 10 years acquisition experience. Nor would they apply to someone currently in an acquisition position with less than 10 years experience if the employee passed an exam considered by the Secretary to demonstrate skills, knowledge, or abilities comparable to those of an individual who has completed at least 24 semester hours of business, finance, quantitative methods, or management-related courses.

The legislation would also provide that the Secretary of Defense submit requirements with respect to civilian employees to the Director of the Office of Personnel Management for approval. If the Director did not disapprove the requirements within 30 days after receipt, the requirements would be deemed approved.

Program managers

Qualification standards established for program managers and deputy program managers should ensure that only the most highly qualified acquisition personnel are selected for those positions. Although the legislation would not specify in detail what these qualifications should be, it would provide minimum standards. It would require that these positions be filled by Acquisition Corps personnel; therefore, program managers would be required to meet the qualification standards discussed above for membership in the corps. They must also have completed the program management course at the Defense Systems Management College (DSMC) or a management program at an accredited educational institution in the private sector. Finally, they must have signed a written agreement to remain in their position at least until completion of the first major milestone that occurs closest in time to the date the person has served in the position for four years.

Under the legislation, program managers and deputy program managers of major programs must also have at least eight years experience in acquisition. At least two of those years of experience must have been in a systems program office. To qualify as program managers and deputy program managers of less than major systems, individuals would be required to have at least six years acquisition experience.

Program executive officers

The legislation would also establish special qualification requirements for DOD program executive officers. Program executive officer positions would be required to be filled by a member of the acquisition corps. Individuals assigned to these positions would also be required to have completed the program management course at the Defense Systems Management College (or a management program at an accredited educational institution in the private sector which is determined to be comparable); to have at least ten years experience in acquisition positions, at least four of which qualify as a critical acquisition positions; and to have held a previous position as a program manager or deputy program manager.

Senior executive service and general or flag officers in critical acquisition positions

The legislation would provide that before a person who is in the Senior Executive Service, or is a general or flag officer, may be assigned to a critical acquisition position, the person must be a member of the Acquisition Corps, have at least 10 years experience in an acquisition position, at least four of which were performed while assigned to a critical acquisition position.

Senior contracting officials

Before being assigned to a critical acquisition position as a senior contracting official, a person would be required to be a member of the Acquisition Corps and to have at least four years experience in contracting.

IMPROVING THE DEFENSE DEPARTMENT'S EDUCATION AND TRAINING PROGRAMS

Significant improvements are needed in the way the department manages education and training programs and activities for acquisition personnel. The Defense Acquisition Workforce Improvement Act would focus on identifying education and training requirements, education assistance, increasing other acquisition training opportunities, and establishing a Defense Acquisition University structure.

Identifying education and training requirements

The department's first step in identifying education and training requirements for acquisition positions should be to identify the required body of knowledge for each acquisition functional area and position. This task is a particularly onerous one in the field of acquisition management because acquisition itself embodies a number of different but interrelated individual career fields such as engineering, logistics, and contracting. Thus the body of knowledge would include not only a general knowledge of acquisition for the entire work force but also a base of knowledge for each functional area (e.g., program management, engineering, contracting, and logistics).

Given this baseline, the department should be in a better position to identify what training courses and on-the-job training activities, etc., are needed at various levels. Detailed education and training plans should be developed for each acquisition career field. The department has made some progress in this area over the last few years by laying out a series of required training courses for the contracting career field. This effort represents a good starting point. It should be made more comprehensive and expanded to other acquisition career fields.

Although increased acquisition education and training is clearly a key aspect of improving the quality and professionalism of the defense acquisition work force, there is a distinct difference in the experience one receives in an education or training environment and the experience one receives through the day-to-day conduct of business while on the job. Consequently, the legislation would provide that only one year of acquisition education and/or training may count toward the experience requirements that are established by this legislation.

Education assistance

The Defense Acquisition Work Force Improvement Act would provide for several educational assistance programs in order to facilitate its emphasis on improving the educational standards of the defense acquisition work force. The act would provide for an intern program, a cooperative education program, and a scholarship program. Funding requested for these programs would be included in a separate line item of the department's budget. Recognizing that funding will be limited, priority should be given for funding tuition assistance for current acquisition workforce members who wish to attend college courses on their own time.

As previously discussed, a major objective of the act is to increase the opportunities of civilian acquisition workforce personnel to compete for key, top-level management positions in the defense acquisition system. The committee noted in its recent study of the defense acquisition work force that military officers in acquisition positions are often significantly better-educated than civilian acquisition workforce personnel. For example, in 1985, 99 percent of the Army officers, 93 percent of the Navy officers, and 100 percent of Air Force officers in contracting had either a baccalaureate or masters degree; comparable figures for the civilian contracting work force were 44 percent in the Army, 49 percent in the Navy, and 58 percent in the Air Force.

If civilian acquisition personnel are to be competitive for key defense acquisition management positions, it is essential to increase their participation in higher level education programs (such as the Air Force Institute of Technology, Naval Postgraduate School, Program Management Course, and Education with Industry) which in the past have been very limited for civilians. Although, long-term training opportunities cannot be made available for all civilian acquisition corps personnel, increasing training opportunities should be made available for those civilian acquisition professionals who are expected to be competitive for key acquisition positions.

Increasing other acquisition training opportunities

Increased emphasis should be placed on classroom training as well as on-the-job training. To provide an opportunity for classroom training for the largest number of people, classroom training programs should be centrally developed where possible and distributed to acquisition activities throughout the United States. Education with industry is a nine-month training program with selected defense contractors to allow DOD personnel to obtain first hand experience in defense contractor operations. The committee concluded that the education with industry program should be broadened to encompass all services and that civilian as well as military personnel should be allowed to participate. Additionally, a tailored training program consisting of both classroom and on-the-job training should be developed for military personnel transitioning into the acquisition work force from operational assignments.

Improving defense acquisition training is not solely a function of increasing the number of courses. In its recent review of the defense acquisition work force, the committee found that little effort has been made in the past to assess the quality of existing training programs. The Director of Acquisition Education, Training, and Career Development, whose position would be established by the legislation, should place emphasis on developing quality standards for acquisition training programs, identifying meaningful measurement tools for assessing the quality of each training program, and implementing an effective quality control program.

On-the-job training is another area not previously well-developed for DOD acquisition personnel. Limitations on the availability of classroom training, or the funds with which to conduct them, as well as the need to keep acquisition personnel on duty the maximum time practicable are key reasons for developing on-the-job training programs for acquisition personnel. The Director of Acquisition Education, Training and Career Development should ensure the develop-

ment of a viable on-the-job training program that includes requirements for successively higher positions in each acquisition career field.

Defense Acquisition University

Traditionally, defense acquisition education and training programs have been a responsibility of the military departments, with little policy direction or oversight by the Office of the Secretary of Defense. By directing in 1988 that the mission of the Defense Systems Management College (DSMC) be expanded to include the entirety of acquisition management, however, the Under Secretary of Defense for Acquisition intended that the college broaden its horizons to address the overall goal of maintaining excellence in education and training in all essential elements of defense acquisition management.

Although some progress has been made in this direction, much more needs to be done. The Defense Acquisition Work Force Improvement Act would require the establishment of a Defense Acquisition University structure. The primary purposes of the university structure would be to: coordinate education and training programs and tailor them to support the careers of personnel in the acquisition work force; develop a critical mass of acquisition education, training, research and publication capabilities, thereby creating an acquisition center of excellence whose products and services would be available to acquisition policy and decision makers; and achieve more efficient and effective utilization of available acquisition education and training resources. The university structure would exercise resource control and direction of courses for the education and training of selected acquisition personnel throughout the Department of Defense, including the teaching of courses, funding, standards and evaluation, and research and publication.

The legislation would require that, as a part of the Defense Acquisition Management University structure, the department establish a senior level course that is specifically designed for personnel serving in critical acquisition positions. This course would be a substitute for, and equivalent to, existing senior professional military education school courses. The purpose of this school would be to prepare senior military and civilian personnel for acquisition leadership positions in the institutions which are responsible for managing and conducting the defense acquisition process.

The Defense Systems Management College's program management course, which is currently the most senior level long-term acquisition training program, is essentially a technical, "how to" program. Knowledge and skills gained there are important. But they do not cover all the essential acquisition management expertise that program managers, deputy program managers, and other high-level acquisition professionals should be exposed to in an academic environment. The proposed senior-level acquisition school, which would be comparable to the service war colleges, would educate the most senior acquisition managers.

A critical element in the department's efforts to improve the quality of defense acquisition education and training is to employ quality senior acquisition professionals as professors, instructors, and lecturers in its acquisition programs. The department has in the past been hindered in this area by its inability to offer competitive compensation levels which would enable hiring the most highly qualified personnel. The legislation would allow the Secretary of Defense to establish the compensation of persons in the Defense Acquisition University. It would also allow the Secretary to employ as many civilians as professors, instructors and lecturers in the university as he considers necessary within the limitations of the Department of Defense budget.

Although the legislation would reflect Congress's recognition that a comprehensive defense acquisition school structure is needed, it would leave the determination of that structure to the Secretary of Defense. It is unclear, for example, whether the Industrial College of the Armed Forces should be redirected to become a part of, or the central core of the school or whether a new school is needed. Consequently, the Secretary of Defense would be required to develop an implementation plan for the Defense Acquisition Management University structure and to provide it to the House and Senate Armed Services Committees within six months of enactment. The plan would be placed into effect within one year.

COMPENSATION

Although the provisions of the proposed legislation should go a long way toward achieving the intended goals, without some improvements in its current ability to adequately compensate its civilian and military acquisition professionals, the Department of Defense may find it difficult to attract and retain highy qualified and motivated acquisition professionals. It is not within the committee's purview to address compensation for civilian acquisition professionals. It is, however, widely recognized that further action on civilian compensation is essential to achieve a balanced compensation policy for the defense acquisition work force.

There is a fundamental distinction between civilian and military compensation. For the military, the primary objective is to attract, retain and motivate the number and quality of military personnel needed to maintain our national security. Although the overall level of compensation appears to be only one of a number of factors influencing the retention of military personnel, it becomes a critical factor when an individual becomes eligible to receive retirement pay and begin a second career—after the government has invested years in developing that individual's acquisition qualifications.

Two proposals that would make continued government service a more attractive option for some of these individuals were considered. The first would waive the salary limitations on retirement income for retired officers who enter the civil service (the so-called dual-compensation restriction). This would encourage officers, upon retirement, to continue in critical acquisition positions. This proposal, however, was not included in the legislation because it incurs jurisdictional problems with the Post Office and Civil Service Committee. Fortunately, that has included dual compensation relief in a pay measure that it has reported.

The other proposal would authorize a bonus for officers in critical acquisition positions who commit to remain on active duty for at least one year rather than retire. The amount of this bonus would be set at a maximum level of 15 percent of basic pay. The legislation would also specify that the Secretary of a military department may require repayment of the bonus on a pro rata basis if an officer fails to complete the active duty period specified. It should be emphasized that the Secretary's authority concerning repayment would be completely discretionary.

The benefits of such commitment bonuses are well-documented. Special and incentive pays have been used successfully in other military areas to compensate for unusual risks or hardships and to encourage the retention of individuals in hard-to-fill skills.

Jobs qualifying for special and incentive pays include flight duty, submarine duty, high- and low-pressure chamber duty and aviation career incentive pay. Special pays and continuation bonuses are given to service members in traditionally difficult to fill professions such as medical and nuclear-qualified fields.

The Medical Officer Retention Bonus (MORB) is one of the ways the military compensation system contends with outside influences drawing some of our best and brightest away as soon as they are free from obligation. It has helped reverse the declining retention rate for experienced physicians.

Bonuses are a flexible means, capable of being applied with discretion, to encourage long-term commitments when added retention and experience are needed. It also provides cost-effective employment of limited special pay dollars, ensuring the Department of Defense receives the most benefit for incentives that could be used to shape, in the case of this legislation, the acquisition workforce.

The Department of Defense should review this bonus concept and consider whether it should be applied to the civilian acquisition workforce as well. If such action is deemed necessary to retain civilian employees in critical positions after they, too, become eligible for retirement, the department should forward an appropriate legislative proposal to the Congress.

CONCLUSION

The Defense Acquisition Workforce Improvement Act is designed to improve the quality and professionalism of defense acquisition personnel. The legislation recognizes that institutions are comprised of people. To improve the acquisition system, attention must be paid to the needs of the people in the system. The legislation is not proposed as a panacea. But, if enacted, it should go a long way toward addressing the systemic personnel problems that have plagued Department of Defense acquisition for many years. Although the problems will not go away, the people who must deal with them will be a lot better prepared to do so.

□ 1540

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I wish to congratulate the chairman of the subcommittee, the gentleman from Massachusetts [Mr. MAVROULES], the gentleman from Kentucky [Mr. HOPKINS], and the gentleman from Michigan [Mr. HERTEL] on the gentleman's amendment and on their efforts.

People should realize the amount of not just time that went into this, but the intellectual process that it followed. You are actually doing something here very positive, other than trying to affect a symptom or two.

I particularly want to congratulate the gentleman in the well on his ef-

forts in focusing on personnel. What the gentleman said a while ago is so true: If you do not have the key personnel well-trained, professional, then all of this is for naught.

So I congratulate the gentleman on his effort to improve the quality of the personnel. As the quality of the personnel improves through the years, the work product, that is, the acquisition of the various systems, whatever they may be, whether they be radio, tanks, will make a great deal of difference to the men and women who use them while in uniform.

So a great deal of thanks go to the gentleman from Massachusetts [Mr. MAVROULES] and I again want to congratulate him.

Mr. MAVROULES. Mr. Chairman, I thank the gentleman from Missouri [Mr. SKELTON] for his comments, my friend and colleague.

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

The CHAIRMAN pro tempore (Mr. HAYES of Illinois). The gentleman from Massachusetts [Mr. MAVROULES] has consumed 11 minutes.

The gentleman from Kentucky [Mr. HOPKINS] is recognized for 30 minutes.

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

Mr. Chairman, today I join my friend and chairman, NICK MAVROULES, in offering a bipartisan, comprehensive defense acquisition reform amendment, which deserves the strong support of this body.

This legislation represents the centerpiece of the Armed Services Investigations Subcommittee's effort in the area of acquisition reform.

After year, after year, of watching Congress chase after the symptoms of the problem with all sorts of legislative magic cures and band-aids, this subcommittee has made a conscious decision to get serious by identifying and tackling the root causes of the defense acquisition mess.

Instead of the usual approach of ready, shoot, air, we thought it high time that we aim first and then shoot in legislating any further changes to the acquisition process.

We did this by devoting months of study, hearings and interviews to seek out expert views, and analysis on how to improve our acquisition system.

Part of the outcome from this effort is contained in an exhaustive 776-page report issued by the Investigations Subcommittee this past May cataloging the scope and detail of the problems facing the 240,000 individuals which make up the defense acquisition work force.

In summary, our study found that the Defense Department has thousands of dedicated and able acquisition professionals suffering at the hands of a system which provides them little recognition, incentive or assistance to carry out the complex, and challenging task of buying for our national defense.

We found a system dominated by the operational side of the military and plagued with fragmented, conflicting, and confusing personnel rules and procedures.

From these findings, we extracted the intellectual foundation for the Defense Acquisition Work Force Improvement Act we are presenting today.

This landmark legislation proposes to extend acquisition professionals the recognition and opportunities common and essential to all other recognized professions, while at the same time provide them with a greater degree of independence and accountability.

Our legislation establishes an incentive structure for our best acquisition personnel to stay within Federal service and not jump ship to the private sector at the earliest opportunity.

It also aims to break through the monopoly that the military has held on the most senior and important acquisition positions throughout the Department of Defense.

Under our bill, these positions would be filled by whomever is best qualified—regardless of whether they are civilian or military.

In summary, the legislation we are presenting today is a comprehensive and far-reaching proposal which promises to reshape the acquisition process and increase the effectiveness and professionalism of acquisition personnel.

Mr. Chairman, I should point out that the Department of Defense has not totally ignored these issues, and as part of Secretary Cheney's defense management review effort, certain changes and improvements are being made.

But, we find the changes being proposed thus far fall short of what is truly needed and believe DOD could use a boost in the form of statutory authority.

Mr. Chairman, rather than consume any more of my colleague's time, I will join Mr. MAVROULES in inserting a more detailed discussion of this comprehensive proposal for the RECORD.

In closing, I join NICK in expressing appreciation for the valuable contributions made by DENNIS HERTEL and other members of the subcommittee and urge adoption of this amendment.

□ 1550

Mr. Chairman, I yield 5 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I would like to commend the distinguished chairman of the Investigations Subcommittee of the Committee on Armed Services, Mr. MAVROULES, and the distinguished ranking member of the Committee on Post Office and Civil Service, the gentleman from New Jersey, [Mr. GILMAN] for their bipartisan and B1 Committee cooperation in which they are amending the Department of Defense authorization bill for fiscal year 1991.

I support both the amendment proposed by the gentleman from Massachusetts and the perfecting amendment offered by the gentleman from New York.

The first amendment improves the expertise and excellence of the entire defense acquisition workforce in the Department of Defense. This provision includes training, education, and experience requirements for the workforce, but retains the final authority regarding provisions which affect civilian DOD employees with the Office of Personnel Management. This amendment would also have the effect of increasing the number of qualified acquisition personnel.

The perfecting amendment is, essentially, H.R. 2544, the Public Service Education Act of 1990, which was introduced by the ranking member of the Committee on Post Office and Civil Service and cosponsored by the chairman of the committee, the gentleman from Michigan. This legislation was passed by the committee on October 25, 1989. It provides agency heads with the flexibility to reimburse or pay for training in critical skills occupations. Furthermore, it permits agencies to repay Federal student loans of qualified employees for a commitment from those employees to serve in public sector positions for a certain period of time.

At this time when we are struggling to keep our best and brightest and attract promising candidates to Federal positions, I cannot think of a better incentive tool than repayment of student loans or the ability to further one's educational prospects. As we are well aware, salaries in the public sector are not competitive with the private sector and we are losing too many outstanding candidates who are interested in the public sector but cannot afford to raise their familes on a public sector salary and pay off their student loans.

As a member of the Committee on Post Office and Civil Service, I am aware of the Volcker Commission recommendations for this measure, and I know how committed the ranking member has been in pushing this legislation.

I commend both gentlemen for their perserverance in proposing amendments which will be of benefit to Federal employees, and I urge my colleagues to support both amendments.

Mr. MAVROULES. Mr. Chairman, I yield 5½ minutes to the gentleman from Michigan [Mr. HERTEL].

Mr. HERTEL. Mr. Chairman, I thank the chairman very much for all of his assistance and leadership.

It has been 10 years since the Iranian revolution toppled the Shah and demonstrated to the world the vulnerability of one-half of the world's energy supply. In the subsequent decade the acting administrations have chosen to downplay the ceaseless conflict in the Persian Gulf for military supremacy. Instead, those administrations have chosen to squander billions in the mindless acquisition of strategic weapons and defenses for what was always considered a remote military contingency. In the meantime, the most obvious threat to international peace, an assault of conventional forces on the oil fields of the Persian Gulf was virtually ignored.

The American people should be appalled that the leadership in the executive branch in the 1980's has placed a very low priority on conventional forces. I am proud to say that Congress has been diligent in attempting to correct this horrible deficiency and imbalance. For its trouble, the administrations have heaped charges of micromanagement, pork barreling, and parochial interests upon those Members who attempted to correct the priority.

Nothing is clearer than this year's example. If the Department of Defense had its way the production of the following weapons systems would have been terminated, this year, in this authorization. They would have terminated: F-14D fighter; terminated the F-15E fighter; terminated the M-1 tank; and terminated the Apache attack helicopter; the administration tried to topple the Army Helicopter Improvement Program, tried to kill the Phoenix missile, and stop the Maverick missile.

If this list sound familiar, it is because these are the weapons that are in the arsenal of the Desert Shield forces right now in the Persian Gulf. They took money for nuclear forces, and we took it back to stop the MX missile to reduce SDI, so we could field and continue to have those very weapons I just talked about that are needed by our forces today.

It was the intention of the Pentagon to stop production of all of these systems. Plans to replace these systems had gaps in production of 5 to 10 years. Congress refused to let the Pentagon make a shambles of the defense industrial base. Astonishing as it may seem, the leadership of the Pentagon was not even distantly aware that closing the Nation's's only tank plants involved more than laying off 5,000 workers. It meant stopping an entire industry of more than 90,000 people that could not be replaced. An industry simply cannot be turned off and then restarted a decade later. The administration was willing to allow most of the industrial mobilization base of the United States to simply vanish.

The total failure of leadership at the Pentagon in the 1980's is astonishing. It is a tribute to our constitutional system of checks and balances that outstanding members of our Committee on Armed Services like the gentleman from Mississippi [Mr. MONTGOMERY], the gentleman from Florida [Mr. BENNETT], the gentleman from Massachusetts [Mr. MAVROULES], the gentleman from Missouri [Mr. SKELTON], the gentleman from Kentucky [Mr. HOPKINS], and yes, the ranking member, the gentleman from Alabama [Mr. DICKINSON], have fought long and hard to improve the funding and resources of our conventional forces, Reserves and National Guard. Their vast experience has exceeded that of the longest serving Secretaries of Defense by many times. They have taken much abuse for their efforts, but they were right.

I salute them and the chairman of the full committee who crafted a bill which straightens out the shockingly deficient inadequacies of the 1980's.

It is no secret that acquisition at the Department of Defense has been a fiasco. It has never been good, as six major executive branch commissions have found over 40 years of inquiry. But the 1980's vastly increased the size and scale of the problem. The blue ribbon panels repeatedly came to the same conclusions: First, increase professionalism of the acquisition force; second, streamline regulations; third, regulate the revolving door syndrome; and fourth, restructure the defense acquisition work force.

It is striking the Department of Defense's determined resistance to making any institutional changes particularly with respect to acquisition.

The blue ribbon commissions reported on the same goals for the future. In 1982, Speaker Tip O'Neill appointed me to chair a task force on waste, fraud, and abuse in the Department of Defense, and we found it. What we did, though, was not seek headlines, but worked to reform the procurement system. I first began on this type of attack 8 years ago. I worked with the chairman of the Subcommittee on Investigation, the gentleman from Massachusetts [Mr. MAVROULES] to craft meaningful acquisition reform legislation, to make a difference, to change the system.

We have passed many measures but the best have been merely bandages which have not stemmed the waste of procurement dollars.

I stand here today as a Democrat who does not want to see us squander any more of our Nation's wealth. I stand here to say President Hoover was right, President Eisenhower was right. The only way to improve DOD acquisition is to improve the skills of the people making acquisition decisions, and then retained those very good people. We have to create an environment where the right decision can be made. The current DOD acquisition system has not worked.

What we need is common sense, and that is a responsibility to have the best people put forward, and then to keep those people.

I want to thank the gentleman from Massachusetts [Mr. MAVROULES], the subcommittee chairman, and the gentleman from Kentucky [Mr. HOPKINS] for their courage in this area, because I worked for 8 years, and even 4 years ago, no Member was interested, but because of the scandal in the Pentagon, because we reduced the budget, and because people know we have to make a change, we are now seeing that change made by a subcommittee, and the full committee, and the Congress. I thank the ranking member also for his assistance in this.

Our subcommittee has exhaustively studied the situation. We have issued authoritative studies of comparable British and French acquisition systems; the integrity of the DOD acquisition system and its impact on U.S. national security; and a comprehensive work on the quality of professionalism of the acquisition work force.

These volumes of several thousand pages of work and study showed the subcommittee the validity of the policy changes recommended a generation ago by both Presidents Hoover and Eisenhower. It also guided the amendment before us today.

This is not a glamorous amendment but it is a vital amendment. This legislation ranks with the Goldwater/Nichols reorganization law as absolutely essential to restructuring the Pentagon to the procurement needs of the post-cold war era.

This amendment is not a panacea. It needs rigorous oversight, much as the Goldwater-Nichols Act. It requires the Congress to strictly monitor the implementation of this amendment. I must remind the House, that we have had total abdication of acquisition management by DOD in the last decade. As the late Dr. Richard DeLauer said, "(Secretary Weinberger) was not interested in acquisition. He would delegate the acquisition authority to anybody." This is intolerable.

The advantage of the amendment today is that it strives to instill discipline in the procurement system by emulating the buyer-customer relationship, the discipline of the marketplace. At the present time, the DOD system is a rigid hierarchy. If a general or admiral want a plane to land on

the Sun, the system will try regardless of cost to follow orders. What the amendment before us attempts to create is a "hearable voice." A discipline which examines the dynamics of performance, cost and productibility. A robust system of adaptible individuals who will work skillfully with realistic goals to produce excellent weapons at affordable prices. An environment where individuals will have the incentive to question mindless, unnecessary procedures and specifications which produce absurd results.

The acquisition work force requires more than a "Yes, Sir and a salute." This amendment begins this process. I salute the subcommittee chairman, Mr. MAVROULES, and ranking member for their patient labor.

Mr. HOPKINS. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. GILMAN], the ranking member on the Committee on Post Office and Civil Service.

Mr. GILMAN. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Massachusetts, the chairman of the Subcommittee on Investigations of the House Armed Services Committee, Mr. MAVROULES with the support of the ranking minority member of the subcommittee, the gentleman from Kentucky [Mr. HOPKINS]. This amendment is the product of negotiations between the principals of the committees of jurisdiction and contains modifications responsive to the policy and jurisdictional concerns of both committees.

Specifically, the measure establishes requirements to identify Defense acquisition personnel positions and defines "acquisition corps" personnel as critical positions employees. The amendment establishes provisions aimed at increasing the number of civilians in senior acquisitions positions. It also establishes a Defense Acquisition University Structure and authorizes an intern, cooperative education, and scholarship program for acquisition personnel.

The amendment, as considered, represents a cooperative effort on the part of both committees of jurisdiction, the House Committee on Post Office and Civil Service and the Committee on Armed Services. As ranking minority member of the Committee on Post Office and Civil Service, I want to thank my good friends, the chairman of the Subcommittee on Investigations, NICHOLAS MAVROULES, and the ranking minority member of that subcommittee, LARRY HOPKINS, for their cooperation and hard work in formulating a measure on which both committees can agree.

While I note that this amendment creates strong incentives for improving the Department of Defense Acquisition work force, I also want my colleagues to note that the remaining sectors of the Federal service are in need of major reform. This past July the Committee on Post Office and Civil Service approved a comprehensive pay reform package for the entire Federal work force and it is important that Congress move this measure expeditiously in order to stop any further erosion in quality of the work force.

Following the close of debate on this amendment, I plan on offering a perfecting amendment addressing specific recruitment and retention problems for the entire Federal work force. It is important that Congress avoid the temptation of addressing the problems affecting the civil service in a piecemeal fashion. Consequently, the amendment I will be offering will be effective system wide and available to all Federal employees.

Accordingly, Mr. Chairman, I urge my colleagues to join in supporting this amendment as offered by the gentleman from Massachusetts [Mr. MAVROULES].

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Mr. MAVROULES. Mr. Chairman, I yield 4 minutes to the gentleman from Minnesota [Mr. SIKORSKI], the chairman of the Subcommittee on Civil Service.

Mr. SIKORSKI. Mr. Chairman, I first want to support the Gilman-Ford initiative in dealing with the student loan repayment program.

Second, oversight hearings a couple of weeks ago in the Committee on Energy and Commerce detailed stories of mismanagement by Northrop in several Defense Department contracts. We know that these stories are not new. In the 1980's the American public and Congress have been repeatedly and regularly barraged with newspaper stories, TV exposes, and GAO reports of DOD cost overruns and spare parts problems costing our taxpayers billions of dollars. They demonstrate the need to have a highly professional, well-trained acquisition work force within the Federal Government.

Over the past four decades there have been numerous commissions, the most recent being the Packard Commission, reviewing the Department of Defense acquisition process, and without fail each of them concluded the need for real improvements in the quality and professionalism of the defense acquisition work force. That is what this amendment does.

As a result of these recommendations and the numerous committee investigations, the Committee on Armed Services and the Committee on Post Office and Civil Service have worked jointly to propose a substantial but really not controversial reform of the acquisition work force at DOD—this Mavroules amendment.

The work force that works for America overseeing over 100 billion dollars' worth of defense goods and products and services every year deserves the best trained and the best managed employees possible. That is the goal of our amendment.

As chairman of the Subcommittee on Civil Service, which has jurisdiction over the Federal Government's civilian personnel system, I have worked with my colleague, the subcommittee chairman, the gentleman from Massachusetts [Mr. MAVROULES], to help craft an amendment that reforms both the civilian and the military flanks of this work force. Incidentally this system and this reform are important not only because these personnel are vital to our Nation's defense, not only because they oversee over $100 billion of expenditures of taxpayers' money, but also because this is a unique joint military-civilian personnel system.

What does this amendment do, briefly? It sets minimum levels of education, training, and experience. Second, it creates "critical acquisition positions." Third, it establishes an acquisition university structure for training, education and research. And finally, it ensures adherence to civil service merit principles and to the goal of equal opportunity.

The Federal civil service offers a wealth of innovative, talented, and dedicated individuals. I am hopeful as chairman of the Subcommittee on Civil Service that this joint effort will further our goal of putting only our best and brightest in charge of activities which involve billions in taxpayer dollars.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield?

Mr. SIKORSKI. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. Mr. Chairman, I also want to commend the gentleman from Minnesota for his total cooperation in this matter. I thank him very much for his help.

Mr. HOPKINS. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama [Mr. DICKINSON], the ranking member of the committee.

Mr. DICKINSON. Mr. Chairman, I am not opposed to this amendment, but feel an obligation to bring to the attention of the House some concerns it has raised with DOD, and with me.

I understand that this rather sizable amendment is the product of years of work by the Investigations Subcommittee and its chairman and ranking minority member.

I also understand that they have stayed in constant touch with DOD, in particular Under Secretary John Betti, during the drafting phase and that much of the Department's input is reflected in the amendment before us.

However, it is also my understanding that there are a few outstanding issues

where no agreement has been reached and where further consideration is therefore warranted.

For instance, this amendment contains extensive and detailed reporting requirements which, in my mind, run counter to the committee's initiative this year to cut down on the number of congressional reports we require. I hope this problem will be reexamined in conference.

I also understand that the size of the acquisition corps under the Mavroules amendment could end up being over 23,000 people which appears excessive and possibly self-defeating. Again, I believe this area needs some more work.

Lastly, I am concerned over the tone and detail of many of the directive provisions in this amendment which appear to bind the flexibility of the Department to effectively manage its acquisition work force.

Mr. Chairman, placing those items I mentioned aside, I have no real objection to the amendment and commend Mr. MAVROULES and Mr. HOPKINS for their hard work and dedication on this important and complex issue.

I should also mention that this side has no objections to the perfecting amendment by the gentleman from New York [Mr. GILMAN].

This amendment falls outside the jurisdiction of the Armed Services Committee and provides the government with a valuable tool in recruiting quality personnel by enabling agencies and departments to offer expanded educational benefits.

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So, Mr. Chairman, to rephrase it and reiterate what I said, I have no objection to the amendment. I think it is not completely perfect. I think it should be examined in certain particulars perhaps, but I for one certainly intend to vote for it.

Mr. MAVROULES. Mr. Chairman, I wonder if I could impose upon my dear friend, the gentleman from Kentucky [Mr. HOPKINS] and ask him if he could yield me about 3½ minutes.

Mr. HOPKINS. Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts, the chairman of the subcommittee.

Mr. MAVROULES. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me this time. I want to thank the chairman, the gentleman from Massachusetts [Mr. MAVROULES] for the work he has done on the Acquisition Corps legislation, as well as the ranking member, the gentleman from Kentucky [Mr. HOPKINS].

This bill is a marked improvement over the current situation. It will help ensure military and civilian program managers have the professional backgrounds necessary to perform their duties with greater effectiveness and skill.

During the months we considered these improvements, Chairman MAVROULES has been extremely responsive—not only to his colleagues, but to members of the DOD acquisition community.

Today's bill is not the final word on acquisition reform. We still have work to do in the conference committee and coming years.

I want to briefly mention the concerns I had about giving sufficient flexibility to DOD in managing the program, while at the same time holding their feet to the fire in making necessary changes.

During past months I brought several concerns to Chairman MAVROULE'S attention:

First, the scope of the acquisition corps, second, the mechanics of the scholarship program, third, DOD approval of educational institutions, fourth, adequate rewards for managers with outstanding records, and fifth, fair compensation for military and civilian managers.

Most of these concerns have already been addressed, some can be addressed in report language, and there remains work on others.

On the whole, the proposal represents marked improvement in the current situation, and I ask all my colleagues to support it 100 percent.

Mr. MAVROULES. Mr. Chairman, will the gentleman yield to me for a moment so that I may respond?

Mr. SISISKY. I yield to the gentleman from Massachusetts.

Mr. MAVROULES. Mr. Chairman, I just want to inform the gentleman, and let me give credit to the gentleman's prodding of the committee and to me personally, that four out of the five requests the gentleman has made in his statement have already been taken care of. We are now working on the fifth one, so we have made some progress, and I want to thank the gentleman for his statement.

Mr. SISISKY. Mr. Chairman, I thank the committee chairman.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. MCCLOSKEY].

Mr. MCCLOSKEY. Mr. Chairman, I thank the distinguished chairman for yielding me this time.

As an original cosponsor of this legislation, I urge swift and overwhelming passage of this amendment.

As a member of both the Armed Services and the Post Office and Civil Service Committees, I believe this proposal provides the framework for developing a work force with the skills and attributes required for effectively managing defense acquisition. I want to commend the leaders who have put so much time and effort in bringing this extensive measure before us today—Representatives NICK MAVROULES, LARRY HOPKINS, WILLIAM FORD, GERRY SIKORSKI, CONNIE MORELLA, and BEN GILMAN.

The budget decline expected with the end of the cold war does not mean that acquisition is any less important. If anything, acquisition reform—in this case improving our acquisition work force—is even more important as defense budgets tighten and fiscal constraints force the Congress and executive branch to make ever harder spending choices.

The crisis in the Middle East points to the importance of a quality acquisition work force that can respond rapidly to the needs of our service men and women in the desert.

The legislation will create a cadre of highly capable acquisition personnel, within the existing structure. It provides opportunities to provide more uniformity among the services without centralizing acquisition organizations.

I again urge my colleagues to promptly approve this important measure.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. HUTTO].

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

I just want to take a moment to commend the chairman and the ranking minority member, the gentleman from Kentucky [Mr. HOPKINS] for the fine work they have done in this area. I know they have been working on this issue for literally a number of years. What they are trying to do I think is something we all want, to bring about greater efficiency in the acquisition process.

I would ask the chairman also to respond to this. One of the objectives I would think would be to increase the efficiency to the extent that we could get the systems a lot quicker than we do now. It takes many, many years. Is that also one of the objectives?

Mr. MAVROULES. Mr. Chairman, if the gentleman will yield, there is no question about that. Once you professionalize the entire corps, that automatically will be taking place.

Mr. HUTTO. Well, I have personally been in meetings with both these gentlemen where they have sought input on how to better do this, and again I want to commend both these gentlemen for the fine work they have done toward the acquisition work force.

Mr. MAVROULES. Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado [Mrs. SCHROEDER], who has been extremely helpful to the subcommittee.

Mrs. SCHROEDER. Mr. Chairman, I, like many of the other gentlemen, am from both committees, fortunately enough, and I want to thank them so much for moving on this. Normally we have waited until there has been a disaster and then we start tinkering with the system.

This is cranking in professionalism, cranking in trust, and cranking in expertise. I think we are going to see it pay off all over the place. I think this is the end of the $999 pliers and the umpteen thousand dollar fax machines and all the other things; so I think what we have to do is treat people with the respect that we have seen other countries do.

I thank both gentlemen because I know they have studied extensively procurement systems in other countries. This is not rash. This is preventive.

Also, I want to thank the Committee on Post Office and Civil Service for their long hard work.

It really is long overdue, but nevertheless it has been done and now it is turning this incredible ship around and getting it going in the right direction, so I salute both gentlemen and I hope everybody votes for this amendment.

Mr. Chairman, I rise to offer my unqualified support for the amendments we are considering today that are aimed at professionalizing the defense acquisition work force.

These proposals we have before us are the result of extensive combined efforts on the part of the two committees on which I sit—Armed Services and Post Office and Civil Service. I commend my colleagues NICK MAVROULES, LARRY HOPKINS, WILLIAM FORD, GERRY SIKORSKI, CONNIE MORELLA, and BEN GILMAN for their foresight in pushing forward this important measure.

The amendments provide incentives for defense acquisition personnel to improve their skills and abilities but also provide the vehicles through which they may acquire these qualifications.

We must always remember that institutions—even the Department of Defense—are comprised of people. Therefore, if we really want to improve the system and the people in it, we must pay attention to the needs of the people in the system. While the problems in defense procurement will not go away entirely, the people who must deal with them will be a lot better prepared to deal with them.

Furthermore, improving the quality, professionalism, and effectiveness of the defense acquisition work force will significantly improve the overall ability of these particular Defense Department personnel to implement the rules and regulations governing acquisition processes and do their job more effectively.

Our approach here, in fact, is a refreshing change from the way we too often grapple with problems. Today, we are not chasing after the latest scandal and offering a quick fix before moving on to the next scandal. We have undertaken a thorough review of an issue that does not command headline attention but will in the long run make the system smoother. We may as a result see far fewer stories on $999 pliers or $688,000 fax machines.

Therefore, I urge my colleagues to approved these amendments directed at professionalizing our defense acquisition work force.

Mr. HOPKINS. Mr. Chairman, I yield back the balance of our time.

Mr. MAVROULES. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider the following amendments printed in House Report 101-668 relating to an acquisition work force, which shall be debatable for 10 minutes each, equally divided and controlled by the proponent of the amendment and a member opposed thereto: First, by Representative MAVROULES, and second, an amendment thereto by Representative GILMAN.

For what purpose does the gentleman from Masschusettes rise?

AMENDMENT OFFERED BY MR. MAVROULES

Mr. MAVROULES. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MAVROULES: Strike out title IX and insert in lieu thereof the following:

TITLE IX—DEFENSE ACQUISITION WORKFORCE

SEC. 901. SHORT TITLE.

This title may be cited as the "Defense Acquisition Workforce Improvement Act".

SEC. 902. DEFENSE ACQUISITION WORKFORCE.

(a) DEFENSE ACQUISITION WORKFORCE.—Subtitle A of title 10, United States Code, is amended by striking out chapter 85 and inserting in lieu thereof the following:

"CHAPTER 87—DEFENSE ACQUISITION WORKFORCE

"Subchapter Sec.
"I. General Authorities and Responsibilities 1701
"II. Defense Acquisition Positions 1721
"III. Acquisition Corps 1731
"IV. Critical Acquisition Positions 1741
"V. Education and Training 1761
"VI. General Management Provisions 1781

"SUBCHAPTER I—GENERAL AUTHORITIES AND RESPONSIBILITIES

"Sec.
"1701. Management policies.
"1702. Under Secretary of Defense for Acquisition: authorities and responsibilities.
"1703. Service acquisition executives: Authorities and responsibilities.
"1704. Director of Acquisition Education, Training, and Career Development.
"1705. Directors of Acquisition Career Management in the military departments.
"1706. Acquisition career program boards.
"1707. Personnel in the Office of the Secretary of Defense and in the Defense Agencies.
"1708. Reserve officers not on the active-duty list.

"§ 1701. Management policies

"(a) POLICIES.—The Secretary of Defense shall establish policies in accordance with this chapter for the effective management, including accession, education, training, and career development, of persons serving in acquisition positions in the Department (including members of the Acquisition Corps).

"(b) UNIFORM IMPLEMENTATION.—The Secretary shall take such actions as are necessary to ensure that acquisition workforce policies established in accordance with this chapter are implemented in the Department of Defense as uniformly as practicable throughout the Department.

"§ 1702. Under Secretary of Defense for Acquisition: authorities and responsibilities

"Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Acquisition shall carry out all powers, functions, and duties of the Secretary of Defense with respect to the acquisition workforce in the Department of Defense. The Under Secretary shall ensure that the policies of the Secretary of Defense established in accordance with this chapter are implemented throughout the Department of Defense.

"§ 1703. Service acquisition executives: Authorities and responsibilities

"Subject to the authority, direction, and control of the Secretary of the military department concerned, the service acquisition executive for each military department shall carry out all powers, functions, and duties of the Secretary concerned with respect to the acquisition workforce within the military department concerned and shall ensure that the policies of the Secretary of Defense established in accordance with this chapter are implemented in that department.

"§ 1704. Director of Acquisition Education, Training, and Career Development

"(a) APPOINTMENT.—There shall be a Director of Acquisition Education, Training, and Career Development within the office of the Under Secretary of Defense for Acquisition, who shall be appointed by the Under Secretary to assist the Under Secretary in the performance of his duties under this chapter.

"(b) FUNCTIONS.—The Director of Acquisition Education, Training, and Career Development, in assisting the Under Secretary of Defense for Acquisition, shall—

"(1) formulate training, education, and career development policies for persons serving in acquisition positions;

"(2) oversee the implementation of this chapter and report to the Under Secretary on the effectiveness of such implementation within each military department, within the Office of the Secretary of Defense, and within the Defense Agencies; and

"(3) coordinate the overall management of the acquisition training, education, and career development programs within the Department of Defense.

"§ 1705. Directors of Acquisition Career Management in the military departments

"(a) APPOINTMENT.—There shall be a Director of Acquisition Career Management for each military department within the office of the service acquisition executive to assist the executive in the performance of his duties under this chapter. The Secretary of the Navy, acting through the service acquisition executive, may appoint separate

directors for the Navy and the Marine Corps.

"(b) FUNCTIONS.—Each Director of Acquisition Career Management of a military department, in assisting the service acquisition executive of that department, shall—

"(1) monitor compliance with the provisions of this chapter within that military department;

"(2) coordinate the management of the acquisition workforce in that military department;

"(3) serve in that military department as the principal liaison between (A) military and civilian senior officials with responsibility for personnel development in the various acquisition career fields, and (B) military and civilian personnel managers; and

"(4) serve as executive secretary to, and provide support for, the acquisition career program board of that military department.

"§ 1706. Acquisition career program boards

"(a) ESTABLISHMENT.—The Secretary of each military department, acting through the service acquisition executive for that department, shall establish an acquisition career program board to advise the service acquisition executive in managing the accession, training, education, and career development of military and civilian personnel in the acquisition workforce and in selecting individuals for appointment into the Acquisition Corps.

"(b) FUNCTIONS.—Each acquisition career program board shall have such functions as the Secretary of the military department concerned may prescribe, including the following:

"(1) To develop and recommend to the service acquisition executive concerned appropriate policies and actions for managing the acquisition workforce.

"(2) To provide technical advice in the various career fields within the acquisition workforce.

"(3) To assist in monitoring and evaluating the effectiveness of career programs.

"(4) To assist in reviewing and examining applicants for appointment into the Acquisition Corps.

"(c) COMPOSITION OF BOARD.—Each acquisition career program board shall include the Director of Acquisition Career Management (or his representative), the Assistant Secretary with responsibility for manpower and reserve component affairs (or his representative), and the military and civilian senior officials with responsibility for personnel development in the various acquisition career fields. The service acquisition executive (or his representative) shall be the head of the board.

"(d) SUBORDINATE BOARDS.—The Secretary of a military department may establish a subordinate board structure in the department to assist the acquisition career program board of the department in carrying out its functions under this chapter.

"§ 1707. Personnel in the Office of the Secretary of Defense and in the Defense Agencies

"(a) POLICIES.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall establish and implement, in such manner as the Secretary considers appropriate, policies for the effective management, including accession, education, training, and career development, of persons serving in acquisition positions in the Office of the Secretary of Defense and the Defense Agencies. Such policies shall include the establishment of an Acquisition Corps with respect to such persons. Such policies shall be as uniform as practicable with the policies established under this chapter for the military departments.

"(b) MANAGEMENT.—The Director of Acquisition Education, Training, and Career Development appointed under section 1704 of this title shall serve as the Director of Acquisition Career Management for the Office of the Secretary of Defense and for the Defense Agencies.

"§ 1708. Reserve officers not on the active-duty list

This chapter shall apply to reserve officers in an active status not on the active duty list.

"SUBCHAPTER II—DEFENSE ACQUISITION POSITIONS

"Sec.
"1721. Designation of acquisition positions.
"1722. Education, training, and experience requirements.
"1723. Contracting positions: qualification requirements.
"1724. Career development.

"§ 1721. Designation of acquisition positions

"(a) DESIGNATION.—The Secretary of Defense shall designate in regulations those positions in the Department of Defense that are acquisition positions for purposes of this chapter.

"(b) REQUIRED POSITIONS.—In designating the positions under subsection (a), the Secretary shall include, at a minimum, all acquisition-related positions in the following areas:

"(1) Program management.

"(2) Systems planning, research, development, engineering, and testing.

"(3) Procurement, including contracting.

"(4) Industrial property management.

"(5) Logistics.

"(6) Quality control and assurance.

"(7) Manufacturing and production.

"(8) Business, cost estimating, financial management, and auditing.

"(9) Education, training, and career development.

"(10) Construction.

"(11) Joint development and production with other government agencies and foreign countries.

"(c) MANAGEMENT HEADQUARTERS ACTIVITIES.—The Secretary also shall designate as acquisition positions under subsection (a) those acquisition-related positions which are in management headquarters activities and in management headquarters support activities. For purposes of this subsection, the terms 'management headquarters activities' and 'management headquarters support activities' have the meanings given those terms in Department of Defense Directive 5100.73, entitled "Department of Defense Management Headquarters and Headquarters Support Activities" and dated November 25, 1988.

"§ 1722. Education, training, and experience requirements

"(a) REQUIREMENTS.—The Secretary of Defense shall establish education, training, and experience requirements for each acquisition position, based on the level of complexity of duties carried out in the position. In establishing such requirements, the Secretary may state the requirements by categories of positions.

"(b) STATEMENT OF REQUIREMENTS WITHOUT REGARD TO STATUS.—Qualification requirements for acquisition positions shall be stated in terms of the education, training, and experience necessary for the position without regard to the military or civilian status of a person under consideration for the position.

"(c) OPM APPROVAL.—The Secretary of Defense shall submit any requirement with respect to civilian employees that is established under this section or under section 1723(a)(4) to the Director of the Office of Personnel Management for approval. If the Director does not disapprove the requirement within 30 days after the date on which the Director receives the requirement, the requirement is deemed to be approved by the Director.

"§ 1723. Contracting positions: qualification requirements

"(a) CONTRACTING OFFICERS.—The Secretary of Defense shall require that in order to qualify to serve in an acquisition position as a contracting officer with authority to award or administer contracts for amounts above the small purchase amount established in section 2304(g) of this title, a person must (except as provided in subsections (c) and (d))—

"(1) have completed all mandatory contracting courses required for a contracting officer at the grade level, or in the position within the grade of the General Schedule (in the case of an employee), that the person is serving in;

"(2) have at least two years of experience in a contracting position;

"(3)(A) have received a baccalaureate degree from an accredited educational institution authorized to grant baccalaureate degrees, (B) have completed at least 24 semester credit hours (or the equivalent) of study from an accredited institution of higher education in any of the following disciplines: accounting, business finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, and organization and management, or (C) have passed an examination considered by the Secretary of Defense to demonstrate skills, knowledge, or abilities comparable to that of an individual who has completed at least 24 semester credit hours (or the equivalent) of study from an accredited institution of higher education in any of the disciplines listed in subparagraph (B); and

"(4) meet such additional requirements, based on the dollar value and complexity of the contracts awarded or administered in the position, as may be established by the Secretary of Defense for the position.

"(b) GS-1102 SERIES.—Except as provided in subsections (c) and (d), a person may not be employed by the Department of Defense in the GS-1102 occupational series unless the person (1) has received a baccalaureate degree from an accredited educational institution authorized to grant baccalaureate degrees, (2) has completed at least 24 semester credit hours (or the equivalent) of study from an accredited institution of higher education in any of the following disciplines: accounting, business finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, and organization and management, or (3) has passed an examination considered by the Secretary of Defense to demonstrate skills, knowledge, or abilities comparable to that of an individual who has completed at least 24 semester credit hours (or the equivalent) of study from an accredited institution of higher education in any of the disciplines listed in paragraph (2).

"(c) EXCEPTIONS.—(1) The requirements of subsections (a)(3) and (b) shall not apply to any employee who, on the date of the enactment of the Defense Acquisition Workforce

Improvement Act, has at least 10 years of experience in acquisition positions or in comparable positions in other government agencies or the private sector.

"(2)(A) The requirements of subsections (a) and (b) shall not apply to any employee described in subparagraph (B) for purposes of qualifying to serve in the position that the employee is serving in on the date of the enactment of the Defense Acquisition Workforce Improvement Act.

"(B) An employee covered by this paragraph is an employee who, on the date of the enactment of the Defense Acquisition Workforce Improvement Act, is serving—

"(i) in an acquisition position as a contracting officer with authority to award or administer contracts for amounts above the small purchase amount established in section 2304(g) of this title; or

"(ii) in a position in GS-1102 occupational series.

"(d) WAIVER.—The acquisition career program board of a military department may waive the requirements of subsections (a) and (b) with respect to an employee of that military department if the board certifies that the employee possesses significant potential for advancement to levels of greater responsibility and authority, based on demonstrated job performance and qualifying experience. With respect to each waiver granted under this subsection, the board shall set forth in a written document the rationale for its decision to waive such requirements. The document shall be submitted to the Director of Acquisition Education, Training, and Career Development.

"(e) OPM APPROVAL.—The Secretary of Defense shall submit examinations to be given to civilian employees under subsection (a)(3) and subsection (b) to the Director of the Office of Personnel Management for approval. If the Director does not disapprove an examination within 30 days after the date on which the Director receives the examination, the examination is deemed to be approved by the Director.

"§ 1724. Career development

"(a) CAREER PATHS.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall ensure that appropriate career paths for civilian and military personnel who wish to pursue careers in acquisition are identified in terms of the education, training, experience, and assignments necessary for career progression of civilians and members of the armed forces to the most senior acquisition positions. The Secretary shall make available published information on such career paths.

"(b) OPPORTUNITIES FOR CIVILIANS TO QUALIFY.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall ensure that civilian personnel are provided the opportunity to acquire the education, training, and experience necessary to qualify for senior acquisition positions, except those positions designated for military personnel under subsection (c)(2).

"(c) EQUAL CONSIDERATION FOR MILITARY AND CIVILIAN PERSONNEL.—(1) Except as provided in the policy established under paragraph (2), in establishing requirements under this subchapter, a requirement may not be imposed relating to the civilian or military status of a person under consideration for an acquisition position. The Secretary of Defense shall ensure that, provided that applicants are otherwise qualified, both civilians and members of the armed forces are considered for acquisition positions on an equal basis.

"(2) The Secretary shall establish a policy under which a particular acquisition position may be specified as available only to members of the armed forces if a determination is made, under criteria established in the policy, that a member of the armed forces is required for that position by law, is essential for performance of the duties of the position, or is necessary for another compelling reason. Whenever an acquisition position that has been specified as available only to members of the armed forces under such policy becomes vacant, the Secretary, without delegation other than to the Under Secretary of Defense for Acquisition, shall review the position, in accordance with the policy, to determine whether such position should remain so specified.

"(d) BEST QUALIFIED.—In establishing policies under this chapter, the Secretary of Defense shall ensure that, in the selection of an individual to fill a particular position, the best qualified individual shall be selected from among those available for the position.

"(e) QUALIFICATION AND SELECTION OF CIVILIANS.—In establishing policies under this chapter, the Secretary of Defense shall ensure that the acquisition workforce is managed such that, over time, more civilians become qualified for, and are selected for, critical acquisition positions. The Secretary of Defense shall make every effort—

"(1) to fill at least 50 percent, by grade level and career field, of all critical acquisition positions with civilians by January 1, 1996; and

"(2) to make a substantial increase in the number of civilians in program manager and division head positions.

"(f) ASSIGNMENTS POLICY.—(1) The Secretary of Defense shall establish a policy on assigning military personnel to, and hiring civilian personnel for, acquisition positions that provides for a balance between (A) the need for personnel to serve in career broadening positions, and (B) the need for requiring sufficient time in each such position to provide the stability necessary to effectively carry out the duties of the position and to allow for the establishment of responsibility and accountability for actions taken in the position.

"(2) In implementing the policy established under this subsection with respect to members of the armed forces, the Secretaries of the military departments shall provide, as appropriate, for longer lengths of assignments to acquisition positions than assignments to other positions.

"(g) PROMOTION RATE FOR OFFICERS IN ACQUISITION CORPS.—The Secretary of each military department shall ensure that the qualifications of officers selected for the Acquisition Corps are such that those officers are expected, as a group, to be promoted at a rate not less than the rate for all line (or the equivalent) officers of the same armed force (both in the zone and below the zone) in the same grade.

"(h) PERFORMANCE APPRAISALS.—The Secretary of each military department, acting through the service acquisition executive for that department, shall require that any appraisal of the performance of a person serving in an acquisition position be performed or endorsed by a person serving in an acquisition position in the same acquisition career field.

"SUBCHAPTER III—ACQUISITION CORPS

"Sec.

"1731. Acquisition Corps: in general.

"1732. Education, training, and experience requirements.

"§ 1731. Acquisition Corps: in general

"(a) ACQUISITION CORPS.—There is an Acquisition Corps (hereinafter in this subchapter referred to as the 'Corps') within each military department, consisting of civilian employees and members of the armed forces in that military department who are selected for entry into the Corps. The Secretary of the Navy, acting through the service acquisition executive, may establish separate Corps for the Navy and the Marine Corps.

"(b) SELECTION PROCEDURE.—A person meeting the requirements established under section 1732 of this title may apply for entry into the Corps. Selection of applicants into the Corps shall be made in accordance with criteria established by the Secretary of Defense.

"(c) OPM APPROVAL.—The Secretary of Defense shall submit any requirement with respect to civilian employees established under section 1732 to the Director of the Office of Personnel Management for approval. If the Director does not disapprove the requirement within 30 days after the date on which the Director receives the requirement, the requirement is deemed to be approved by the Director.

"§ 1732. Education, training, and experience requirements

"(a) REQUIREMENTS.—Except as provided in subsections (b) and (c), a person may not be considered for service in the Corps unless the person—

"(1) in the case of an employee, is in a position within grade GS-13 or above of the General Schedule (including any employee covered by chapter 54 of title 5) or, in the case of a member of the armed forces, is serving in the grade of major or, in the case of the Navy, lieutenant commander, or a higher grade;

"(2)(A) has received a baccalaureate degree at an accredited educational institution authorized to grant baccalaureate degrees, or

"(B) has been certified by the acquisition career program board of the employing military department as possessing significant potential for advancement to levels of greater responsibility and authority, based on demonstrated analytical and decisionmaking capabilities, job performance, and qualifying experience;

"(3) has completed at least 24 semester credit hours (or the equivalent) of study from an accredited institution of higher education from among the following disciplines: accounting, business finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, and organization and management;

"(4) has four years of experience in an acquisition position in the Department of Defense or in a comparable position in industry or government;

"(5) in the case of a civilian, agrees to sign a mobility statement; and

"(6) meets such other requirements as the Secretary of Defense or the Secretary of the military department concerned prescribes by regulation.

"(b) EXCEPTIONS.—(1) The requirements of subsections (a)(2) and (a)(3) shall not apply to any employee who, on the date of the enactment of the Defense Acquisition Workforce Improvement Act, has at least 10 years of experience in acquisition positions or in comparable positions in other government agencies or the private sector.

"(2) The requirements of subsections (a)(2) and (a)(3) shall not apply to any employee who is serving in an acquisition position on the date of the enactment of the Defense Acquiisition Workforce Improvement Act and who does not have 10 years of experience as described in paragraph (1) if the employee passes an examination considered by the Secretary of Defense to demonstrate skills, knowledge, or abilities comparable to that of an individual who has completed at least 24 semester credit hours (or the equivalent) of study from an accredited institution of higher education from among the following disciplines: accounting, business finance, law, contracts, purchasing, economics, industrial management, marketing, quantitative methods, and organization and management. The Secretary of Defense shall submit examinations to be given to civilian employees under this paragraph to the Director of the Office of Personnel Management for approval. If the Director does not disapprove an examination within 30 days after the date on which the Director receives the examination, the examination is deemed to be approved by the Director.

"(c) WAIVER.—The acquisition career program board of a military department may waive the requirements of subsection (a) with respect to an employee of that military department if the board certifies that the employee possesses significant potential for advancement to levels of greater responsibility and authority, based on demonstrated analytical and decisionmaking capabilities, job performance, and qualifying experience. With respect to each waiver granted under this subsection, the board shall set forth in a written document the rationale for its decision to waive such requirements. The document shall be submitted to the Director of Acquisition Education, Training, and Career Development. Nothing in this subsection shall be considered to apply with respect to the requirement under subsection (a)(2)(B).

"SUBCHAPTER IV—CRITICAL ACQUISITION POSITIONS

"Sec.
"1741. Critical acquisition positions.
"1742. Education, training, and experience requirements.
"1743. Program managers and deputy program managers.
"1744. Program executive officers.
"1745. General and flag officers and civilians serving in equivalent positions.
"1746. Senior contracting officials.
"1747. Career development.

"§ 1741. Critical acquisition positions

"(a) REQUIREMENT FOR CORPS MEMBER.—A critical acquisition position may be filled only by a member of the Acquisition Corps.

"(b) DESIGNATION OF CRITICAL ACQUISITION POSITIONS.—(1) Of the acquisition positions in the Department of Defense (as designated under section 1721 of this title), the Secretary of Defense shall designate those positions (A) that are to be filled by employees in a position within grade GS–13 or above of the General Schedule (including employees covered by chapter 54 of title 5) or that are to be filled by a member of the armed forces serving in the grade of major or, in the case of the Navy, lieutenant commander, or a higher grade, and (B) that are positions of significant responsibility. Such positions shall be considered critical acquisition positions for purposes of this chapter. The Secretary shall periodically publish a list of the positions designated under this section.

"(2) In designating critical acquisition positions, the Secretary shall include the following acquisition positions:

"(A) Any position which—

"(i) in the case of employees, is required to be filled by an employee in a position within grade GS–14 or above of the General Schedule (including an employee covered by chapter 54 of title 5), in the Senior Executive Service; or

"(ii) in the case of members of the armed forces, is required to be filled by a commissioned officer of the Army, Navy, Air Force, or Marine Corps who is serving in the grade of lieutenant colonel, or, in the case of the Navy, commander, or a higher grade.

"(B) Other selected acquisition positions not covered by subparagraph (A), including the following:

"(i) Program executive officer.

"(ii) Program manager of a major defense acquisition program (as defined in section 2430 of this title) or of a program other than a major defense acquisition program (as defined in section 1743(c) of this title).

"(iii) Deputy program manager of a major defense acquisition program.

"(C) Any other acquisition position of significant responsibility in which the primary duties are supervisory or management duties.

"§ 1742. Education, training, and experience requirements

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish requirements for education, training, and experience for all critical acquisition positions. The requirements shall include, at a minimum, the requirements described in this subchapter and may include such additional requirements as the Secretary of Defense considers necessary or appropriate.

"(b) LIMITATION.—Any civilian or military member of the Corps who does not meet the education, training, and experience requirements for a critical acquisition position established under this subchapter may not carry out the duties or exercise the authorities of that position, except for a period not to exceed six months, unless a waiver of the requirements is granted under subsection (c).

"(c) WAIVER.—The Secretary of each military department, acting through the service acquisition executive for that department, may waive, on a case-by-case basis, the requirements established under this subchapter with respect to the assignment of an individual to a particular critical acquisition position. Such a waiver may be granted only if unusual circumstances justify the waiver or if the Secretary concerned (or official to whom the waiver authority is delegated) determines that the individual's qualifications obviate the need for meeting the education, training, and experience requirements established under this subchapter. The authority to grant such waivers may be delegated by the service acquisition executive only to the Director of Acquisition Career Management for the military department concerned.

"(d) OPM APPROVAL.—The Secretary of Defense shall submit any requirement with respect to civilian employees established under this subchapter to the Director of the Office of Personnel Management for approval. If the Director does not disapprove the requirement within 30 days after the date on which the Director receives the requirement, the requirement is deemed to be approved by the Director.

"§ 1743. Program managers and deputy program managers

"(a) REQUIREMENTS.—Before being assigned to a critical acquisition position as a program manager or deputy program manager, a person—

"(1) must have completed the program management course at the Defense Systems Management College or a management program at an accredited educational institution in the private sector determined to be comparable by the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition;

"(2) must have executed a written agreement as required in subsection (b)(2); and

"(3)(A) in the case of a program manager or deputy program manager of a major defense acquisition program (as defined in section 2430 of this title), must have at least eight years experience in acquisition, at least two of which were performed in a systems program office; or

"(B) in the case of a program manager or deputy program manager of a program other than a major defense acquisition program (as defined in subsection (e)), must have at least six years experience in acquisition.

"(b) MAJOR MILESTONE ASSIGNMENT PERIOD.—(1) The Secretary of each military department, acting through the service acquisition executive for that department, shall provide that a program manager or deputy program manager of a major defense acquisition program shall be assigned to the position at least until completion of the major milestone that occurs closest in time to the date on which the person has served in the position for four years. Except as provided in subsection (c), the Secretary concerned may not reassign a program manager or deputy program manager from such an assignment until after such major milestone has occurred. The Secretary concerned also shall make every effort to ensure that a program manager who is the replacement for a reassigned program manager arrives at the assignment location before the reassigned program manager leaves.

"(2) A person may not be assigned to a critical acquisition position as a program manager or deputy program manager of a major defense acquisition program unless the person executes a written agreement to remain on active duty (in the case of a member of the armed forces) or to remain in Federal service (in the case of an employee) in that position at least until completion of the first major milestone that occurs closest in time to the date on which the person has served in the position for four years. The service obligation contained in such a written agreement shall remain in effect unless and until waived by the Secretary concerned under subsection (c).

"(c) WAIVER OF ASSIGNMENT PERIOD.—(1) With respect to a program manager or deputy program manager of a major defense acquisition program, the Secretary concerned may waive the prohibition on reassignment of that person in subsection (b)(1) and the service obligation in an agreement executed by that person under subsection (b)(2), but only in exceptional circumstances in which a waiver is necessary for one of the following reasons:

"(A) For cause or for poor performance.

"(B) To assign the person, after a promotion, to a new position (when a promotion in which the person remains in the same position would not be economical or practicable).

"(C) To suspend the person from active duty (in the case of a member of the armed forces).

"(D) To approve the retirement of the person or the release of the person from active duty (in the case of a member of the armed forces).

"(E) To approve a reassignment of the person for unusual personal reasons (including extreme hardship and medical conditions) beyond the control of the person and the Department of Defense or the military department concerned.

"(F) To meet critical needs of the Department of Defense.

"(2) The authority to grant such waivers may be delegated by the service acquisition executive only to the Director of Acquisition Career Management for the military department concerned.

"(3) With respect to each waiver granted under this subsection, the service acquisition executive (or his delegate) shall set forth in a written document the rationale for the decision to grant the waiver. The document shall be submitted to the Director of Acquisition Education, Training, and Career Development.

"(d) MAJOR MILESTONE GUIDELINES.—(1) The Secretary of Defense shall issue uniform guidelines defining what constitutes major milestones for purposes of this section. The service acquisition executive of each military department shall establish major milestones at the beginning of a major defense acquisition program consistent with such guidelines and shall use such milestones to determine the assignment period for program managers and deputy program managers under subsection (b).

"(2) The guidelines shall require that major milestones be clearly definable and measurable events that mark the completion of a significant phase in a major defense acquisition program and that such milestones be the same as the milestones contained in the baseline description of the program (as required by section 2435(a) of this title). The Secretary shall require that the major milestones as defined in the guidelines be included in the Selected Acquisition Report (required under section 2432 of this title for each major defense acquisition program).

"(e) DEFINITIONS.—In this subchapter:

"(1) The term 'program manager' means, with respect to a defense acquisition program, the member of the Acquisition Corps responsible for managing the program, regardless of the title given the member.

"(2) The term 'deputy program manager' means, with respect to a defense acquisition program, the person who has authority to act on behalf of the program manager in the absence of the program manager.

"(3) The term 'program other than a major defense acquisition program' means a Department of Defense acquisition program that is not a major defense acquisition program (as defined in section 2430 of this title) and that is estimated by the Secretary of Defense to require an eventual total expenditure for research, development, test, and evaluation of more than $50,000,000 (based on fiscal year 1980 constant dollars) or an eventual total expenditure for procurement of more than $250,000,000 (based on fiscal year 1980 constant dollars).

"§ 1744. Program executive officers

"(a) REQUIREMENTS.—Before being assigned to a position as a program executive officer, a person—

"(1) must have completed the program management course at the Defense Systems Management College or a management program at an accredited educational institution in the private sector determined to be comparable by the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition;

"(2) must have at least 10 years experience in an acquisition position, at least four of which were performed while assigned to a critical acquisition position; and

"(3) must have held a position as a program manager or a deputy program manager.

"(b) PROGRAM EXECUTIVE OFFICER DEFINED.—The term 'program executive officer' has the meaning given such term in regulations prescribed by the Secretary of Defense.

"§ 1745. General and flag officers and civilians serving in equivalent positions

"Before a general or flag officer, or a civilian serving in a position equivalent in grade to the grade of such an officer, may be assigned to a critical acquisition position, the person must have at least 10 years experience in an acquisition position, at least four of which were performed while assigned to a critical acquisition position.

"§ 1746. Senior contracting officials

"(a) REQUIREMENTS.—Before being assigned to a critical acquisition position as a senior contracting official, a person must have at least four years experience in contracting.

"(b) SENIOR CONTRACTING OFFICIAL DEFINED.—In this subchapter, the term 'senior contracting official' means a director of contracting, or a principal deputy of a director of contracting, serving in the Secretariats or Headquarters of the military departments and Defense Agencies, in the subordinate command headquarters, or in the major systems or logistics contracting activities in the Department of Defense.

"§ 1747. Career development

"(a) THREE-YEAR ASSIGNMENT PERIOD.—(1) The Secretary of each military department, acting through the service acquisition executive for that department, shall provide that any person who is assigned to a critical acquisition position, including a program manager or deputy program manager of a program other than a major defense acquisition program (as defined in section 1743(b) of this title), shall be assigned to the position for not fewer than three years. Except as provided in subsection (b), the Secretary concerned may not reassign a person from such an assignment before the end of the three-year period.

"(2) A person may not be assigned to a critical acquisition position unless the person executes a written agreement to remain on active duty (in the case of a member of the armed forces) or to remain in Federal service (in the case of an employee) in that position for at least three years. The service obligation contained in such a written agreement shall remain in effect unless and until waived by the Secretary concerned under subsection (b).

"(b) WAIVER OF ASSIGNMENT PERIOD.—(1) With respect to a person assigned to a critical acquisition position, the Secretary concerned may waive the prohibition on reassignment of that person in subsection (a)(1) and the service obligation in an agreement executed by that person under subsection (a)(2), but only in exceptional circumstances in which a waiver is necessary for one of the following reasons:

"(A) For cause or for poor performance.

"(B) To assign the person, after a promotion, to a new position (when a promotion in which the person remains in the same position would not be economical or practicable).

"(C) To suspend the person from active duty (in the case of a member of the armed forces).

"(D) To approve the retirement of the person or the release of the person from active duty (in the case of a member of the armed forces).

"(E) To approve a reassignment of the person for unusual personal reasons (including extreme hardship and medical conditions) beyond the control of the person and the Department of Defense or the military department concerned.

"(F) To meet critical needs of the Department of Defense.

"(2) The authority to grant such waivers may be delegated by the service acquisition executive only to the Director of Acquisition Personnel for the military department concerned.

"(3) With respect to each waiver granted under this subsection, the service acquisition executive (or his delegate) shall set forth in a written document the rationale for the decision to grant the waiver. The document shall be submitted to the Director of Acquisition Education, Training, and Career Development.

"(c) ROTATION POLICY.—(1) The Secretary of Defense shall establish a policy encouraging the rotation of members of the Acquisition Corps serving in critical acquisition positions to new assignments after serving in the position for five years, or, in the case of a program manager, until completion of a major program milestone, whichever is longer. Such rotation policy shall be designed to ensure opportunities for career broadening assignments and an infusion of new ideas into critical acquisition positions.

"(2) The Secretary of each military department, acting through the service acquisition executive for that department, shall establish a procedure under which the assignment of personnel to critical acquisition positions shall be reviewed on a case-by-case basis, by the acquisition career program board of the department concerned for the purpose of determining whether the Government and the individual would be better served by a reassignment to a different position. Such a review shall be carried out with respect to an individual in a critical acquisition position not later than five years after the individual is assigned to the position.

"(d) CENTRALIZED JOB REFERRAL SYSTEM.—In selecting civilian personnel for critical acquisition positions, the Secretary of the military department concerned shall select persons from a centralized list that covers the military department or the entire Department of Defense, and such persons shall be considered on the basis of their qualifications, without respect to their geographic location.

"(e) EXCHANGE PROGRAM.—(1) The Secretary of Defense shall establish, for purposes of broadening the experience of members of the Acquisition Corps, a test program in which members of the Corps serving in a military department or defense agency are assigned or detailed to an acquisition position in another department or agency. Under the test program, at least 5 percent of the members of the Acquisition Corps shall serve in such exchange assignments each year. The test program shall operate for not less than a period of three years.

"(2) The Secretary of Defense shall submit the portion of the test program applicable to civilian employees to the Director of the Office of Personnel Management for approval. If the Director does not disapprove that portion of the test program within 30 days after the date on which the Director receives it, that portion of the test program is deemed to be approved by the Director.

"(f) RESPONSIBILITY FOR ASSIGNMENTS.—The Secretary of each military department, acting through the service acquisition executive for that department, is responsible for making assignments of civilian and military members of the Acquisition Corps to critical acquisition positions.

"SUBCHAPTER V—EDUCATION AND TRAINING

"Sec.
"1761. Policies and programs: establishment and implementation.
"1762. Intern program.
"1763. Cooperative education program.
"1764. Scholarship program.
"1765. General provisions.
"1766. Defense acquisition university structure.

"§ 1761. Policies and programs: establishment and implementation

"(a) POLICIES.—The Secretary of Defense shall establish policies for the establishment and implementation of the education and training programs authorized by this subchapter.

"(b) FUNDING LEVELS.—The Under Secretary of Defense for Acquisition each year shall recommend to the Secretary of Defense the funding levels to be requested in the defense budget to implement the education and training programs under this subchapter. The Secretary of Defense shall set forth separately the funding levels requested for such programs in the Department of Defense budget justification documents submitted in support of the President's budget submitted to Congress under section 1105 of title 31.

"(c) PROGRAMS.—The Secretary of each military department, acting through the service acquisition executive for that department, shall establish and implement the education and training programs authorized by this subchapter. In carrying out such requirement, the Secretary concerned shall ensure that such programs are established and implemented throughout the military department concerned and, to the maximum extent practicable, uniformly with the programs of the other military departments.

"§ 1762. Intern program

"The Secretary of Defense shall require that each military department establish and implement an intern program in the military department concerned for purposes of providing highly qualified and talented individuals an opportunity for accelerated promotions, career broadening assignments, and specified training to prepare them for entry into the Acquisition Corps.

"§ 1763. Cooperative education program

"The Secretary of Defense shall require that the Secretary of each military department establish and implement a department-wide program under which the military department selects accredited educational institutions for purposes of entering into cooperative arrangements to provide educational credit to undergraduate students who are employed by the Department of Defense in an acquisition position.

"§ 1764. Scholarship program

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish a scholarship program for the purpose of qualifying personnel for acquisition positions in the Department of Defense.

"(b) ELIGIBILITY.—To be eligible to participate in the scholarship program, an individual must—

"(1) be accepted for enrollment or be currently enrolled as a full-time student at an accredited educational institution authorized to grant baccalaureate or graduate degrees (as appropriate);

"(2) be pursuing a course of education that leads toward completion of a bachelor's, master's, or doctor's degree (as appropriate) in a qualifying field of study, as determined by the Secretary of Defense;

"(3) sign an agreement described in subsection (c) under which the participant agrees to serve a period of obligated service in the Department of Defense in an acquisition position in return for payment of educational assistance as provided in the agreement; and

"(4) meet such other requirements as the Secretary prescribes, including the requirements described in section 1768 of this title.

"(c) AGREEMENT.—An agreement between the Secretary of Defense and a participant in the scholarship program established under this section shall be in writing, shall be signed by the participant, and shall include the following provisions:

"(1) The Secretary's agreement to provide the participant with educational assistance for a specified number (from one to four) of school years during which the participant is pursuing a course of education in a qualifying field of study. The assistance may include payment of tuition, fees, books, laboratory expenses, and a stipend.

"(2) The participant's agreement (A) to accept such educational assistance, (B) to maintain enrollment and attendance in the course of education until completed, (C) while enrolled in such course, to maintain an acceptable level of academic standing (as prescribed by the Secretary), and (D) after completion of the course of education, to serve as a full-time employee in an acquisition position in the Department of Defense for a period of time of one calendar year for each school year or part thereof for which the participant was provided a scholarship under the scholarship program.

"§ 1765. General provisions

"(a) REPAYMENT.—(1) Any person participating in a program established under section 1764 of this title shall agree to pay to the United States the total amount of educational assistance provided to the person under the program if the person is voluntarily separated from service or involuntarily separated for cause from the Department of Defense before the end of the period for which the person has agreed to continue in the service of the Department of Defense in an acquisition position.

"(2) If an employee fails to fulfill his agreement to pay to the Government the total amount of educational assistance provided to the person under the program, a sum equal to the amount of such educational assistance is recoverable by the Government from the employee or his estate by—

"(A) setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; and

"(B) such other method as is provided by law for the recovery of amounts owing to the Government.

"§1766. Defense acquisition university structure

"(a) ESTABLISHMENT OF STRUCTURE.—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall establish a structure for a defense acquisition university. The university structure shall provide for the following:

"(1) Operation under a charter developed by the Secretary of Defense.

"(2) Establishment of a university mission to achieve objectives formulated by the Secretary of Defense. Such objectives shall include—

"(A) the achievement of more efficient and effective use of available acquisition resources by coordinating Department of Defense acquisition education and training programs and tailoring them to support the careers of personnel in acquisition positions; and

"(B) the development of education, training, research, and publication capabilities in the area of acquisition.

"(3) Establishment of appropriate lines of authority (including relationships between the university and each of the existing acquisition education and training institutions and activities) and accountability for the accomplishment of the university mission (as established by the Secretary).

"(4) A coherent framework for the educational development of personnel in acquisition positions. Such framework shall cover courses of instruction from the basic level through intermediate and senior levels. At the senior level, the framework shall provide for a senior course as a substitute for, and equivalent to, existing senior professional military educational school courses, specifically designed for personnel serving in critical acquisition positions.

"(5) Appropriate organizations, such as a policy guidance council, composed of senior Department of Defense officials, to recommend or establish policy, and a board of visitors, composed of persons selected for their preeminence in the fields of academia, business, and the defense industry, to advise on organization management, curricula, methods of instruction, facilities, and other matters of interest to the university.

"(6) An appropriate centralized mechanism, under the Under Secretary of Defense for Acquisition, to control the allocation of resources for purposes of conducting mandatory acquisition courses and other training, education, and research activities to achieve the objectives of the university, such as funding for students to attend courses of instruction, funding to conduct the courses, and funding to pay instructor salaries.

"(b) CIVILIAN FACULTY MEMBERS.—(1) The Secretary of Defense may employ as many civilians as professors, instructors, and lecturers in the defense acquisition university structure as the Secretary considers necessary.

"(2) The compensation of persons employed under this subsection shall be as prescribed by the Secretary.

"(3) In this subsection, the term 'defense acquisition university' includes the Defense Systems Management College.

"SUBCHAPTER VI—GENERAL MANAGEMENT PROVISIONS

"Sec.
"1781. Management information system.
"1782. Limitation on credit for training or education.
"1783. Balanced workforce requirement.
"1784. Reports to Congress.

"§ 1781. Management information system

"The Secretary of Defense shall develop procedures to ensure that the military departments implement a management information system to provide standardized information to the Secretary on the qualifications of personnel serving in acquisition positions.

"§ 1782. Limitation on credit for training or education

"Not more than one year of a period of time spent pursuing a program of academic training or education in acquisition may be counted toward fulfilling any requirement established under this chapter for a certain period of experience.

"§ 1783. Balanced workforce requirement

"In exercising any authority under this chapter with respect to any civilian employees or applicants for employment, the Secretary of Defense or the Secretary of a military department (as applicable) shall, consistent with the merit system principles set forth in paragraphs (1) and (2) of section 2301(b) of title 5, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

"§ 1784. Reports to Congress

"(a) ANNUAL REPORT.—The Secretary of Defense shall include in the annual report of the Secretary to Congress under section 113(c) of this title, for the period covered by the report, the following information (which shall be shown for the Department of Defense as a whole and, with respect to paragraphs (1) through (12), separately for the Army, Navy, Air Force, Marine Corps, Defense Agencies, and Office of the Secretary of Defense):

"(1) The number of acquisition positions specified under the policy established under section 1724(c)(2) of this title as being available, as of December 1 of the period covered by the report, only to members of the armed forces, set forth separately under each criterion established in the policy, together with a discussion of the types of positions that are so specified.

"(2) The total number of persons serving in the Acquisition Corps as of December 1 of the period covered by the report, set forth separately for members of the armed forces and civilian employees, by grade level and by functional specialty.

"(3) The total number of critical acquisition positions held as of December 1 of the period covered by the report, set forth separately for members of the armed forces and civilian employees, by grade level and by functional specialty. Of such critical acquisition positions, the report shall include the number of principal positions in each acquisition organization (as specified by the Secretary of Defense) and the number of deputy or second-ranking positions in each such organization, set forth separately for members of the armed forces and civilian employees.

"(4)(A) The promotion rate for officers considered for promotion from within the promotion zone who are serving in acquisition positions, compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade, shown for all officers of the same armed force and for all line (or the equivalent) officers of the same armed force.

"(B) The promotion rate for officers considered for promotion from below the promotion zone who are serving in acquisition positions, compared in the same manner as specified in subparagraph (A).

"(C) If the promotion rates fail to meet the objective of section 1724(g) of this title, the Secretary of Defense shall notify Congress of such failures and of what actions the Secretary has taken or plans to take in reaction to such failures.

"(5) The number of employees who met the requirement of section 1723(a)(3) or section 1723(b) by passing an exam as described in section 1723(a)(3)(C) or section 1723(b)(3) (as appropriate), set forth separately by the requirements of each section.

"(6) The number of employees to whom the requirements of subsections (a)(2) and (a)(3) of section 1732 of this title did not apply because of the exceptions provided in paragraphs (1) and (2) of section 1732(b) of this title, set forth separately by type of exception.

"(7) The number of employees certified by an acquisiton career program board under section 1732(a)(2)(B).

"(8) The number of program managers and deputy program managers who were reassigned after completion of a major milestone occurring closest in time to the date on which the person has served in the position for four years (as required under section 1743 of this title), and the proportion of those reassignments to the total number of reassignments of program managers and deputy program managers, set forth separately for program managers and deputy program managers. The Secretary also shall include the average length of assignment served by program managers and deputy program managers so reassigned.

"(9) The number of persons, excluding those reported under paragraph (8), in critical acquisition positions who were reassigned after a period of three years or longer (as required under section 1747 of this title), and the proportion of those reassignments to the total number of reassignments of persons in critical acquisition positions.

"(10) The number of times a waiver authority was exercised under section 1723(d), 1732(c), 1742(c), 1743(c), or 1747(b) or any other provision of this chapter (or other provision of law) which permits the waiver of any requirement relating to the acquisition workforce, and in the case of each such authority, the reasons for exercising the authority. The Secretary may present the information provided under this paragraph by category or grouping of types of waivers and reasons.

"(11) The number of persons reviewed for reassignment pursuant to section 1747(c)(2) of this title and the number of persons reassigned as a result of such reviews, together with a discussion of the criteria used to determine reassignments.

"(12) The number of persons participating in each of the programs described in sections 1762 through 1764 of this title, as of December 1 of the period covered by the report.

"(13) The number of persons paid a bonus under section 317 of title 37 and the number of years of service contracted for, for each such bonus, by category.

"(14) Such other information and comparative data as the Secretary of Defense considers appropriate to demonstrate the performance of the Department of Defense and the performance of each military department in carrying out this chapter.

"(b) NOTIFICATION OF REVISIONS IN REGULATIONS.—At the same time that the Secretary of Defense submits to Congress the annual report under section 113(c) of this title, the Secretary shall submit to Congress a notification of revisions of any regulations (including directives) prescribed by the Secretary of Defense to implement this chapter during the period covered by the annual report, set forth by section or other identifying number of the regulation and by section number that the regulation relates to in this chapter.

"(c) WAIVER DOCUMENTS.—At the same time that the Secretary of Defense submits to Congress the annual report under section 113(c) of this title, the Secretary shall submit to Congress the waiver documents, in consolidated form, submitted to the Director of Acquisition Education, Training, and Career Development under sections 1723(d), 1732(c), 1743(c), and 1747(b) of this title during the period covered by the annual report.".

(b) CLERICAL AMENDMENT.—The tables of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part II of such subtitle are each amended by striking out the item relating to chapter 85 and inserting in lieu thereof the following:

"87. Defense Acquisition Workforce ..... 1701".

SEC. 903. SPECIAL PAY FOR CERTAIN OFFICERS HOLDING CRITICAL ACQUISITION POSITIONS.

(a) AUTHORITY FOR SPECIAL PAY.—(1) Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 317. Special pay: officers in critical acquisition positions extending period of active duty

"(a) BONUS AUTHORIZED.—An officer described in subsection (b) who executes a written agreement to remain on active duty in a critical acquisition position for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

"(b) COVERED OFFICERS.—An officer referred to in subsection (a) is an officer of the Army, Navy, Air Force, or Marine Corps who—

"(1) is a member of the Acquisition Corps selected to serve in, or serving in, a critical acquisition position designated under section 1741 of title 10; and

"(2) is eligible to retire, or is assigned to such position for a period that will extend beyond the date on which the officer will be eligible to retire, under any provision of law.

"(c) AMOUNT OF BONUS.—The amount of a bonus paid under this section for each year a member agrees to remain on active duty may not be more than 15 percent of the annual rate of basic pay paid to the member at the time the member executes a written agreement under this section.

"(d) PAYMENT OF BONUS.—Upon the acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed and may be paid by the Secretary in either a lump sum or installments.

"(e) ADDITIONAL PAY.—A bonus paid under this section is in addition to other pay and allowances to which an officer is entitled.

"(f) REPAYMENT OF BONUS.—If an officer who has entered into a written agreement under subsection (a) and who has received all or part of a bonus under this section fails to complete the total period of active duty specified in the agreement, the Secretary concerned may require the officer to repay

the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owned to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1). This paragraph applies to any case commenced under title 11 after January 1, 1991.

"(g) PERIOD OF COMMITMENT.—The period of active duty agreed upon by an officer in a written agreement under this section is in addition to any other service commitment of the officer, except that any period of active duty agreed upon in a written agreement under section 1743 or 1747 of title 10 by the officer may be counted concurrently with the commitment under this section.

"(h) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"317. Special pay: officers in critical acquisition positions extending period of active duty.".

(b) EFFECTIVE DATE.—Section 317 of title 37, United States Code, as added by subsection (a), shall take effect on October 1, 1990.

SEC. 904. DEFINITION OF SERVICE ACQUISITION EXECUTIVE.

Section 101 of title 10, United States Code, is amended by adding at the end the following:

"(46) The term 'service acquisition executive' means the civilian official within a military department who is designated as the service acquisition executive for purposes of regulations and procedures providing for a service acquisition executive for that military department.".

SEC. 905. TRANSITION PROVISIONS.

(a) LEVEL OF DIRECTOR OF ACQUISITION CAREER MANAGEMENT.—Effective during the three-year period beginning on the date of the enactment of this Act, the position of Director of Acquisition Career Management (as established by section 1705 of title 10, United States Code, as added by section 902), may be held only by—

(1) a civilian employee in a position in the civil service the rate of pay for which is equal to or greater than the rate of basic pay payable for positions in level V of the Executive Schedule; or

(2) an officer serving in the grade of major general or rear admiral.

(b) DEADLINE FOR DESIGNATION OF ACQUISITION POSITIONS.—The designation of acquisition positions required by subchapter II of chapter 87 of title 10, United States Code (as added by section 902) shall be made by the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, not later than 180 days after the date of the enactment of this Act.

(c) MILITARY POSITIONS POLICY DEADLINE AND REVIEW REQUIREMENT.—(1) The policy required by paragraph (2) of section 1724(c) of title 10, United States Code (as added by section 902), shall be established by the Secretary of Defense not later than 180 days after the date of the enactment of this Act.

(2) The Secretary of Defense shall conduct a review of all acquisition positions to determine, under the criteria established in such policy, which positions should be specified as available only for military members under such policy. The review shall be completed not later than one year after the date of the enactment of this Act.

(d) ASSIGNMENTS POLICY DEADLINE.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish, and require commencement of implementation of, an assignments policy pursuant to section 1724(f) of title 10, United States Code (as added by section 902).

(e) EFFECTIVE DATE FOR REQUIREMENT FOR CORPS MEMBERS TO FILL CRITICAL ACQUISITION POSITIONS.—(1) Subsection (a) of section 1741 of title 10, United States Code (as added by section 902), shall take effect three years after the date of the enactment of this Act.

(2) Notwithstanding paragraph (1), the Secretaries of the military departments shall make every effort to fill critical acquisition positions by Acquisition Corps members as soon as possible after the date of the enactment of this Act. For each of the first three years after the date of the enactment of this Act, the Secretary of Defense shall include, in the material included in the Secretary's annual report pursuant to section 1784(a) of title 10, United States Code (as added by section 902), the number of critical acquisition positions filled by Acquisition Corps members.

(f) PUBLICATION OF LIST OF CRITICAL ACQUISITION POSITIONS.—The Secretary of Defense shall publish the first list of positions designated as critical acquisition positions under section 1741(b) of title 10, United States Code (as added by section 902), not later than 18 months after the date of the enactment of this Act.

(g) IMPLEMENTATION OF DEFENSE ACQUISITION UNIVERSITY STRUCTURE.—Not later than six months after the date of the enactment of this Act, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall submit to the Committees on Armed Services of the Senate and House of Representatives an implementation plan, including a charter, for the defense acquisition university structure required under section 1766 of title 10, United States Code (as added by section 902). Not later than one year after such date, the Secretary of Defense shall carry out the implementation plan.

(h) EFFECTIVE DATE AND CONFORMING AMENDMENT FOR CIVILIAN FACULTY AUTHORITY FOR DSMC.—(1) Subsection (b) of section 1766 of title 10, United States Code (as added by section 902), shall take effect with respect to the Defense Systems Management College on the date of the enactment of this Act.

(2) Section 5102(c)(10) of title 5, United States Code, is amended—

(A) by striking out "and" before "the Academic Dean"; and

(B) by adding after the last semicolon the following: "civilian professors, instructors, and lecturers in the defense acquisition university structure (including the Defense Systems Management College) whose pay is fixed under section 1766(b) of title 10;".

(i) CREDIT FOR EXPERIENCE IN CERTAIN POSITIONS.—For purposes of meeting any requirement under chapter 87 of title 10, United States Code (as added by section 902), for a period of experience (such as requirements for experience in acquisition positions or in critical acquisition positions) and for purposes of coverage under the exceptions established by sections 1723(c)(1) and section 1732(b)(1) of such chapter, any period of time spent serving in a position later designated as an acquisition position or a critical acquisition position under such chapter may be counted as experience in such a position for such purposes.

(j) TRANSITION PROVISION FOR REPORT REQUIREMENT.—For each of the first three years after the date of the enactment of this Act, the Secretary of Defense shall include in the material required under section 1784(a) of title 10, United States Code (as added by section 902), as much information as is available with respect to requirements that have not yet taken effect as of the date of the report.

SEC. 906. REPEAL OF CERTAIN PROVISIONS.

(a) ASSIGNMENT OF CONTRACTING OFFICERS.—Section 925 of the Department of Defense Authorization Act, 1986 (10 U.S.C. 2304 note) is hereby repealed.

(b) TOUR OF DUTY OF PROGRAM MANAGERS.—Subsection (c) of section 2435 of title 10, United States Code, is repealed, effective on the effective date of this Act.

SEC. 907. EVALUATION BY COMPTROLLER GENERAL.

The Comptroller General shall conduct an independent evaluation of the actions taken by the Secretary of Defense to carry out the requirements of this Act and the amendments made by this Act. Not later than two years after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the evaluation required by this subsection. Such report shall include—

(1) an analysis of the effectiveness of the actions taken by the Secretary to carry out the requirements of this Act and the amendments made by this Act; and

(2) such legislative and administrative recommendations as the Comptroller General considers appropriate to meet the objectives of this Act and the amendments made by this Act.

SEC. 908. REGULATIONS.

Unless otherwise provided in this Act, the Secretary of Defense shall promulgate regulations to implement this Act and the amendments made by this Act not later than one year after the date of the enactment of this Act.

SEC. 909. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in subsection (b) and in this Act, this Act and the amendments made by this Act, including chapter 87 of title 10, United States Code (as added by section 902), shall take effect on the date of the enactment of this Act.

(b) EDUCATION, TRAINING, AND EXPERIENCE REQUIREMENTS.—Sections 1722 and 1723 of title 10, United States Code (as added by section 902), shall take effect three years after the date of the enactment of this Act.

Mr. MAVROULES. Mr. Chairman, at this point I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. MAVROULES. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. MAVROULES. Mr. Chairman, I ask if parliamentarily we could move to the Gilman amendment at this point?

The CHAIRMAN pro tempore. If the gentleman reserves his time, yes, we can so move.

Is there an agreement by the gentleman from Kentucky to this procedure?

Mr. HOPKINS. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. Then the Chair now recognizes the gentleman from New York [Mr. GILMAN].

AMENDMENT OFFERED BY MR. GILMAN TO THE AMENDMENT OFFERED BY MR. MAVROULES

Mr. GILMAN. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The Clerk will designate the amendment to the amendment.

The text of the amendment to the amendment is as follows:

Amendment offered by Mr. GILMAN to the amendment offered by Mr. MAVROULES:

After section 905 (page 55, after line 18), insert the following new section 906:

SEC. 906. DEGREE TRAINING AND REPAYMENT OF STUDENT LOANS.

(a) DEGREE TRAINING.—Chapter 41 of title 5, United States Code, is amended—

(1) in section 4107(c), by striking "This" and inserting "Except as provided in subsection (d), this"; and

(2) by inserting after section 4107(c) the following:

"(d)(1) The regulations prescribed under section 4118 shall include provisions under which an agency may provide training, or payment or reimbursement for the costs of any training, not otherwise allowable under subsection (c), if necessary to assist in the recruitment or retention of employees in occupations in which the Government has or anticipates a shortage of qualified personnel, especially in occupations involving critical skills (as defined under such regulations).

"(2) In exercising any authority under this subsection, an agency shall, consistent with the merit system principles set forth in paragraphs (1) and (2) of section 2301(b), take into consideration the need to maintain a balanced workforce in which woman and members of racial and ethnic minority groups are appropriately represented in Government service.

"(3) No authority under this subsection may be exercised on behalf of any employee occupying or seeking to qualify for any position which is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character.".

"(b) REPAYMENT OF STUDENT LOANS.—(1) Chapter 53 of title 5, United States Code, is amended by adding after section 5375 the following:

"§ 5376. Student loan repayments

"(a)(1) For the purpose of this section—

"(A) the term 'agency' means an agency under subparagraph (A), (B), (C), (D), or (E) of section 4101(1); and

"(B) term 'student loan' means—

"(i) a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965;

"(ii) a loan made under part E of title IV of the Higher Education Act of 1965; and

"(iii) a health education assistance loan made or insured under part C of title VII of the Public Health Service Act or under part B of title VIII of such Act.

"(2) An employee shall be ineligible for benefits under this section if such employee occupies a position which—

"(A) is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character; or

"(B) is not subject to subchapter III.

"(b)(1) The head of an agency may in order to recruit or retain highly qualified professional, technical, or administrative personnel, establish a program under which the agency may agree to repay (by direct payments on behalf of the employee) any student loan previously taken out by such employees.

"(2) Payments under this section shall be made subject to such terms, limitations, or conditions as may be mutually agreed to by the agency and employee concerned, except that the amount paid by an agency under this section may not exceed—

"(A) $6,000 for any employee in any calendar year; or

"(B) a total of $40,000 in the case of any employee.

"(3) Nothing in this section shall be considered to authorize an agency to pay any amount to reimburse an employee for any repayments made by such employee prior to the agency's entering into an agreement under this section with such employee.

"(c)(1) An employee selected to receive benefits under this section must agree in writing, before receiving any such benefit, that the employee will—

"(A) remain in the service of the agency for a period specified in the agreement (not less than 3 years), unless involuntarily separated; and

"(B) if separated involuntarily on account of misconduct, or voluntarily, before the end of the period specified in the agreement, repay to the Government the amount of any benefits received by such employee from that agency under this section.

"(2) The payment agreed to under paragraph (1)(B) may not be required of an employee who leaves the service of such employee's agency voluntarily to enter into the service of any other agency unless the head of the agency that authorized the benefits notifies the employee before the effective date of such employee's entrance into the service of the other agency that payment will be required under this subsection.

"(3) If an employee who is involuntarily separated on account of misconduct or who (excluding any employee relieved of liability under paragraph (2)) is voluntarily separated before completing the required period of service fails to repay the amount agreed to under paragraph (1)(B), a sum equal to the amount of outstanding is recoverable by the Government from the employee (or such employee's estate, if applicable) by—

"(A) setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; and

"(B) such other method as is provided by law for the recovery of amounts owing to the Government.

The head of the agency concerned may waive, in whole or in part, a right of recovery under this subsection if it is shown that recovery would be against equity and good conscience or against the public interest.

"(4) Any amount repaid by, or recovered from, an individual (or an estate) under this subsection shall be credited to the account from which the amount involved was originally paid.

"(d) An employee receiving benefits under this section from an agency shall be ineligible for continued benefits from such agency if the employee—

"(1) separates from such agency; or

"(2) does not maintain an acceptable level of performance, as determined under standards and procedures which the agency head shall by regulation prescribe.

"(e) In selecting employees to receive benefits under this section, an agency shall, consistent with the merit system principles set forth in paragraphs (1) and (2) of section 2301(b), take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

"(f) Any benefit under this section shall be in addition to basic pay and any other form of compensation otherwise payable to the employee involved.

"(g) The Office of Personnel Management, after consultation with a representative number and variety of agencies and any other consultation which the Office considers appropriate, shall prescribe regulations containing such standards and requirements as the Office considers necessary to provide for reasonable uniformity among programs under this section.".

(2) The table of sections for chapter 53 of title 5, United States Code, is amended by adding after the item relating to section 5375 the following:

"5376. Student loan repayments.".

[Conforming amendment:] Redesignate sections 906, 907, 908, and 909 as sections 907, 908, 909, and 910, respectively.

[Conforming amendment:] In sections 908 and 909 (as redesignated), after "and the amendments made by this Act" insert "(other than the amendments made by section 906)" each place it appears (page 56, lines 4 and 5, 12, 16, and 20).

In the matter proposed to be added by section 902, insert after section 1764 (page 38, after line 20) the following new section:

"§ 1765. Additional education and training programs available to acquisition personnel.

"(a) TUITION REIMBURSEMENT AND TRAINING.—The Secretary of Defense shall provide for tuition reimbursement and training (including a full-time course of study leading to a degree) under section 4107(d) of title 5 for acquisition personnel in the Department of Defense for the purposes described in that section. For purposes of such section 4107(d), there is deemed to be, during the 10-year period beginning on the date of the enactment of the Defense Acquisition Workforce Improvement Act, shortage of qualified personnel to serve in acquisition positions in the Department of Defense.

"(b) REPAYMENT OF STUDENT LOANS.—The Secretary of Defense may repay all of part of a student loan under section 5376 to title 5 for an employee of the Department of Defense appointed to an acquisition position.

[Conforming amendments:] In the matter proposed to be inserted by section 902:

(1) Redesignate sections 1765 and 1766 as sections 1766 and 1767, respectively.

(2) In the table of sections at the beginning of subchapter V (page 35; after line 4), strike out the items relating to sections 1765 and 1766 and insert in lieu thereof the following:

"1765. Additional education and training programs available to acquisition personnel.
"1766. General provisions.
"1767. Defense acquistion university structure.

(3) In paragraph (12) of section 1784 (page 46, line 25), strike out "1764" and insert in lieu thereof "1765".

[Conforming amendment:] In subsections (g) and (h) of section 905, strike out "section 1766" and insert in lieu thereof "section 1767" each place it appears (page 54, lines 8, 14, and 15).

Mr. GILMAN. Mr. Chairman, under the rule, I offer this amendment as a perfecting amendment to the gentleman's amendment.

Mr. Chairman, as the original sponsor of H.R. 2544, the amendment which I am offering today comprises the test of H.R. 2544, the Public Service Education Assistance Act of 1990, as reported by the committee of jurisdiction, the Committee on Post Office and Civil Service. The amendment is designed to supplement the Mavroules amendment and is the product of negotiations between the principals of the committees of jurisdiction.

Inclusion of this measure as an amendment to the Department of Defense authorization bill is in no way intended to detract from the jurisdiction which the Committee on Post Office and Civil Service has under House rule X, clause 1(1) concerning the subject matter of the legislation as it pertains to civilian employees of the Federal Government.

Mr. Chairman, the purpose of this measure is to make the Federal Government the employer of first choice for many of our Nation's college graduates. The amendment enhances Government recuriting and retention efforts by: First, removing the ban on Federal agencies funding degree training expenses for current Federal employees, and second, allowing Federal agencies to repay all or part of a Federal student loan of a potential college recruit in exchange for a specified period of Government service.

Last year, the Committee on Post Office and Civil Service held a series of hearings on the recommendations submitted by the Commission on the Public Service. In drafting this measure, I intended to incorporate several of those recommendations aimed at increasing our recruiting and retention efforts of our civil service employees. This amendment represents a first of a series of legislative initiatives aimed at implementing those recommendations.

Today, the Federal Government finds itself at a severe competitive disadvantage when it comes to recruiting and retaining highly trained and marketable employees. While the Committee on Post Office and Civil Service has approved a comprehensive pay reform package, the legislation before us serves as one tool the Federal Government presently could use to enhance its career attractiveness to college graduates and employees.

I commend the Office of Personnel Management for its foresight in proposing the initiative regarding tuition assistance for Federal employees. In addition, I am indebted to my good friends and colleagues, the gentleman from Alaska, Senator TED STEVENS, and the gentleman from Arkansas, Senator DAVID PRYOR, for their efforts in formulating provisions affecting student loan repayments. I also want to thank the National Commission on the Public Service for its letter of support for the legislation.

Mr. Chairman, I will insert in the RECORD at this time a letter of support for the former H.R. 2544 issued from the former Volcker Commission.

THE NATIONAL COMMISSION ON THE PUBLIC SERVICE, PUBLIC SERVICE LIAISON COMMITTEE,
Washington, DC, February 13, 1990.

Hon. BENJAMIN GILMAN,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN GILMAN: I understand that the House will soon be considering legislation that you are sponsoring that would allow for repayment by agencies of the federal government of student loans in order to assist in the recruitment and retention of employees in shortage or critical occupations.

The Volcker Commission welcomes this indication that Congress shares one of the Commission's concerns; i.e., that not enough of the ablest of our young people today are prepared to consider careers in government. If that concern is justified, and we think it is, then the country faces a serious problem in the years ahead.

There appear to be a variety of reasons for this state of affairs. But prominent among them is the disparity in entry level salaries between the private sector and that of government, combined with the need facing students to repay student loans at career choice time. This situation is particularly true among skills held by certain technical and administrative personnel, and it is in this area where the needs of government are particularly acute, and will inevitably become more so in the years ahead as demographic trends result in a declining overall work pool.

The legislation that the House will shortly consider is thus an important step forward in the larger challenge of ensuring that the services of government in the years ahead are performed by personnel of the highest competence. The nation deserves no less.

Sincerely,

L. BRUCE LAINGEN,
Executive Director.

Mr. Chairman, this amendment represents a first step toward addressing the myriad problems confronting the Federal Government recruiting and retention efforts. It is not intended to correct the problems alone; rather, this measure can serve as one of several tools available for Federal agencies to use in improving their competitive advantage in attracting highly trained and skilled employees.

I emphasize that the provisions contained in this amendment are intended to be applied systemwide to all Federal agencies. In addition, the legislation does not authorize any new funds to pay for these programs. Rather, any funds needed to implement these programs must come from agency salary and expense accounts. Agencies are expected to use these tools in a cost efficient manner since no new funds have been authorized.

To further clarify legislative intent, please refer to the report filed with H.R. 2544, House Report 101-402.

Mr. Chairman, I would like to thank my colleagues, the gentleman from Massachusetts, Mr. MAVROULES, the gentleman from Kentucky, Mr. HOPKINS, and Committee on Post Office and Civil Service Members Mr. SIKORSKI of Minnesota and Mr. MCCLOSKEY of Indiana for their cooperation in working toward agreement on this measure. In addition, I thank the chairman of the House Armed Services Committee, Mr. ASPIN, and the committee's ranking minority member, Mr. DICKINSON, for their cooperation and support on this amendment. I am pleased to note that jurisdictional disputes did not stand in the way of a good measure being enacted into law.

Accordingly, I invite and urge all my colleagues to support my efforts aimed at strengthening the Federal Government's recruiting and retention efforts by joining me in support of this measure.

□ 1620

The CHAIRMAN pro tempore (Mr. DURBIN). Under the rule, there is 5 minutes reserved to any Member opposed to the amendment offered by the gentleman from New York [Mr. GILMAN]. Does anyone seek recognition for that purpose?

Mr. MAVROULES. Mr. Chairman, I am not opposed to it, but would I be allowed under the rule to make a statement in support of the amendment?

The CHAIRMAN pro tempore. The gentleman from New York [Mr. GILMAN] has 2 minutes remaining in support of his amendment, and, if the gentleman from New York cares to yield his time, the gentleman from Massachusetts [Mr. MAVROULES] can speak in support of it.

Mr. GILMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Chairman, I thank the gentleman from New York [Mr. GILMAN] for yielding time to me.

I rise in support of the gentleman from New York's amendment and commend him for his valuable contribution and cooperation. As a proponent of the measure being amended, I

want to say that it is with pleasure that we accept the gentleman's amendment.

The Gilman amendment rounds out our defense acquisition work force proposal by providing essential statutory authority for agency heads to pay or reimburse employees for the cost of degree training and education.

Additionally, in providing the authority for the Government to repay federally supported student loans, this amendment would grant the Defense Department the needed tools to recruit and retain the high quality personnel required to make the new acquisition work force work.

Mr. Chairman, the Gilman amendment and many of the provisions in the Mavroules-Hopkins amendment resulted from the extensive consultations between the Armed Services Committee and the Post Office and Civil Service Committee. I take this opportunity to once again express my appreciation for the cooperative manner in which Mr. FORD, Mr. GILMAN, Mr. SIKORSKI, and Mrs. MORELLA considered our legislation and worked with us hand-in-glove to bring it to the floor during this session.

I should also mention, Mr. Chairman, that the pay reform initiative contained in H.R. 3979, as proposed by the Post Office and Civil Service Committee, is an essential element of our defense acquisition work force package, one which we did not address in the expectation that it will be covered in the expected pay reform bill.

In closing, I thank Mr. GILMAN for his contribution and support and urge the House to adopt the Gilman amendment as an important and integral component of the Defense Acquisition Improvement Act.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from Massachusetts [Mr. MAVROULES] for his kind support of the amendment.

Mr. HOPKINS. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Kentucky.

Mr. HOPKINS. Mr. Chairman, I associate myself with the remarks just made by the gentleman from Massachusetts and join him in supporting and accepting the Gilman perfecting amendment to the Mavroules-Hopkins amendment.

Mr. GILMAN has ably explained the contents of his amendment so I won't attempt to expand or improve on his presentation.

However, for the record, I want to point out that the Defense Department does not object to the Gilman amendment and considers it an important tool in enhancing their ability to recruit and keep essential qualified personnel.

I also want the record to reflect the fact that both the Gilman and the Mavroules-Hopkins amendments do not authorize any additional funds. Although they provide the authority to expand the scope of existing education programs, agencies must come up with the money to fund these expanded programs from within their existing budget.

Mr. Chairman, I thank the gentleman from New York for his valuable work in this area and urge the adoption of his amendment.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from Kentucky [Mr. HOPKINS] for his kind supporting remarks, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment of the gentleman from New York [Mr. GILMAN] to the amendment offered by the gentleman from Massachusetts [Mr. MAVROULES].

The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Massachusetts [Mr. MAVROULES] in support of his amendment, as amended.

PARLIAMENTARY INQUIRY

Mr. MAVROULES. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. MAVROULES. Mr. Chairman, on my amendment how much time am I given?

The CHAIRMAN pro tempore. Five minutes under the rule.

Mr. MAVROULES. And also 5 minutes for the gentleman from Kentucky [Mr. HOPKINS]?

The CHAIRMAN pro tempore. The rule reserves 5 minutes for any Member in opposition to the amendment as well.

Mr. MAVROULES. In opposition?

The CHAIRMAN pro tempore. The gentleman from Massachusetts [Mr. MAVROULES] is correct.

Mr. MAVROULES. Mr. Chairman, my amendment establishes a Defense Department program to improve the quality and professionalism of the defense acquisition work force. I have already discussed why this legislation is needed and the process through which it was developed. Let me briefly summarize its highlights.

This legislation provides the framework for developing a work force with the skills and attributes required to manage the defense acquisition process. Under this legislation, the department identify the defense acquisition work force; establish a leadership cadre by creating an Acquisition Corps in each military department and the defense agencies; identify "critical acquisition positions;" and establish certain minimum education, training and experience requirements for these personnel and positions. The amendment aims to increase the number of civilians in critical acquisition positions and the tenure of persons in critical acquisition positions. It also requires that the Defense Department implement improvements in defense acquisition education and training programs.

My colleagues and I who have developed this landmark legislation urge you to join with us in adopting the Defense Acquisition Workforce Improvement Act and setting into motion an acquisition reform initiative which will finally address the most important element within the defense acquisition system—the people who must make it work.

Mr. HOPKINS. Mr. Chairman, will the gentleman yield?

Mr. MAVROULES. I yield to my friend and colleague, the gentleman from Kentucky.

Mr. HOPKINS. Mr. Chairman, I thank the gentleman from Massachusetts [Mr. MAVROULES] for yielding.

Mr. Chairman, we are obviously in support of this legislation. I merely want to commend the chairman for the very hard work that he has performed over many, many years in trying to correct the situation that all of us knew needed to be corrected.

Mr. MAVROULES. Mr. Chairman, I thank the gentleman from Kentucky [Mr. HOPKINS].

Finally, Mr. Chairman, I would like to thank all my staff for their work on this proposal and the 776-page report they developed. And I would like to thank especially two staff members who are not permanent members of the Armed Services Committee: first, Dr. Jim Edgar, an American Political Science fellow who was on loan to the committee for over a year from the Air Force; and second, Mrs. Julia Denman, on detail from the General Accounting Office for the past year. They both worked extremely hard on both the report and recommendations and I thank them sincerely for their efforts.

Ms. SLAUGHTER of New York. Mr. Chairman, I rise today to comment on the spare parts procurement debate and to commend the chairman of the Subcommittee on Investigation for this interest and his efforts in this area.

Two years ago, in the last Congress, I introduced H.R. 5229, a bill to revise certain Government procedures with respect to contracts for the procurement of spare parts in order to reduce Federal procurement costs and to improve the ability of small businesses to compete for such contracts. Again in the 101st Congress, I have reintroduced this legislation, H.R. 1111, the Competition in Government Spare Parts Procurement Act, to continue these efforts.

The Competition in Government Spare Parts Act is designed to broaden the industrial base by increasing competition in the procure-

ment of DOD spare parts. H.R. 1111 breaks down the barriers to competition by ensuring potential suppliers have access to technical data and by beefing up the numbers, training, and education of competition advocacy employees. In order to assure a level playing field for small businesses, the amendment would also tighten up enforcement of the Regulatory Flexibility Act and ends current anticompetitive abuses of contract aggregation, qualification requirements, and source approval standards.

H.R. 1111 is designed to increase competiton in defense procurement, and improve the ability of small businesses to compete for Government contacts, particularly for spare parts. The bill specifically addresses several areas which currently hinder small business from more extensive involvement in the procurement process. By increasing small business participation, this legislation will save money, strengthen our industrial base, and create a more efficient and effective procurement system.

Although the last several years have seen numerous efforts to reform the procurement process, the gains made in 1984 and 1986 have been whittled away. Noncompetitive practices and the domination by large corporations still characterizes the defense procurement process. We can no longer afford the luxury of expanding and open ended defense spending.

The debate over proprietary rights to technical data, and the efficacy of sole source contracting as opposed to increased competition, is not one that is easily settled. Balancing contractors rights to data against the demand for reform caused by the fraudulent abuses associated with sole source contracting is not easy. On March 15 of this year, Chairman MAVROULES held a hearing on H.R. 1111, providing an opportunity for me to testify, along with representatives of industry and the Defense Department.

Largely as a result of this hearing, as well as of the threat of a legislative settlement of the technical data rights debate—which has proven to be the most contentious section of the bill—a coalition of industry representatives involved in Federal contracting have developed a set of recommendations for improving the Department of Defense regulations on technology and technical data.

This group includes: The Aerospace Industries Association [AIA], the National Tooling and Machining Association [NTMA], the Proprietary Industries Association [PIA], the Electronics Industries Association [EIA], and others. The actual agreement is one of principle, and contains five main points which attempt to define the rights to data, while ensuring adequate access to data for all parties concerned.

Specifically, the industry agreement states that Government procurement policies should be based on the following precepts: First, technology development should be encouraged; second, commercial products should be acquired whenever practicable and the Government should have no greater rights in the deliverable technical data than a commercial customer; third, competition should be pursued whenever practicable; fourth, contractor rights in technology are a property right and should not be acquired without a fair and reasonable compensation; and fifth, where Government owns data, such data, for purposes of reprocurement, should be provided in a timely manner.

Furthermore, the group holds that improvements are needed both in the protection of contractors' rights in technology and in the timely availability of deliverable technical data needed for reprocurement. It is further held that both improvements can be accomplished without one impinging upon the other. These are the two questions concerning the "rights to data" and "access to data." To increase competition, access to data needs to be facilitated. The problem is how this relates to an organization's rights to data, particularly in a system notorious for mislabling as proprietary, data which is not.

These recommendations were transmitted to the Department of Defense—a copy of the full text is submitted for the record—and discussions with the industry group and the DOD are continuing. There obviously remain areas of dispute, and questions over the implementation of these principles; but it is my hope that with continued pressure from Congress for a negotiated settlement, that a mutually acceptable agreement on providing access to technical data can be obtained and implemented. Providing such access could do much to increasing competition and lowering costs. Again, it remains unclear whether or not such an arrangement can be achieved.

Regarding the other elements of H.R. 1111, the Armed Services Committee, at my request, has asked the General Accounting Office to provide a study on, first, the technical data repository system, and second, the feasibility of requiring the Department of Defense [DOD] to accept Federal Aviation Administration [FAA] certification on commercial parts which are procured by DOD, unless otherwise designated. Such procedures are common practice in NATO countries, and would increase competition in the procurement of spare parts by the Federal Government.

There remain outstanding problems, and the issues raised by H.R. 1111 are far from resolved. Streamlining a cumbersome and overly bureaucratic procurement process does not end with the debate over the rights to technical data. Eliminating the aggregation of contracts, source approval standards or other barriers to competition are all necessary and legitimate provisions of this legislation. However, with the continued efforts of the committee, the Congressional Military Reform Caucus, the industry representatives, the DOD and other concerned parties, I feel we can make great progress in improving our defense procurement process.

Again, I would like to thank Chairman MAVROULES, the Armed Services Committee and its staff for their efforts in this area. I look forward to the conclusion of the GAO studies, and to working with the committee next year on these issues.

UNITED TECHNOLOGIES,
Hartford, CT, April 3, 1990.

MS. ELEANOR SPECTOR,
The Pentagon,
Washington, DC

DEAR MS. SPECTOR: In our December 14, 1989 meeting, you asked industry representatives to coordinate their activities in establishing a unified set of recommendations on how to deal with the long-standing issue of technical data. I agreed to coordinate that overall industry effort.

We established an industry team with representatives from Aerospace Industries Association, the Proprietary Industries Association (PIA), Electronic Industries Association (EIA), National Tooling and Machining Association (NTMA), Council of Defense and Space Industry Association (CODSIA), and National Security Industrial Association (NSIA). In an atmosphere of mutual trust and understanding, the team undertook an aggressive effort to identify, work and resolve the issues that caused us to be fragmented. Attached is the Unified Defense Industry Recommendations for Improving the DoD Regulation on Technology and Technical Data.

We fully recognize that our effort thus far is only the first major milestone toward achieving a fair and balanced regulation which could represent a lasting solution to this issue. However, we fully believe that can be achieved and stand ready to work with you to find a fair solution.

We believe the process that industry has pursued over the past 3½ months in resolving its differences is evident in the product that we offer as our recommendation. We further believe that continuing the same process with DoD involvement could enable us to jointly achieve the next major milestone: a set of unified DoD/industry recommendations. Following that accomplishment and with continuing executive level attention and guidance, we should be able to work together to gain any necessary legislative changes. The ultimate objective of developing a concise, fair, workable and understandable regulation can then be accomplished.

We commend you for your initiative to bring industry together on this issue and believe that it forms the basis for us to work with you on issues of mutual interest in the future. We look forward to your response and are committed to working this issue to a fair conclusion.

Sincerely

ARTHUR E. WEGNER.

UNIFIED DEFENSE INDUSTRY RECOMMENDATIONS FOR IMPROVING DOD REGULATION ON TECHNOLOGY AND TECHNICAL DATA

(Note: Contract/contractor and subcontract/subcontractor can be used interchangeably in this document. Developer may mean contractor or subcontractor.)

INTRODUCTION

A committee of defense industry representatives, including members from the Aerospace Industries Association (AIA), Electronics Industries Association (EIA), the Proprietary Industries Association (PIA), the Council of Defense and Space Industries Association (CODSIA), the National Tooling and Machining Association (NTMA) and the National Security Industrial Association (NSIA) have worked jointly to develop a set of unified industry recommendations for improving the DoD regulation on technology and technical data.

BACKGROUND

For the past five (5) years Government and industry have been working to resolve major differences in developing a fair and workable regulation on technology and technical data. Although progress was made during that period, the effort had reached an impasse with major issues still existing. Industry felt that executive level attention was essential for further progress. Through a series of meetings involving DoD and industry executives, it was decided that industry should establish a set of unified recommendations for developing a fair, concise and workable regulation on technology and technical data.

Industry believes that the Government procurement policies should be based on the following precepts: (1) technology development should be encouraged because its incorporation into vital defense systems is essential to national security; (2) commercial products and their modifications should be acquired whenever practicable and the Government should have no greater rights in the deliverable technical data than a commercial customer; (3) competition should be pursued whenever it facilitates the national security and is economically practicable; (4) contractor rights in technology are a property right and should not be acquired without a fair and reasonable compensation and (5) where the Government has acquired the rights to deliverable reprocurement technical data and pursues competition using that data, the Government should provide timely access to all potential suppliers who wish to compete for that reprocurement requirement. However, industry does not believe these precepts have been achieved by the present policies and regulations.

Improvements are needed both in the protection of contractors' rights in technology and in the timely availability of deliverable technical data needed for reprocurement. Both improvements can be accomplished without one impinging upon the other. Without such improvements, contractors will be discouraged from making future investments in technology for defense application and frustration will continue relative to limited competitive spare parts reprocurements.

Progress in working these issues can be made if it is first recognized that problems resulting from past contracting practices and from deficiencies in the Government repositories have inhibited effective competition due to lack of timely access and incompleteness of technical data which was not acquired generally for the purpose of competitive reprocurement.

Inudstry feels that we can build on the lessons learned from the current situation and that meaningful progress can be made in resolving the technology and technical data issues if they are dealth with first as business issues, then framed by legal considerations. Improved regulation must be founded in law, be fair to all parties involved, utilize the latest tools and concepts available to satisfy the requirements, recognize the impact that contract-enabling documents (DoD directives, specifications and standards) have on the data requirements and be developed as a cooperative effort by Government and industry in an atmosphere of mutual trust.

RECOMMENDATIONS

Industry believes that there are three separate but related issues: (1) rights in technology developed, (2) the acquisition of technical data when it is essential for Government needs, and (3) timely access to technical data which the Government has the right to use for competitive reprocurement purposes. Industry recommends that a fair, concise and workable regulation be developed which defines rights in technical data based on the concept of "technology developed at private expense" and "technology developed with direct Government funds". Since the rights issue is applicable to all Government procurements, we recommend that it be dealt with Government-wide through appropriate modifications to the current Federal Acquisition Regulation (FAR).

Relative to DoD needs for deliverable technical data for training, installation, operation and maintenance and relative to guidelines for contracting officers in satisfying the competitive reprocurement needs of the Government, including the timely access to technical data for reprocurement purposes, we recommend that those issues be dealth with in DoD FAR Supplements.

In pursuing this recommended apoproach, industry offers the following policy principles and is committed to work with DoD in resolving these long-standing issues.

RECOMMENDED POLICY PRINCIPLES

1. Rights in Technical Data—FAR Modifications As Appropriate:

Technology developed initially in performing a Government contract should be considered developed with direct Government funds provided the development is charged as a direct cost by the developer to the Government.

All technology developed under a contract with direct Government funds is the property of the developer, but subject to a Government royalty-free, non-exclusive license, including the right to license others for Government reprocurement purposes.

When both the Government and a contractor contribute to initial development of technology and it is impossible to separate technology developed at private expense, Government rights should be negotiated.

Technology other than that set forth above shall be considered technology developed at private expense.

Technology initially developed for and included in commercial products and their modifications shall be considered technology developed at private expense.

In order for a contractor to protect rights in technology developed at private expense, in whole or in part, the deliverable data depicting that technology should be marked with an appropriate restrictive legend.

The validity of markings applied to deliverable technical data may be challenged in a timely manner through the contracting officer except for: Data which was marked in accordance with a predetermined agreement between the contractor involved and the Government; or data relating to commercial products.

2. Guidelines for Procurement Officials in Acquiring Technical Data—DoD FAR Supplement;

The relinquishment of rights in privately developed technology shall not be a condition for being responsive to a solicitation or for a contract award.

The Government should specify its needs for deliverable technical data required for training, operation, installation and maintenance.

When the Government procures commercial products or modified commercial products, the contractor should be required to provide to the Government only that deliverable technical data, and with substantially the same rights as are normally delivered to its commercial customers.

When competitive reprocurement is deemed in the best interest of the Government and the Government does not have the right to use technical data for that reprocurement, the contracting officer shall consider alternative procurement techniques. Among these alternatives are: Form fit and function specification(s), licensing of new sources by the contractor, reverse engineering, purchase of rights in deliverable reprocurement technical data, and contracting for a transferable license to a reprocurement technical data package.

During contract performance, the design verification process should insure that the Government is not deprived of the use of deliverable technical data through inappropriate incorporation of technology developed at private expense for the purpose of limiting Government reprocurement rights.0

3. Guidelines for Procurement Officials in Assuring Effective Competition and Providing Timely Access to Reprocurement Technical Data—DoD FAR Supplement.

To enhance competition to the maximum practical extent, the Government should, as a part of procurement planning, make every reasonable effort to obtain and provide timely access to all deliverable reprocurement technical data which the Government has a right to make available, provided such action is cost effective and fully consistent with product quality and safety requirements.

Deliverable technical data in which the Government has a royalty-free, non-exclusive license shall be made accessible to potential suppliers of competitive reprocurement requirements in a timely way.

In new procurements where the Government is contracting for requirements which include delivery of technical data for the first time, the Government should have a policy for contracting with the developer to: (i) Serve as the repository for the deliverable technical data including the reprocurement technical data, and (ii) Provide the Government timely access to such repository data upon request by the Government.

Where the Government currently has in its repositories contractor developed and delivered technical data, which it has the right to use for reprocurement, but which do not meet the requirements for timely availability, and are not current, accurate, and complete for competitive reprocurement purposes, the Government should have a policy for contracting with the developer to: (i) Update the contractor developed data which was delivered under the contract to meet reprocurement requirements; and (ii) Serve as a repository for future Government access/need for such updated data.

4. Implementation:

At their discretion and without additional consideration, contractors should be allowed to follow the new regulation in existing contracts having earlier versions of the regulation published September 10, 1985, April 16, 1987, April 1, 1988, or October 28, 1988.

To the extent that revisions to existing law are required to remove obstacles to obtain a regulation implementing these guidelines, the DoD and industry will cooperate in seeking those revisions.

The DoD should establish a program of scheduled reviews addressing DoD's implementation and industry's compliance with the regulatory requirements established by these policy guidelines.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Massachusetts [Mr. MAVROULES] as amended.

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

RECORDED VOTE

Mr. MAVROULES. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 413, noes 1, not voting 18, as follows:

[Roll No. 321]

AYES—413

Ackerman	Crane	Hancock
Alexander	Crockett	Hansen
Anderson	Dannemeyer	Harris
Andrews	Darden	Hastert
Annunzio	Davis	Hatcher
Anthony	de la Garza	Hawkins
Applegate	DeFazio	Hayes (IL)
Archer	DeLay	Hayes (LA)
Armey	Dellums	Hefley
Aspin	Derrick	Hefner
Atkins	DeWine	Henry
Baker	Dickinson	Herger
Ballenger	Dicks	Hertel
Barnard	Dingell	Hiler
Bartlett	Dixon	Hoagland
Barton	Donnelly	Hochbrueckner
Bateman	Dorgan (ND)	Holloway
Bates	Dornan (CA)	Hopkins
Beilenson	Downey	Horton
Bennett	Dreier	Houghton
Bentley	Duncan	Hoyer
Bereuter	Durbin	Hubbard
Berman	Dwyer	Huckaby
Bevill	Dymally	Hughes
Bilbray	Dyson	Hunter
Bilirakis	Early	Hutto
Billey	Eckart	Hyde
Boehlert	Edwards (CA)	Inhofe
Boggs	Edwards (OK)	Ireland
Bonior	Emerson	Jacobs
Borski	English	James
Bosco	Erdreich	Jenkins
Boucher	Espy	Johnson (CT)
Boxer	Evans	Johnson (SD)
Brennan	Fascell	Johnston
Brooks	Fawell	Jones (GA)
Broomfield	Fazio	Jones (NC)
Browder	Feighan	Jontz
Brown (CA)	Fields	Kanjorski
Brown (CO)	Fish	Kaptur
Bruce	Flake	Kasich
Bryant	Foglietta	Kastenmeier
Buechner	Ford (MI)	Kennedy
Bunning	Ford (TN)	Kennelly
Burton	Frank	Kildee
Bustamante	Frenzel	Kleczka
Byron	Frost	Kolbe
Callahan	Gallegly	Kolter
Campbell (CA)	Gallo	Kostmayer
Campbell (CO)	Gaydos	Kyl
Carper	Gejdenson	LaFalce
Carr	Gekas	Lagomarsino
Chandler	Gephardt	Lancaster
Chapman	Geren	Lantos
Clarke	Gibbons	Laughlin
Clay	Gillmor	Leach (IA)
Clement	Gilman	Leath (TX)
Clinger	Gingrich	Lehman (CA)
Coble	Glickman	Lehman (FL)
Coleman (MO)	Gonzalez	Lent
Coleman (TX)	Goodling	Levin (MI)
Collins	Gordon	Levine (CA)
Combest	Goss	Lewis (CA)
Condit	Gradison	Lewis (FL)
Conte	Grandy	Lewis (GA)
Conyers	Grant	Lightfoot
Cooper	Gray	Lipinski
Costello	Green	Livingston
Coughlin	Guarini	Lloyd
Courter	Gunderson	Long
Cox	Hall (TX)	Lowery (CA)
Coyne	Hamilton	Lowey (NY)
Craig	Hammerschmidt	Luken, Thomas
Lukens, Donald	Payne (VA)	Smith (NE)
Machtley	Pease	Smith (NJ)
Madigan	Pelosi	Smith (TX)
Manton	Penny	Smith (VT)
Markey	Perkins	Smith, Robert (OR)
Martin (NY)	Petri	Snowe
Martinez	Pickett	Solarz
Matsui	Pickle	Solomon
Mavroules	Porter	Spence
Mazzoli	Poshard	Spratt
McCandless	Price	Staggers
McCloskey	Pursell	Stallings
McCollum	Quillen	Stangeland
McCrery	Rahall	Stark
McCurdy	Rangel	Stearns
McDade	Ravenel	Stenholm
McDermott	Ray	Stokes
McEwen	Regula	Studds
McGrath	Rhodes	Stump
McHugh	Richardson	Sundquist
McMillan (NC)	Ridge	Swift
McMillen (MD)	Rinaldo	Synar
McNulty	Ritter	Tallon
Meyers	Roberts	Tanner
Michel	Robinson	Tauke
Miller (CA)	Roe	Tauzin
Miller (OH)	Rogers	Taylor
Miller (WA)	Rohrabacher	Thomas (CA)
Mineta	Ros-Lehtinen	Thomas (GA)
Moakley	Rose	Thomas (WY)
Molinari	Rostenkowski	Torres
Mollohan	Roth	Torricelli
Montgomery	Roukema	Towns
Moody	Rowland (CT)	Traficant
Moorhead	Rowland (GA)	Traxler
Morella	Roybal	Udall
Morrison (WA)	Russo	Unsoeld
Mrazek	Sabo	Upton
Murphy	Saiki	Valentine
Murtha	Sangmeister	Vander Jagt
Myers	Sarpalius	Vento
Nagle	Sawyer	Visclosky
Natcher	Saxton	Volkmer
Neal (MA)	Schaefer	Vucanovich
Neal (NC)	Scheuer	Walgren
Nelson	Schiff	Walsh
Nielson	Schneider	Washington
Nowak	Schroeder	Waxman
Oakar	Schulze	Weber
Oberstar	Schumer	Weiss
Obey	Sensenbrenner	Weldon
Olin	Sharp	Wheat
Ortiz	Shaw	Whittaker
Owens (NY)	Shays	Whitten
Owens (UT)	Shumway	Williams
Oxley	Shuster	Wise
Packard	Sikorski	Wolf
Pallone	Sisisky	Wolpe
Panetta	Skaggs	Wyden
Parker	Skeen	Wylie
Parris	Skelton	Yates
Pashayan	Slaughter (NY)	Yatron
Patterson	Slaughter (VA)	Young (AK)
Paxon	Smith (FL)	Young (FL)
Payne (NJ)	Smith (IA)	

NOES—1

Walker

NOT VOTING—18

AuCoin	Martin (IL)	Smith, Denny (OR)
Cardin	Mfume	Smith, Robert (NH)
Douglas	Morrison (CT)	Watkins
Engel	Savage	Wilson
Flippo	Schuette	
Hall (OH)	Serrano	
Marlenee	Slattery	

□ 1645

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to debate the subject of home-porting.

Pursuant to the rule, the gentleman from Florida [Mr. BENNETT] will be recognized for 15 minutes, and the gentleman from New York [Mr. MARTIN] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Florida [Mr. BENNETT].

□ 1650

Mr. BENNETT. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, my amendment would provide for the prompt closure of the Navy home port of Staten Island, NY, and require the facilities and property there to be disposed of under applicable provisions of law.

Mr. Chairman, I believe that we should have a strong Navy, and the amendment I am offering reflects that the Navy is unfortunately going to be smaller in the future, even though I personally never abandoned the goal of a 600-ship Navy.

Mr. Chairman, it will cost almost a half billion dollars to open and operate the Staten Island base over the next 5 years. So far the U.S. Government has expended $136 million on initial construction of this facility. This could be recouped from the sale of the facility, but it will take $57 million more to bring the base into initial operating capability. The General Accounting Office reports that it will take at least $400 million more to bring the base to full operating capability and operate the base over the next 5 years.

New York City is a very expensive place to base ships. For example, the Navy says that it will cost twice as much for family housing on Staten Island than at other areas. Further, the cost of operating ships out of Staten Island will run $15 million to $20 million more per year than keeping the ships where they are in ports like Norfolk or Philadelphia.

There is no strategic rationale for this new home port. We do not need a new base at Staten Island to ease overcrowding at the 34 existing home ports. We currently have 550 ships and the Navy is planning to build down to 450 ships by 1996.

Nor would time be gained in deployment since ships from Staten Island would still need to convoy with ships based in other east coast ports.

New York City does not want the base. This base is in an overwhelming Democratic area. But the city's Democratic mayor, David Dinkins, and 11 of the 12 Democratic New York City Representatives have told us: "Close the base."

Mr. Chairman, I am sad to see this base close, but I feel that the change that has occurred in the Navy, with cutting the size of the Navy, it just does not make sense to spend another half billion in the next 5 years to take care of this base when all of these ships have home ports now. They can

all be taken care of at bases that are there now.

Mr. Chairman, that ends my opening remarks. I have a lot of Members who want to speak for just 1 minute, so I reserve the balance of my time.

Mr. MARTIN of New York. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, as the ranking member of the Military Construction Subcommittee, this is a subject that we have dealt with on any number of occasions over the last 4 or 5 years. Ultimately we came up with a home-porting plan.

Ultimately the Navy came up with the plan that this House has passed on time and time again, and one of those home ports was in Stapleton on Staten Island in New York. I have asked so many Members of the committee and this body to take it upon themselves to go up to Staten Island and take a look. It is 95 percent complete. When I talked to them about it, one would think that we thought we were going to tie the bow of these ships up to the World Trade Center and the stern to the Empire State Building and drop the gangway somewhere down on Broadway. For those of my colleagues who have not taken the opportunity to go to Staten Island, yes, they can see a view of the city of New York. But Staten Island is a very nice community that wants the Navy very badly. Once Members have been there and seen how their dollars have been spent on this facility they will not wonder why I am so taken aback in wondering why some are trying to close down this particular home port.

□ 1700

That would make a lot more sense. To talk about closing this home port that is 95 percent complete, with a ship and the families there, at a time when the Department of the Navy is coming forth with a report to explain their position on where they want these ships dispersed into the next century; I just don't understand. Is it too much to ask to even allow Secretary Cheney in the difficult times to come up here and give us a report and his logic about which of these home ports he wants? If the Secretary comes up and says he does not want this home port, that would be my position.

Mr. Chairman, I ask everyone in the Chamber to vote against the Bennett amendment.

Mr. BENNETT. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. HERTEL].

Mr. HERTEL. Mr. Chairman, I congratulate the chairman for this amendment.

Well, I told you so. In 1986 I brought this amendment to the floor. We had a majority of the House pass the amendment to stop the New York home port. They took it out in conference committee because we had hundreds of Navy people come in and lobby this Congress and threaten this Congress.

Barry Goldwater said it was the stupidest idea he ever heard in over 25 years in the Senate, to build a Navy home port in the most expensive city in the United States in the nuclear age; in a nuclear age when I assume—I think we all assume—that New York and Washington are at the top of the list for any missile attack.

Now we have wasted hundreds of millions of dollars, hundreds of millions of dollars. Today I hope we will make the right decision and stick to it in conference and save this money because the budget is being cut, because there are meetings today out at Andrews Air Force Base on this huge deficit.

Yet, because of politics, the Navy Secretary got his way and tried to spend this kind of money and now waste this kind of money in building a port in New York City.

Let me tell you, the sailors and the families do not want to be in New York City either. They cannot afford to live there. It costs more to have construction in New York City. In fact, in the first year the housing cost doubled.

So let us stop it now before we waste hundreds more millions of dollars. Let us just stop it now. Let us have some common sense.

We are closing bases in other parts of the country. Yet we go to the most expensive city to build one of the most expensive bases when the budget is being cut and the deficit is rising.

Let us listen to the people in New York City, let us end this and save this money. Let us vote for the Bennett amendment today.

Mr. MARTIN of New York. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Chairman, I rise in opposition to the amendment. The Department of Defense is supportive of home-porting and has not requested their department, in the bill that was sent over from the Defense Department to our committee, that any home ports be taken out or be dropped from the legislation.

Now, this issue really seems to be a fight between the New York delegation. That is fine. However, we did get a letter from the Governor of New York supportive of home-porting Staten Island.

Now, our former colleague, Guy Molinari, who is administering this area where the home port is being built, is supportive. Also, the gentlewomen from New York, SUSAN MOLINARI, is supportive. It is her district. She knows whether she wants it there or not, and she wants it.

We have already spent, Mr. Chairman, $240 million in building that home port. Now the Navy has shown some good common sense in saying that they are going to put the naval reservists in that home port, use some of those naval reservists in that area.

It makes a lot of good common sense to continue to support home-porting.

Mr. Chairman, I rise in opposition to the amendment.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. Mr. Chairman, the decision to place a home port in Staten Island was always a political decision and never a military decision. We were seeking support all over the country for the Navy's master plan. The battleship *Iowa* was supposed to be berthed in this home port. They insisted on maintaining nuclear weapons option for the battleship *Iowa*.

In the most densely populated area of the country we want to have nuclear weapons.

The battleship *Iowa* blew up later. In case you do not know it, 49 sailors died when it blew up.

The battleship *Iowa* is now put in mothballs. Still, we want to have the Staten Island home port. We are not trying to save money today, not asking you in the name of the majority of the New York City delegation to save money and close down the home port; we are trying to save the credibility of the Congress.

Why are you insisting that a home port that was constructed for a ship that has now been put in mothballs for a strategy that is no longer applicable must go forward? It is ridiculous.

Mr. Chairman, I rise in strong support of the Bennett amendment to cease construction of the Staten Island home port. There are many reasons why completion of this particular home port makes no sense. The redirection of our future military needs no longer requires that we spend the resources on building new bases. Since the mothballing of the battleship *Iowa,* which was to be the centerpiece of the home port, the home port has lost its purpose. In addition, citizens groups and legislators have been protesting against the establishment of the Staten Island nukeport since it was first proposed. Stationing ships with nuclear weapons in the extremely densely populated area of New York City represents dangerously irresponsible planning. This safety threat is completely out of proportion to the defensive value the home port would now have.

Halting construction of the Staten Island home port would save the Federal Government from spending any more money on the site. The site could be converted to commercial use, which would provide jobs, tax revenue, and would have the support of the city's residents. Several worthwhile commercial proposals have already been made to the city,

and consideration is pending subject to the decision of the Federal Government regarding the future of the home port.

Moreover, the this body we have passed many resolutions regarding the need to downsize our Military Establishment at home and close bases, but few Members of Congress want a military base in his or her own district to be on that list.

Well, here is an easy one, Mr. Chairman. Not only do 11 out of the 14 Members from the New York City area support closing the Staten Island home port, but we have even been actively campaigning against the home port.

The senior Senator, the mayor, the comptroller, and a majority of the city council members are also opposed to the home port.

Citizens groups have been lobbying our offices heavily against it.

Mr. Chairman, why should we insist on the home port that the community does not want, and spends millions of dollars in start-up costs, and millions more to operate it, when other communities around the country are being devastated by the closing of their bases. It makes no sense.

Yes, money has already been spent on the Staten Island home port. But GAO estimates it will cost $57 million more to complete the base and at least $400 million more to bring the base to full operating capability over the next 5 years. Let's not make it worse by pouring hundreds of millions of dollars more down that hole. After all, in 6 years it may be on the list of bases to be closed.

Let's be prudent, let's respond to the wishes to the New York City citizens, and let's stop this latest Government boondoggle now.

Vote for the Bennett amendment.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. WEISS].

Mr. WEISS. I thank the chairman.

The Staten Island homeport is unwanted. New York opposition to the base has been consistent, widespread, and adamant. According to a 1985 poll, a majority of the city's citizens oppose the base. So do 11 out of the 14 members of the New York City congressional delegation, Mayor David Dinkins, and a majority of New York City council members.

The Staten Island home port is unnecessary. Its battleship has been decommissioned. And, the base is not needed to ease overcrowding at the 34 existing home ports, especially, when the Navy plans to pair down its fleet by 100 ships by 1996. The Middle East crisis demonstrates that the Navy does not need more ports, but rather more transport ships and mine sweepers.

The Staten Island home port is unfinished. Its supporters assert that it is 90 percent complete. Yes, 90 percent of the $188 million authorized by Milcon to achieve initial operating capacity has been spent. But, according a 1988 Navy document, $446 million in total construction expenditures will be required to bring the port to full operating capacity. Thus, according to the Navy's own figures, the port is less than 50 percent complete.

Secretary Cheney recently challenged Members of Congress to put their money where their mouths are in asking for defense cuts. Well, the New York City delegation, rather than protesting the closing of the New York base, is pleading for it. I urge you to join New Yorkers in supporting the Bennett amendment and opposing the Molinari substitute. The Molinari substitute spells procrastination, and procrastination wastes time and money.

Mr. Chairman, you know we have been hearing talk about how this home port is 90 to 95 percent complete. That is simply totally untrue. Ninety-five percent of the money that has been appropriated has been spent. That is about $160 million. There are almost $500 million more to be spent.

You need 850 housing units that will cost $120 million. Even groundbreaking has not taken place on it. A headquarters building has to be built, a construction battalion unit facility has to be completed, a public works facility has to be done. Physical fitness and general well-being facility also. That totals $425 million alone. The Navy says, in addition, it needs bachelors enlisted quarters and officers quarters, it needs a child care center, it needs a post exchange and commissaries, and it needs additional fencing.

A half billion dollars more. Do you want to spend good money after bad at this point? You can use the facility for other purposes; there are lots of alternatives for it. When we are trying to cut back on bases that are already working, to spend a half billion dollars to open up an unnecessary new base simply does not make any sense.

It will come out of projects that you may want in your districts.

The CHAIRMAN pro tempore (Mr. DURBIN). For the information of the Members, the gentleman from New York [Mr. MARTIN] has 12 minutes remaining, and the gentleman from Florida [Mr. BENNETT] has 9 minutes remaining.

Mr. MARTIN of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Chairman, it is an old truism that there are no final defeats. We always have in the legislative process the opportunity to reconsider any decision we make. This is controversial, there is no question about it.

Mr. Chairman, I have enormous respect for the gentleman from Florida [Mr. BENNETT] who offers the amendment. But when we reconsider things time and time again, we do so at very significant cost. Two hundred forty million dollars have already been spent. Base housing has already been built. Navy families have already been moved into the housing. Navy children are already attending school.

This is not the only home port to reflect that kind of investment. Time after time, Congress has decided to go ahead, resulting in money being spent, in planning decisions being made, in families moved.

To change our minds now wastes those millions and all that planning and disrupts those families.

At some point we must finally decide. At some point we must solder the decision. At some point we must move beyond this issue and on to other important issues instead of reconsidering the reconsideration of the reaffirmation of the last decision, which was a reconsideration of the original vote.

At some point we must do that. I would suggest to my colleagues that today is the time to do that.

I urge my colleagues to vote against this amendment.

Mr. BENNETT. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. I thank the gentleman for yielding.

Mr. Chairman, I rise to support the Bennett amendment.

Mr. Chairman, for us at this point in time to go into a home port operation on Staten Island is absolutely absurd, in my view.

The home port concept is identified with the cold war at its height, with a 600-ship Navy. Today, when we see the Soviet empire disappearing into the morning mist, when we see the disappearance of the Warsaw Pact as a reality, as we see the Baltic countries exiting the Soviet family of nations, running, not walking, to the nearest exit, it seems absolutely absurd, with the radical change in our relations with the Soviet Union epitomized by the unprecedented degree of cooperation that we received from them on the Middle East and on other subjects.

□ 1710

It seems absurd for Members to be gearing up to a cold war posture that is reflected in the need for a 600-ship Navy. We have a 450-ship Navy that we are headed toward, Mr. Chairman. The big problem is not to find scarce home ports for our ships. As a matter of fact, they are deactivating the *Iowa* which really was the original. The battleship *Iowa* was the original rationale for the Staten Island home port. The real problem is going to be to prevent the existing ports we have from being too lonely. That home port, that facility could be converted into something we actually need. It could be converted into an oilspill response facility.

The New York Harbor handles more oil than any other port in the country, 120 million tons a year. In the last few months, we have had five major oilspills. It could be converted into an oilspill response facility that would serve New York and serve the Nation.

Mr. MARTIN of New York. Mr. Chairman, I yield 2 minutes to the

gentleman from New York [Mr. MANTON].

Mr. MANTON. Mr. Chairman, I rise in opposition to the Bennett amendment. Since the Navy first proposed its homeporting plan in 1982, I have consistently supported the construction of a Navy home port at Staten Island. I continue to believe the Staten Island home port is a good idea for the Nation and a good idea for New York. I will address the merits of the Staten Island home port during debate on the amendments that will be offered by Ms. MOLINARI. First, I want to take this opportunity to clear up an allegation made by several of my colleagues that New York Democrats are opposed to the Staten Island home port.

It is simply not true that all Democrats in the area oppose the project. In fact, the Democratic speaker of the New York City Council, Peter Vallone, supports the home port; a majority of the Democratically controlled New York City Council supports the home port; a majority of the Democratically controlled New York State assembly supports the project; the Democratic borough presidents of Queens, Brooklyn, and the Bronx support the home port; and the Democratic Governor of the State, Mario Cuomo, supports the Staten Island home port.

In a letter to Defense Secretary Cheney, Governor Cuomo states,

I understand several members of the New York City delegation have recently written you expressing their opposition to the stationing of naval vessels at the U.S. home port on Staten Island. I do not share their views. I simply want you to know that I fully appreciate and welcome the presence of the U.S. Navy in New York City. I assure you that you have my continued full cooperation with regard to the homeporting of naval vessels at Stapleton, Staten Island.

Mr. Chairman, despite this list of distinguished Democratic officials in New York who support the home port, I believe it is important to remember that this is not a partisan issue. This is an important national defense issue, and the Staten Island home port will strengthen our national defense.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. RANGEL].

Mr. RANGEL. Mr. Chairman, this is not a Democrat or Republican issue, and I do not doubt that at one time that it was a serious military consideration as to where a port of this type might have been needed.

However, when an amendment comes from the distinguished gentleman from Florida [Mr. BENNETT], who certainly has made a career of understanding the defense needs of this country, and he reaches the conclusion that this port is not needed in the country, in the city, or in the borough of Staten Island, then I would hope we would not think that this is a Democrat or Republican issue. It is an economic issue, and I think it is one that the borough president of Staten Island has good concern, because this port can create not a home for a ship that is blown up, but the need for jobs, which are so necessary in our great city.

I, for one, want to work with him, the members of the city council, and the mayor of the city of New York, to make certain that the money that has been invested already in this great borough is not wasted, that the buildings that are there can be used for civilian purposes, and that we can really create what this port was originally created for. That is, the jobs that are necessary for our great city to move forward the way we all do, Democrats and Republicans, in the great city of New York.

Mr. MARTIN of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Chairman, I appreciate the time and the opportunity to speak today.

Quite frankly, what we're talking about today is not just whether the Navy home port on Staten Island should be completed, as in my personal opinion it ought to be. Rather, what we are talking about is whether it is the responsibility of the Congress, or any future Congress, to micro-manage the affairs of the Department of Defense.

Please understand, Mr. Chairman, the Molinari substitute is not some magicians' rabbit-in-the-hat trick, designed just to keep the Staten Island home port alive. To the contrary, this amendment, what it does is protect the $230 million investment of taxpayer's money that has already been spent.

Furthermore, it provides, the home port does, the authority to close home ports, or for that matter, to make any other direction of our national defense policy in the Molinari substitute, to be left in the hands of the Secretary of Defense, just as the Members of this body envisioned when we enacted the Base Closure Realignment Act.

If this were just a question of respect and admiration for the distinguished chairman of the Seapower Subcommittee, I am certain there would be no debate here today. The chairman has served this Nation and this body with valor and distinction.

However, Mr. Chairman, what we are doing is wrong if indeed we stop homeporting on Staten Island, at this point which is 95 percent complete. If we are so unwise as to vote to kill this one base, would we not really be setting ourselves up for future votes on the fate of an Army installation in Oklahoma or an Air Force base in California, or, say, a navy yard in Virginia or South Carolina? Will the next step be for Congress to determine how many men we station on each ship we have in the Navy, or the color of the hangars at Andrews Air Force Base? No, I hope Members see my point. We ought to be encouraging this direction because the home port concept, including New York, participates and have participation of local money, local dollars, in the millions of dollars. Let me encourage Members to vote against the Bennett amendment and vote for the Molinari substitute.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Chairman, if I represented Staten Island or some other portion of New York, I, too, might fight to complete this naval facility that is underway.

I do not represent New York. I represent one of the States whose taxpayers are going to be asked to cough up another half billion dollars to complete a project I believe to be unwise and unneeded. We are not far from where they are gathered today, a number of our colleagues are meeting at Andrews Air Force Base. They are wrestling with the solution to a deficit problem that defies solution. To the extent that we are not able to at least address this particular issue, God help us in addressing the real big budget deficit issue.

I felt that his particular homeporting for Staten Island, when adopted, was unwise. It was a flawed idea then. I think with the mothballing of the *Iowa*, with the changes in the world, with the Soviet Union, it is a foolish notion today. God knows, it is a very, very expensive proposition. I urge the adoption of the Bennett amendment.

Mr. MARTIN of New York. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SOLOMON].

□ 1720

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

Mr. Chairman, my colleagues on both sides of the aisle, usually I stand up here in support of a strong national defense. But I am not going to do that here now because I think there is something a lot more important at stake on this particular issue. The issue here is fairness. As I look at some people on both sides of the aisle, I remember that I have stood up here for the automobile industry. It does not affect my district back home in upstate, northern New York near Canada, but I voted for the omnibus trade bill. Do you know why? Because this bill means jobs, American jobs.

I voted for the cargo preference bill here on the floor. That bill does not mean much up in the mountains of

New York State, but it does mean jobs for Americans.

I voted for the textile trade bill. I voted to override my President because that bill means jobs in all our districts. That is what we are talking about here.

The New York State AFL-CIO held their annual convention in Kiamesha Lake last week. They asked me if I would come and talk about jobs—GERRY SOLOMON, a Republican—and what this home porting would mean to the people of New York City and the surrounding area.

You know, there are 130,000 young men and women over in Saudi Arabia and in the Persian Gulf right now. Their lives are on the front lines, and yet Mayor Dinkins writes me a couple of letters and says he is afraid of home porting because it is dangerous.

Mr. Chairman, how many times have I been told that all New York State gets is welfare and they produce nothing? Here is a chance for New York City and New York State to actually participate. Give us this Molinari amendment. Turn down the gentleman from Florida [Mr. BENNETT], my good friend, and let the amendment of the gentlewoman from New York [Ms. MOLINARI] prevail; do so out of fairness, you ought to do it out of fairness to this woman.

Mr. BENNETT. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SOLARZ].

Mr. SOLARZ. Mr. Chairman, when the proposal to build a homeport in Staten Island was first put forward, it was in the context of the cold war. There was reason to believe that we needed to disperse the fleet so the Soviets could less easily eliminate it should there be a nuclear war between our two countries. There was a feeling that we needed to put some of our capital ships in closer proximity to the North Atlantic. It was a time when it appeared we would have a 600-ship Navy and we needed more facilities for harboring the fleet.

Now that the cold war is over, none of these assumptions apply, and the homeport is no longer needed.

We all know there are many Members of Congress who battle to keep projects and programs in the defense budget that make a marginal contribution at best to the national security of our country. Here you have 11 out of 14 members of the New York City delegation who say this a boondoggle. Who say it is not needed. Who say it does not contribute to the national defense and the money can be better put to use for other purposes.

I support the Bennett amendment.

Mr. MARTIN of New York. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. TORRICELLI].

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

Mr. Chairman, and my colleagues, we are learning a great deal these days about the new realities of national defense. Paramount among them is that even in a nuclear age conventional weapons are essential to the defense of the United States. And what are these conventional capabilities today in our country? The largest port in the United States, the center of our industrial base and our maritime industry, if a naval ship breaks down, if a maritime vessel cannot sail, there is not a drydock, there are not supplies for it, there are not spare parts for it.

The maritime capabilities of the United States are in shambles.

This is not a question of the fact that with a homeport our naval vessels are one day closer in sailing to the North Atlantic, it is also about rebuilding the naval infrastucture of America. You cannot be a naval power and not have your fleet be able to be dispersed and deployed in your largest city in the heart of your industrial base.

Oppose the Bennett amendment. Bring the U.S. Navy back to the port of New York where it is needed to keep a strong conventional defense for the United States.

Mr. BENNETT. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I rise in support of the amendment offered by my friend, the gentleman from Florida [Mr. BENNETT], chairman of the Seapower Subcommittee of the Committee on Armed Services.

Mr. Chairman, we have entered a new era. Times have changed. The Staten Island home port makes no strategic sense—it makes no fiscal sense.

The Staten Island home port makes no strategic sense. The home-porting concept was born when we all talked of 600-ship Navy. Now, the size of the fleet may dip as low as 400–450 ships.

The Staten Island home port makes no fiscal sense. Closing the home port now could save up to $500 million. We should not spend the Navy's scarce dollars building new ports.

The home port makes no fiscal sense for the city of New York either, which is why it is opposed by nearly the entire New York City delegation and its mayor.

The Navy should spend its money on the priorities of the 1990's. Not on the wish lists of a different era. It is just common sense. Let us close Staten Island.

Mr. MARTIN of New York. Mr. Chairman, it is a great pleasure for me to yield 3 minutes, the balance of our time, to the gentlewoman from New York [Ms. MOLINARI], who represents Staten Island so well.

Ms. MOLINARI. Mr. Chairman, and my colleagues, let us get the facts straight. There has been a lot of misrepresentation of what has gone on in this Congress to date. For the last 5 years this Congress has voted to appropriate moneys for the Staten Island home port. Over $240 million of taxpayer money has been spent for the Staten Island home port.

It is not close to operational? I wish you would come take a look at this picture and see ships already docked at the pier.

It is not close to operational? I wish you would come to some of the finest Navy houses we have in our Nation and see over 240 families living there, most by their own choice because they enjoy the quality of life that we on Staten Island have been able to offer, unlike the rest of the city.

Now, it may be true, it is true, the *Iowa* has been decommissioned; but what about the *Normandy*? What about the other battleship cruiser groups that have already been targeted for Staten Island? Has not anybody told the rest of my colleagues about them? They are scheduled and ready to come here, God willing, when the gulf crisis is over.

Let me tell you a little bit about our pier, because there is lots to brag about in terms of what our money bought us. It is a state of the art military pier. It is environmentally sensitive. It is economically better than any other pier with regard to electricity, and it is not a pier that can handle an oilspill response team. It is built only to satisfy Navy ships, Navy ships that if they need to can disperse to the other side of Staten Island to handle the oilspills that some of my colleagues are so rightly concerned about.

There are home ports that have been built, constructed, and military facilities throughout this Nation, and yet Staten Island, NY, is the only base that will ever be closed by this Congress flying in the face of the Base Realignment Act. Why? Now full cost. It will cost more to close it.

Why? Because Mayor Dinkins does not want it in his port. I suggest to my colleagues that if you let a municipal mayor dictate defense policy, we are going to be in more difficult shape than we have ever been.

Yes, gratefully, as proven by Helsinki and as will be expounded by our President tonight, the cold war is over, but there are still threats out there. We still need reservists to be more adequately trained than we have in our Navy today.

I have read that, I have heard that report. We were shocked that our naval reservists were not in the kind of

shape they needed to be. Staten Island will also serve as a Reserve center for 10,000 reservists in the Northeast.

It is unfortunate that some of my friends choose to call up the idea of money and state that while it is true we are meeting on a very difficult budget, at this very same time halfway around this world our friends and our families are meeting for national security and the future of a better tomorrow for everyone in this world.

I ask you not to let Mayor Dinkins make that decision, let the Secretary of Defense make that decision.

□ 1730

Mr. BENNETT. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, I thank the gentleman from Florida [Mr. BENNETT] for yielding to me.

Mr. Chairman, it has been a very interesting debate. As my colleagues know, I am often amazed to sit here and see the different complexions of debate that take place and how anybody could really try to prove the point that they are trying to prove. For instance, 2 hours ago the ranking member, the ranking member, of the Committee on Armed Services, who I have a great deal of respect for, said that there is pork, there is pork, in this budget. I ask, "What do you think this is? Why are we changing now? For Mayor Dinkins?"

I can say to my colleagues that in 1986 I never even knew a Mayor Dinkins existed, and I was opposed to it.

This is wrong. It was never done based on a threat, assessment, or any other type of thing. It was done for political reasons. That is why we are against it.

Yes, this Congress did vote for the last 5 years for money. Wrongly, but let me tell my colleagues something. Things have changed in 5 years. Who would have ever thought that the Committee on Armed Services would bring a bill to this floor cutting $23 billion out of it: Who would have thought 1 year ago that this would happen?

In addition, Mr. Chairman, let me tell my colleagues something. Let me tell it to them clearly. We have spent money on this base. But the problem is we are going to spend a lot more. How can we and the members of the Committee on Armed Services and this Congress look our colleagues in the face and say, "Gee, I'm sorry. You're going to have to close your base"? But yet we are opening other bases.

Now a charge was made this morning that this was politically motivated. This is pure politics. Why are we picking on Staten Island? Why are we picking on it? We tried the other base in the committee, but this is the base that is going to open the soonest. This is the shot that we had, and particularly, we have the shot because most of the Members of the delegation are opposed to it. It is that simple. I am being very honest with my colleagues now.

Another charge was made that there are parochial reasons. Sure there are parochial reasons around here. I represent the largest naval shipyard in the world, and in the wintertime we have buildings there where people have to work with overcoats.

Vote for the amendment of the gentleman from Florida [Mr. BENNETT] in order to do right.

Mr. SERRANO. Mr. Chairman, today I join my colleagues, Mr. BENNETT and Mrs. SCHROEDER and an impressive list of New York officials and private citizens who oppose completion of the Staten Island home port facility. I rise in strong support of the Bennett-Schroeder amendment to defund this boondoogle.

Opponents of this amendment will tell us that the base is 90 percent complete and that nearly $200 million of taxpayers' money already invested will be wasted.

But total construction costs to make the port fully operational would exceed $305 million and the Navy would have to spend at least $144 million to complete construction of the facility and an added $33 million in first year expenditures to outfit the new base. And, terminate of the home port at this time, according to some estimates, could produce savings of as much as $450 to $480 million over the next 5 years.

Supporters of the project insist the base will be safe. Not one of them have spoken of the devastation in human lives, in property, and in the economy of the city of New York should a nuclear accident occur.

Supporters speak of thousands of jobs created by the home port but most of these employment opportunities would be filled by Navy personnel. The home port would not enhance the economy of the city.

What New York City needs is Federal aid to help repair some 76 water bridges and 2,000 highway and railroad bridges, maintain 6,000 miles of water mains, 6,100 miles of sewers and 6,200 subway cars that travel over 700 miles of track.

Today, more than 100,000 persons live doubled up in our city's cramped housing projects. Instead of home porting, let the advocates endorse a vitally needed housing plan.

The Federal Government should scrap expensive, totally unnecessary boondoogles like this home port and spend its taxpayers' dollars on municipal infrastructure repair or some of the direly needed social programs for our urban centers.

Mr. McGRATH. Mr. Chairman, I rise today in strong support of the Staten Island, NY, naval home port.

The question of shutting down the Staten Island base is, in all essence, moot. Construction at the Staten Island base is virtually completed. Over 100 families of sailors from the U.S.S. *Normandy* have moved into the base housing. The pier has been completed. The support facilities are operational. The Navy is ready and willing to move into Staten Island. However, skeptics contend that there are great savings to be had if we shut down a base that has already been completed and open for business.

This is not a base built to World War II specifications. This is a state-of-the-art naval facility designed to quickly deploy vessels to the open sea in times of national crisis and emergency. The base would also serve a valuable reserve role for personnel who must now travel to Philadelphia or Newport, RI, for training.

Opponents of the Staten Island base want to wish it away, pretend the labor on the part of the Navy, local contractors, politicians, and civic groups never happened. Opponents claim that the mayor is opposed to this project, thus local support is insignificant. Did any of them dare to ask the Governor of New York? The New York City Council? The Staten Island Chamber of Commerce? It remains beyond logic to close this base.

An outsider to this issue would be led to believe that this is a policy debate—that we are here to determine whether or not the certain factors merit placing a naval base at Staten Island. This is a national defense matter that has been contested and argued by both sides several years ago. However, Staten Island home port opponents see this as an opportunity to replay the bottom of the ninth inning, long after the game is over and the score has been settled.

I urge my colleagues today to resist any amendment to close the Staten Island base and to reaffirm support of the people of Staten Island, NY, the U.S. Navy, and most important, the overall defense scheme of this country.

The CHAIRMAN pro tempore (Mr. DURBIN). It is now in order to consider the following amendments printed in House Report 101-668 relating to home-sporting which shall be debatable for 10 minutes each, equally divided and controlled by the proponent of the amendment and a Member opposed thereto: an amendment to be offered by the gentleman from Florida [Mr. BENNETT], and a substitute amendment thereto to be offered by the gentlewoman from New York [Ms. MOLINARI].

Mr. BENNETT. Mr. Chairman, is it true that I have 10 minutes to distribute, or is it 5 minutes?

The CHAIRMAN pro tempore. Under the rule, the gentleman from Florida has 5 minutes in support of his amendment, and a Member in opposition has 5 minutes as well. The same thing is true for the amendment to be offered by the gentlewoman from New York.

AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BENNETT: Insert the following at the end of Part C of Title XXVIII of Division B (and make corresponding changes in the table of contents):

SEC. 2836. CLOSURE OF STRATEGIC HOMEPORT, AND DISPOSAL OF FACILITIES, AT STATEN ISLAND, NEW YORK.

The Secretary of the Navy shall, as soon as possible after the date of the enactment of this Act—

(1) close the Stapleton site of the strategic homeport at Staten Island, New York; and

(2) under applicable provisions of law, designate the facilities and real property as such site as excess to the needs of the Department of the Navy and take all necessary steps to provide for the transfer or disposal of such facilities and property.

The CHAIRMAN pro tempore. Under the rule, the gentleman from Florida [Mr. BENNETT] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Mr. COURTER. Mr. Chairman, I am opposed.

The CHAIRMAN pro tempore. The gentleman from New Jersey [Mr. COURTER] will be recognized in opposition to the amendment of the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, there is nobody that loves the Navy more than I do. I have a deep affection for it. I have been a chairman of the Seapower Subcommittee for many years.

Mr. Chairman, the trouble about a financial situation like we are involved in with this New York situation today is the dollars which will be spent to bring this base up to ordinary standards in the Navy which amount to a half a billion dollars in the next 5 years. This is a lot of money. Of that half a billion dollars, $400 million or $500 million in that area will be taken out of other things that the Navy needs to do to do harm to the enemy. So, this is not a parochial thing.

Mr. Chairman, it is a judgment of whether or not my colleagues think we ought to have this home port in New York City. It is very expensive at a time when the Navy is reducing its ships to spend that kind of money that is bound to be taken out of other things that the Navy desperately needs. We expected 15 new ships this year in this bill. We actually have only ten. We have to cut back, and cut back and cut back, and the Navy is feeling this pinch. These are dollars that are needed for other things in the Navy.

Mr. Chairman, I would hope very much that the committee would see fit to accept the amendment which I have introduced.

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

Mr. COURTER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I think most of my colleagues know that I am not a friend and have not been a friend in the past of strategic homeporting. In the committee bill, in the committee vote that included what the gentleman from Florida offered that included Everett, WA, I voted affirmatively. This was to strike and to terminate a home porting at that point. Somewhere on the way, and I understood at the time that that same amendment, or one substantialy like it, would be offered on the floor. Somewhere between committee and the floor an interesting thing happened, and that was that the home port at Everett, WA, got knocked out.

Mr. Chairman, the gentleman from Virginia [Mr. SISISKY], my friend, says this is the home port at which we have a shot. It is the one that is maturing now. If my colleagues look at the report that was done at the request of the committee, the Everett, WA, home port is one where we could actually make money. If we halted construction right now, if we sold the titlings that are going to be utilized by the U.S. Navy, we could at least break even and possibly even make a few bucks for the taxpayers.

Mr. Chairman, I do not like the idea of home porting, but I like less the idea of singling out one port and leaving others which should be considered especially by the Committee on Armed Services and by the full House, leaving them intact.

So, register my vote, if my colleagues will, as a vote of resistance to the way this bill has shaped up on the House floor, which is definitely singling out for political reasons, in my estimation, the home port of Staten Island. I am voting no.

Mr. BENNETT. Mr. Chairman, I yield myself a half minute.

Mr. Chairman, I would like to take a half a minute to reply to this remark that there is something political about this particular decision. We had a very full hearing on the matter, and the only base in which there was virtual unanimity was this particular base. There was no other base that was opposed. The mayor of New York opposed this base. Most of the Congressmen in the area opposed the base. The testimony was very strongly against this base. So it was done intellectually. It was not done politically.

It is sort of strange to me how any political thing can be ascribed to it at all.

Mr. COURTER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I rise today in opposition to the Bennett amendment and in support of the Molinari substitute. Mr. Chairman, the Bennett amendment is an unprecedented attempt to single out and close the Staten Island naval home port.

This modern, state-of-the-art facility is the most energy efficient and environmentally sensitive base in the entire Navy. It has also been designated as the home for the Aegis cruiser *U.S.S. Normandy*.

Already, over the past 5 years, Congress has appropriated $230 million for this base. The base is 95 percent complete and already operational.

No additional funding is necessary for the base to become fully operational. As a matter of fact, the Navy estimates that the costs to terminate this project would exceed the amounts necessary to realize the home port.

Supporters of the Bennett bill would have you believe that New York doesn't want this base. However, this is just not true. Governor Mario Cuomo supports the Staten Island home port. Senator D'AMATO supports the Staten Island home port. The majority of New York's 34 congressional delegates support this home port. And four out of five of New York's borough presidents also support the Staten Island home port.

That doesn't sound to me like New York wants this port closed.

In the past, base closures have been overwhelmingly rejected by my delegation, the Florida delegation, as well. In 1986 a vote to eliminate funding for Staten Island and other home ports was rejected by an 18 to 1 margin.

Mr. Chairman, the Pentagon is presently preparing a study to decide which home ports, if any, should be closed. The Molinari substitute would merely keep the unfairly singled-out Staten Island home port open until this study is presented to Congress.

Congress can then make a more educated decision on what to do and not make an irrational decision to close our newest, most up-to-date active base.

Mr. Chairman, I urge my colleagues to vote against the Bennett Amendment and in favor of the Molinari substitute.

□ 1740

The CHAIRMAN pro tempore (Mr. DURBIN). The gentleman from New Jersey [Mr. COURTER] has 1 minute remaining, and the gentleman from Florida [Mr. BENNETT] has 3 minutes remaining.

Mr. COURTER. Mr. Chairman, I reserve 1 minute, in view of the fact that the gentleman from Florida [Mr. BENNETT] has 3 minutes remaining.

The CHAIRMAN pro tempore. The gentleman from Florida [Mr. BENNETT] is recognized, with 3 minutes remaining in debate on his amendment.

Mr. BENNETT. Mr. Chairman, I am getting conflicting advice as to whether I can reserve the balance of this

time for the Molinari amendment. Is that possible?

The CHAIRMAN pro tempore. If the gentlewoman from New York [Ms. MOLINARI] should offer her amendment in the nature of a substitute while the gentleman from Florida [Mr. BENNETT] still has time reserved, then it is the opinion of the Chair that the gentleman could use that time during the course of the debate on the gentlewoman's substitute.

Mr. BENNETT. Mr. Chairman, I do not want to ask the gentlewoman from New York [Ms. MOLINARI] to do something she may regret later, so I will use my time up at this point by yielding the remainder of my time to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I rise in strong support of the Bennett amendment to close down and sell off the Staten Island home port. If we are serious about base closure, we ought to vote to shutdown a base which has barely opened and which is unneeded.

When Navy Secretary John Lehman hatched the strategic homeporting idea, he did not do so because there were homeless ships. Even his pipe dream of a 600-ship Navy could have been comfortably berthed at the existing Navy installations. Secretary Lehman designed homeporting as a way to build a broader base of political support for the Navy. There is nothing like building a base and hiring local people to create support for the Navy.

The 600-ship Navy has now been forgotten. In 5 years, we may have a 480-ship Navy. So, if homelessness was not a major problem for ships in 1985, it surely will be no problem in 1995.

I want to talk a little about the vote on the Bennett amendment today and the vote on LYNN MARTIN's amendment tomorrow. LYNN MARTIN wants to give Secretary Cheney complete freedom to close military bases at his whim. CHARLES BENNETT, on the other hand, has analyzed the porting needs of the Navy and has determined that the Staten Island operation is unnecessary. The right vote is for Bennett today and against Martin tomorrow. In that way, we indicate our desire to close bases where it is justified, while rejecting the back of the envelope, partisan base closure efforts used by Secretary Cheney so far.

The reported bill puts a hold on the base closure list Secretary Cheney announced in January. Unlike Staten Island, the bases on the January list are fully operational, staffed by dedicated long-term workers who would be thrown out of work. At Staten Island, the work force is just being brought on board now.

The real test on whether you have the stomach to close bases is the vote on the Bennett amendment because the Bennett amendment closes a real base. The Martin amendment merely passes the buck to the Secretary of Defense.

The Molinari amendment is just a diversion. Voting for the Molinari amendment has the same effect as voting against the Bennett amendment. So, if you want to close unneeded bases and reduce unnecessary Government spending, defeat the Molinari amendment and pass the Bennett amendment.

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

Mr. Chairman, I guess the fundamental question here is, does America have enough money to invest $230 million in something it is not going to use? As far as I am concerned, this country cannot waste that kind of money. We have to come to our senses.

Mr. Chairman, I think we should use what we build, and not build that which we do not want to use. If the Bennett amendment passes, very frankly, this facility is going to be known as the Spruce Goose of the Navy. It will be known as the Shoreham of the military.

There are tactical, there are strategic, there are financial, there are practical reasons to continue to make sure that this facility is used now that we have invested $230 million.

Mr. Chairman, as was said before, it is 93 percent complete. It needs very little for it to be completed. Thousands of people have been moved from one part of the country to another. It will be used for our reserves.

Mr. Chairman, let Members vote "no" on Bennett, and "yes" on Molinari.

The CHAIRMAN pro tempore. The question now is whether the gentlewoman from New York [Ms. MOLINARI] is prepared to offer her substitute amendment.

AMENDMENT OFFERED BY MS. MOLINARI AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. BENNETT

Ms. MOLINARI. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Ms. MOLINARI as a substitute for the amendment offered by Mr. BENNETT: Insert the following at the end of part C of title XXVIII of division B (and make corresponding changes in the table of contents):

SEC. 2836. RESTRICTION ON CLOSURE OF STAPLETON NAVAL STATION, STATEN ISLAND, NEW YORK

None of the funds available to the Department of Defense may be expended to close Stapleton Naval Station, Staten Island, New York, until—

(1) the Secretary of Defense, in consultation with the Secretary of the Navy, has completed a study of the shore infrastructure requirements of the Department of the Navy;

(2) the Secretary of Defense has transmitted to the Congress a plan to close and realign installations of the Department of the Navy within the United States; and

(3) a period of 30 days, beginning with the date on which the plan is transmitted under paragraph (2), has expired.

The CHAIRMAN pro tempore. The gentlewoman from New York, [Ms. MOLINARI] is recognized for 5 minutes, and the gentleman from Florida [Mr. BENNETT] is recognized for 5 minutes in opposition to the substitute.

The Chair recognizes the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Chairman, when the base closing legislation was on the floor here in Congress, I supported the strongest version of it. I made it clear at that time that even though I was a supporter of the Staten Island base, if that commission said the base would be closed, I would support that decision.

Well, not only did the commission not say the base should be closed, it said it should stay open, and it said that some other facilities in the New York metropolitan area should be moved over to the base and consolidated at the base. So plainly that commission thought that this base should be here and be here for a long time.

Now, obviously events have changed since the Base Closing Commission did its work, and there is going to have to be another round of base closings. I am not objecting to that, and the gentlewoman from New York [Ms. MOLINARI] is not objecting to that. All we are saying is treat us the same way you are treating every other base in the Army, the Navy, and the Air Force. If the system works and says close it, we will support closing it. But if the system says keep it open, then we think it ought to be kept open.

Mr. Chairman, there is nothing in the substitute amendment that gives any special status to Staten Island. It is the Bennett amendment that tries especially to single out Staten Island. All we are asking is to be treated like everyone else. If it should turn out that the base has to be closed, then it will be closed, and we will support that. But in the meantime, there is no reason why Staten Island should be treated any differently from any other base.

Mr. Chairman, for that reason I urge Members to vote against the Bennett amendment and for the Molinari substitute.

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

The gentleman from New York [Mr. GREEN] is certainly a very logical person when he says it should not be treated differently. The truth is that

the Molinari amendment will treat the New York base differently. It will not allow it to go through the same procedure that other bases go through.

□ 1750

It stops it. In other words, it says that it must be built. That is as I understand it. That is how I read it. It is good English language. Well, read it to me. But read it on your own time.

I would like to say this: I would like to say in conclusion, and I am not really in conclusion, because I will reserve the balance of my time, but this is, of course, a painful thing to do to say that there will not be a base built in a particular spot. But the trust is that the whole situation so painful.

We were going for a 600-ship Navy, which I still support. I support a 600-ship Navy. But I have been ordered by the Department of Defense and the President to have a lesser Navy, so we have to have a lesser Navy, so we are going to have a lesser Navy.

We do not need this facility. One thing that I would like to underline, and that comes out of what the gentlewoman from Colorado said, as an experienced person, and she was chairman of the Military Construction Committee, and I used to be chairman for years of that committee, and I know what happens. This is just the opening door of what has happened in New York. It will cost at least a half billion more in the next 5 years to do the things that have to be done for the simple reason that one cannot have Navy officials, enlisted and officers, at one base, say, Norfolk or San Francisco have chapels for all three branches of the religious activities and have bowling alleys and have golf links and all that sort of thing and not have it at other bases, so you eventually have to have all of these things at all of the naval bases we have. It does not cost a little bit of money. It costs a lot of money. It costs hundreds of millions of dollars.

That is what I am trying to say here, to keep the situation where we will not be throwing away this money that could be used for something that would do harm to the enemy. That is what the military is supposed to be for is doing harm to the enemy. That is the purpose of the military. You are not doing harm to the enemy when you are building an unneeded naval base.

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

Ms. MOLINARI. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from New York [Mr. MANTON].

Mr. MANTON. Mr. Chairman, I rise in strong support of the substitute offered by the gentlewoman from New York [Ms. MOLINARI].

Mr. Chairman, the Staten Island home port is a good idea for the Nation and a good idea for New York. Let me take a moment to tell our colleagues why.

First, I believe New York must make its contribution to the defense of our Nation. The Staten Island home port is a state-of-the-art port that will be vital to our Nation's defense capability and readiness.

Second, the Staten Island home port will have important economic benefits for New York. The Staten Island home port will create more than 4,000 new jobs in the area and generate $387 million per year in additional revenue for the city. New Yorkers need these jobs, and the city desperately needs this revenue. New York is suffering from an economic slowdown in real estate and construction. The Staten Island home port will be a much needed shot in the arm for the local economy.

Finally, construction of the Staten Island home port is more than 95 percent complete. The Federal Government has already spent more than $230 million on the home port. It would be economically irresponsible and foolish to scrap the project at this point.

I urge my colleagues vote for the Molinari substitute and reject the Bennett amendment to terminate the Staten Island home port.

Mr. BENNETT. Mr. Chairman, I yield myself ½ minute.

Mr. Chairman, I would like to emphasize the fact that the purpose of this amendment is purely to save money for the military so it can be used to do harm to the enemy. That is what all defense matters are for is to see that the dollars hurt the enemy or make it difficult for the enemy. The spending of money is not for the purpose in the military of building up some particular economic situation. It is for the purpose of seeing to it that we remain strong and that we can defend ourselves, and that is our responsibility.

Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, the numbers on economic benefits to the city of New York are absolutely phony. At best, there may be 200 to 300 jobs. That is why the mayor of the city of New York is opposed, because it will cost the city more to invest in that project than it will get by way of economic benefits.

Let me say one final thing. The Secretary of Defense, Mr. Cheney, publicly challenged the Members of Congress to come forward and find projects in their own areas to close down. He said, "You cannot do it." The New York City delegation took him up on his challenge, and 11 out of the 14 members of the delegation have come forward and said, "Here is a plant that is not needed, a base or port that is not needed. Do not open it Close it down." Now is the time to do that.

In the next 10 years the defense budget is going to be cut by 50 percent. This year the Committee on Armed Services had to struggle to cut $23 billion. There are many more billions to be cut. Will it come out of your projects in your district, because there is an insistence on building this unnecessary base which will cost one-half billion dollars?

Vote "no" on Molinari. Vote "yes" on Bennett.

Ms. MOLINARI. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, for the record and for my colleague's edification, perhaps there has been some misunderstanding of the challenge that Secretary Cheney laid down before this body, because he, in fact, went public this morning and supports my amendment.

He, too, is curious as to why this base, and only this base, is being allowed to close. He, too, wants to know why just this facility out of all other military facilities in our Nation will be closed by an act of Congress before the Defense Department releases their list.

The Molinari substitute does not seek to exempt Staten Island. It seeks to include Staten Island.

Why do we then, therefore, insist on this? If it is not political, why did my colleague send out a "Dear Colleague" letter which said that we should kill this base because New York City does not want this base, and this base would open in a Democratic town? But the city's Democratic mayor and 11 of the 12 Democratic New York City Representatives have told us to close the base. Why did we stress "Democrat" in this letter if this was not a partisan issue?

Perhaps I am too new in this body to understand that.

I hope my colleagues here who have military facilities understand one thing, if the Molinari substitute does not pass, a very dangerous precedent is set. Your military installation could be next. The Base Closure and Realignment Act that this Congress struggled with so long is rendered meaningless.

Yes, the cold war has ended. But just how much are we willing to go back to our districts right now and defend the lack of a military threat? Are you willing to carry that argument to your hometowns now? I am not.

Ladies and gentleman, I appeal to the Members: Your first vote back in Congress since the invasion of Kuwait should not be based on what is good for Florida or Philadelphia or Colorado or New York. Your vote should be

based on what is good for every American and the future national security of our country.

The Molinari substitute allows the Members to see what the Navy and the Department of Defense decide in that matter before you cast a vote, before you throw our money away, before you subjugate our national security.

I urge a yes vote on the Molinari substitute.

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

Mr. Chairman, I would like to just make a few comments. The Department of Defense, as I understand it, is in favor of my position in this matter. They said that closure of this facility is appropriate to the Department's ability to implement the closure and realize savings needed, so they do not favor the position of the gentlewoman from New York.

Mr. COURTER. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I am happy to yield to the gentleman from New York.

Mr. COURTER. Mr. Chairman, it is my understanding, and I think it is an important point, I think the gentleman misspoke. The Secretary of Defense, Mr. Cheney, speaking for DOD, mentioned this morning that he is against the gentleman's amendment and in favor of Molinari.

Mr. BENNETT. The way I read it is they oppose the Molinari position.

The CHAIRMAN pro tempore (Mr. DURBIN). All time has expired.

The question is on the amendment offered by the gentlewoman from New York [Ms. MOLINARI] as a substitute for the amendment offered by the gentleman from Florida [Mr. BENNETT].

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

RECORDED VOTE

Ms. MOLINARI. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 230, noes 188, not voting 14, as follows:

[Roll No. 322]

AYES—230

Archer	Bunning	Dannemeyer
Armey	Burton	Davis
Atkins	Callahan	de la Garza
Baker	Campbell (CA)	DeLay
Ballenger	Chandler	DeWine
Bartlett	Chapman	Dickinson
Barton	Clinger	Dicks
Bateman	Coble	Donnelly
Bereuter	Coleman (MO)	Dornan (CA)
Bevill	Combest	Downey
Bilirakis	Condit	Dreier
Bliley	Conte	Duncan
Boehlert	Coughlin	Dwyer
Boggs	Courter	Edwards (OK)
Broomfield	Cox	Emerson
Browder	Craig	Erdreich
Buechner	Crane	Fawell
Fields	Lukens, Donald	Robinson
Fish	Machtley	Roe
Flippo	Madigan	Rogers
Frank	Manton	Rohrabacher
Gallegly	Markey	Ros-Lehtinen
Gallo	Marlenee	Roth
Gekas	Martin (NY)	Roukema
Geren	Matsui	Rowland (CT)
Gillmor	Mavroules	Rowland (GA)
Gilman	Mazzoli	Saiki
Gingrich	McCandless	Sarpalius
Gonzalez	McCollum	Schaefer
Goodling	McCrery	Schiff
Goss	McDade	Schneider
Gradison	McEwen	Schulze
Grandy	McGrath	Shaw
Grant	McHugh	Shays
Green	McMillan (NC)	Shumway
Guarini	McNulty	Shuster
Gunderson	Meyers	Skeen
Hall (TX)	Michel	Slaughter (VA)
Hammerschmidt	Miller (OH)	Smith (IA)
Hancock	Miller (WA)	Smith (NE)
Hansen	Molinari	Smith (NJ)
Harris	Montgomery	Smith (TX)
Hastert	Moorhead	Smith (VT)
Hefley	Morella	Smith, Robert (OR)
Herger	Morrison (WA)	Snowe
Hiler	Mrazek	Solomon
Hochbrueckner	Murphy	Spence
Holloway	Murtha	Stangeland
Hopkins	Myers	Stearns
Horton	Natcher	Stenholm
Houghton	Neal (MA)	Stump
Hubbard	Nielson	Sundquist
Hunter	Nowak	Swift
Hutto	Oakar	Tallon
Hyde	Ortiz	Tauke
Inhofe	Oxley	Tauzin
Ireland	Packard	Taylor
James	Pallone	Thomas (CA)
Johnson (CT)	Panetta	Thomas (WY)
Kanjorski	Parker	Torricelli
Kasich	Parris	Traficant
Kolbe	Pashayan	Upton
Kyl	Paxon	Valentine
LaFalce	Payne (VA)	Vander Jagt
Lagomarsino	Penny	Vucanovich
Lancaster	Perkins	Walker
Lantos	Petri	Walsh
Leach (IA)	Pickle	Weber
Leath (TX)	Pursell	Whittaker
Lent	Quillen	Whitten
Levine (CA)	Ravenel	Wise
Lewis (CA)	Regula	Wolf
Lewis (FL)	Rhodes	Wylie
Lightfoot	Ridge	Yatron
Livingston	Rinaldo	Young (AK)
Lowery (CA)	Ritter	Young (FL)
Luken, Thomas	Roberts	

NOES—188

Ackerman	Clay	Frost
Alexander	Clement	Gaydos
Anderson	Coleman (TX)	Gejdenson
Andrews	Collins	Gephardt
Annunzio	Conyers	Gibbons
Anthony	Cooper	Glickman
Applegate	Costello	Gordon
Aspin	Coyne	Gray
Barnard	Crockett	Hall (OH)
Bates	Darden	Hamilton
Bellenson	DeFazio	Hatcher
Bennett	Dellums	Hawkins
Bentley	Derrick	Hayes (IL)
Berman	Dingell	Hayes (LA)
Bilbray	Dixon	Hefner
Bonior	Dorgan (ND)	Henry
Borski	Durbin	Hertel
Bosco	Dymally	Hoagland
Boucher	Dyson	Hoyer
Boxer	Early	Huckaby
Brennan	Eckart	Hughes
Brooks	Edwards (CA)	Jacobs
Brown (CA)	English	Jenkins
Brown (CO)	Espy	Johnson (SD)
Bruce	Evans	Johnston
Bryant	Fascell	Jones (GA)
Bustamante	Fazio	Jones (NC)
Byron	Feighan	Jontz
Campbell (CO)	Flake	Kaptur
Cardin	Foglietta	Kastenmeier
Carper	Ford (MI)	Kennedy
Carr	Ford (TN)	Kennelly
Clarke	Frenzel	Kildee
Kleczka	Patterson	Slaughter (NY)
Kolter	Payne (NJ)	Smith (FL)
Kostmayer	Pease	Solarz
Laughlin	Pelosi	Spratt
Lehman (CA)	Pickett	Staggers
Lehman (FL)	Porter	Stallings
Levin (MI)	Poshard	Stark
Lewis (GA)	Price	Stokes
Lipinski	Rahall	Studds
Lloyd	Rangel	Synar
Long	Ray	Tanner
Lowey (NY)	Richardson	Thomas (GA)
Martinez	Rose	Torres
McCloskey	Rostenkowski	Towns
McCurdy	Roybal	Traxler
McDermott	Russo	Udall
McMillen (MD)	Sabo	Unsoeld
Miller (CA)	Sangmeister	Vento
Mineta	Sawyer	Visclosky
Moakley	Saxton	Walgren
Mollohan	Scheuer	Washington
Moody	Schroeder	Waxman
Nagle	Schumer	Weiss
Neal (NC)	Sensenbrenner	Weldon
Nelson	Sharp	Wheat
Oberstar	Sikorski	Williams
Obey	Sisisky	Wolpe
Olin	Skaggs	Wyden
Owens (NY)	Skelton	Yates
Owens (UT)	Slattery	

NOT VOTING—14

AuCoin	Savage	Volkmer
Douglas	Schuette	Watkins
Engel	Serrano	Wilson
Martin (IL)	Smith, Denny (OR)	
Mfume		
Morrison (CT)	Smith, Robert (NH)	

□ 1818

Messrs. COYNE, KOLTER, and HENRY changed their vote from "aye" to "no."

Messrs. ROTH, WISE, WHITTAKER, and PALLONE changed their vote from "no" to "aye."

So the amendment as a substitute for the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1820

The CHAIRMAN pro tempore (Mr. DURBIN). The question is on the amendment offered by the gentleman from Florida [Mr. BENNETT], as amended.

The amendment, as amended, was agreed to.

Mr. ASPIN. 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. BROWN of California) having assumed the chair, Mr. DURBIN, Chairman pro tempore 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. 4739) to authorize appropriations for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. MORRISON of Connecticut. Mr. Speaker, I was unavoidably absent for rollcall No. 321, the Mavroules amendment on the acquisition of defense systems, and rollcall No. 322, the Molinari amendment on the strategic home port at Staten Island, NY. Had I been here, I would have cast the following votes: "aye" and "nay."

CLARIFICATION OF PROCEDURES IN CONSIDERATION OF AMENDMENTS TO H.R. 4739, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991

Mr. ASPIN. Mr. Speaker, I ask unanimous consent that during further consideration of the bill, H.R. 4739, on Wednesday, September 12, 1990, pursuant to House Resolution 457, or any subsequent order of the House, the Committee of the Whole may proceed as follows: I ask unanimous consent that when we get back to this matter tomorrow, we may proceed, first, with 30 minutes of general debate on the subject of burdensharing; followed by, second, 60 minutes of general debate on the subject of appropriate levels of funding for the Strategic Defense Initiative; third, following that, 30 minutes of general debate on the subject of Strategic Defense Initiative, some language issues on Strategic Defense Initiative; after that, the fourth item, 40 minutes of general debate on the subject of base closings; followed by the fifth item, 40 minutes of general debate on the subject of economic conversion; following that, number six, considerations of amendments, pursuant to House Resolution 457 or any subsequent order of the House, with the periods of general debate specified therein considered as completed, and that pro forma amendments shall be in order, if ordered by the chairman or ranking minority member of the Committee on Armed Services.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. DICKINSON. Mr. Speaker, reserving the right to object, I was reading along and I think I heard everything that the chairman said. Let me just say, reserving the right to object, that I think this is a very clumsy and cumbersome way to go about it. I recognize the necessity of it, but to go through all the debate and not have any vote at the end of discussion is sort of misleading to the Members, who feel strongly about the various amendments.

I am not going to object, but I would hope that the Members would pay attention to the debate because they are going to be called on for a series of votes.

Further reserving the right to object, if I might ask of the chairman, I have had some requests for a discussion on the B-2. Even though there might be no vote on the B-2 amendment, under this unanimous-consent request, would there be time allotted for discussion of the B-2? Say, 10 minutes per side, or something of that nature?

Mr. ASPIN. Mr. Speaker, the request that I have before me does not allow amendments on the B-2 debate because it is my understanding that the gentleman from Missouri [Mr. SKELTON] did not want to do it, but if the gentleman would like to amend the unanimous-consent request, if the gentleman from Missouri has no objection, I certainly have no objection.

Mr. DICKINSON. I am not asking that an amendment be offered, but I would like to ask that that be included in the unanimous-consent request, would be 20 minutes for discussion of the B-2 issue, to be divided between the gentleman from Wisconsin [Mr. ASPIN] and myself.

Mr. ASPIN. Mr. Speaker, let me then ask for unanimous consent to amend my unanimous consent request. It would come after item 5, the 40 minutes of general debate on the subject of economic conversion. We would then put in 20 minutes of debate on the subject of B-2.

Mr. DICKINSON. Yes, if the gentleman would include that. I have discussed this with the gentleman from Missouri [Mr. SKELTON].

Mr. ASPIN. If it is all right with the gentleman from Alabama, and the gentleman from Missouri, it is all right with me.

Mr. DICKINSON. That is fine, Mr. Speaker, if it would be included in the unanimous-consent request, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the modified request of the gentleman from Wisconsin [Mr. ASPIN]?

Mr. ASPIN. If I might make a further explanation of the way we are treating the issue. The gentleman from Alabama is correct, what we are doing is going through the general debate here.

Now, when we come to voting on these amendments, of course, there will be an opportunity for 5 minutes of debate, 5 and 5 minutes of debate against each amendment, before we vote on it.

So, for example, we have 60 minutes of general debate on the subject of the appropriate levels of funding in the strategic defense initiative. When we get to, later in the day, and we get to the point about actually voting on those, there will be various amendments offered, and we will have a 5 and 5 before we vote. So there will be a chance to focus each of the votes on the amendment when we get to that point in the process.

□ 1830

Mr. DICKINSON. Mr. Speaker, I thank the gentleman for the explanation.

The SPEAKER pro tempore. Is there objection to the modified request of the gentleman from Wisconsin?

Mr. WALKER. Mr. Speaker, reserving the right to object, I have two questions. The first question is, Am I to assume that all this debate time comes after the debate on the second rule tomorrow, so that we are then talking about a potential vote, probably not a recorded vote, but a potential vote on the rule and then this debate following that?

Mr. DICKINSON. Mr. Speaker, if the gentleman will yield, I will respond and then let the chairman respond.

It is my understanding that the first item of business in the morning will be on approving the second rule. Is my understanding correct?

Mr. ASPIN. Mr. Speaker, if the gentleman will yield, the gentleman is correct as far as I know on our side. The only thing that will happen before we get to this bill is a vote on the rule.

Mr. WALKER. Mr. Speaker, I thank the gentleman.

I have one additional question. The pattern that we are in is somewhat clumsy, as the gentleman has said and it is probably necessary given where the House has to be; but I do want to try to assure that the Members have sufficient time to focus on these issues.

We are not anticipating these votes becoming 5-minute votes, are we?

Mr. ASPIN. No, we are not. They are 15-minute votes. As I understand it, this is the arrangement, that when each amendment comes up there will be 5 minutes for and 5 minutes against and then a 15-minute vote.

Mr. DICKINSON. Further reserving the right to object, Mr. Speaker——

The SPEAKER pro tempore. (Mr. BROWN of California). If the gentleman will withhold for just a moment, let the Chair resolve the first question.

Is there objection to the modification of the request of the gentleman from Wisconsin [Mr. ASPIN]?

Mr. SKELTON. Reserving the right to object, Mr. Speaker, I would like for the RECORD to show that I have no objection to the procedure as outlined by the gentleman from Wisconsin and the gentleman from Alabama. I do so because even though my amendment would prevail, it would still be a conferenceable item, so because of that I think the arrangement of 10 minutes on each side will be sufficient.

Mr. Speaker, I withdraw my reservation of objection.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the modification of the request of the gentleman from Wisconsin [Mr. ASPIN]?

There was no objection.

The CHAIRMAN. Is there objection to the original request of the gentleman from Wisconsin?

Mr. DICKINSON. Further reserving the right to object, Mr. Speaker, I just want to make clear with the committee chairman here so that the Members can understand. One of the reasons are going through this rather convoluted process is that we are still trying to work within the budget that has been approved by the House, or might be approved by the Senate, that is ongoing now.

We had been asked to delay our vote today until 4 o'clock, which we did. Hopefully we can get some guidance tomorrow, and if that should be so and the House budget figure be raised, it could make a great deal of difference in what we would do in offering amendments on the floor.

Is that the understanding of the chairman?

Mr. ASPIN. Mr. Speaker, if the gentleman will yield further, what was the question?

Mr. DICKINSON. I say, one of the reasons we are going through this unusual procedure is because we are trying to comply with the budget and we are waiting to see if the budget summit is going to give us any relief from the constraints that we are now operating under. Hopefully this will be the case. If not, then we will vote for it, as the chairman says.

Mr. ASPIN. Mr. Speaker, if the gentleman will yield further, the gentleman is correct. Essentially what we are looking to do by this process is to delay votes until after 4 o'clock tomorrow afternoon in the hopes that we will be able to get some chance for the budget summit people to be successful.

Mr. DICKINSON. Well, further reserving the right to object, Mr. Speaker, is there any glimmer of hope that the gentleman has seen or is privy to that we might have something come from the budget summit that would be beneficial in this process?

Mr. ASPIN. I wish I could answer, but the gentleman from Alabama is on his own.

Mr. DICKINSON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the unanimous consent request, as modified, by the gentleman from Wisconsin?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4739, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1991

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 101-693) on the resolution (H. Res. 461) providing for the further consideration of the bill (H.R. 4739) to authorize appropriations for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WATER RESOURCES RESEARCH ACT EXTENSION

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1101) to extend the authorization of appropriations for the Water Resources Research Act of 1984 through the end of fiscal year 1994, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment: Page 1, line 3, strike out all after "1." over to and including line 17 on page 7 and insert:

WATER RESEARCH INSTITUTES.

(a) Section 103(5) of the Water Resources Research Act of 1984 (42 U.S.C. 10302(5)) is amended by deleting "coordinate more effectively" and inserting in lieu thereof: "to promote more effective coordination of".

(b) Section 104(a) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(a)) is amended by changing "Trust Territory of the Pacific Islands" to "Federated States of Micronesia".

(c) Section 104(b) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(b)) is amended by inserting in the last sentence after the phrase "for the purpose of" the following: "promoting".

(b) Section 104(b)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(b)(1)) is amended to read as follows:

"(1) plan, conduct, or otherwise arrange for competent research that fosters (A) the entry of new research scientists into the water resources fields, (B) the training and education of future water scientists, engineers, and technicians, (C) the preliminary exploration of new ideas that address water problems or expand understanding of water and water-related phenomena, and (D) the dissemination of research results to water managers and the public, and".

(e) Section 104(c) of the Water Resources Research Act of 1984 (42 U.S.C. 10103(c)) is amended by deleting the period at the end thereof and inserting in lieu thereof "and thereafter, such sums to be used only for the reimbursement of the direct cost expenditures incurred for the conduct of the water resources research program.".

(f) Section 104(e) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(e)) is amended to read as follows:

"(e) The Secretary shall conduct a careful and detailed evaluation of each institute at least once every 5 years to determine that the quality and relevance of its water resources research and its effectiveness as an institution for planning, conducting, and arranging for research warrants its continued support under this section. If, as a result of any such evaluation, the Secretary determines that an institute does not qualify for further support under this section, then no further grants to the institute may be made until the institute's qualifications are reestablished to the satisfaction of the Secretary.".

(g) Section 104(f)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(f)(1)) is amended by deleting "September 30, 1985, through September 30, 1989" and inserting in lieu thereof "September 30, 1989, through September 30, 1995,".

(h) Section 104(f)(2) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(f)(2)) is amended by deleting "section 106 of this Act" and inserting in lieu thereof "section 104(g) of this Act".

(i) Section 105(a)(3) of the Water Resources Research Act of 1984 (42 U.S.C. 10304(a)(3)) is repealed.

(j) Section 105(c) of the Water Resources Research Act of 1984 (42 U.S.C. 10304(c)) is amended by:

(1) striking "$20,000,000" and inserting in lieu thereof, "$10,000,000"; and

(2) striking "1989" and inserting in lieu thereof, "1985".

(k) Section 108(6) of the Water Resources Research Act of 1984 (42 U.S.C. 10307(6)) is amended by inserting immediately after "depletion" a comma and the word "contamination,".

(l) Section 108(8) of the Water Resources Research Act of 1984 (42 U.S.C. 10307(8)) is amended by inserting immediately after "water" the words "quality and quantity".

"(m) Section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303) is amended by adding the following:

"(g)(1) There is further authorized to be appropriated to the Secretary of the Interior the sum of $5,000,000 for each of the fiscal years 1991, 1992, 1993, 1994, and 1995 only for reimbursement of the direct cost expenses of additional research or synthesis of the results of research by institutes which focuses on water problems and issues of a regional or interstate nature beyond those of concern only to a single State and which relate to specific program priorities identified jointly by the Secretary and the institutes. Such funds when appropriated shall be matched on a not less than dollar-for-dollar basis by funds made available to institutes or groups of institutes, by States or other non-Federal sources. Funds made available under this subsection shall remain available until expended.

"(2) Research funds made available under this subsection shall be made on a competitive basis subject to the merit of the proposal, the need for the information to be produced, and the opportunity such funds will provide for training of water resources scientists or professionals.".

(n) Section 106 of the Water Resources Research Act of 1984 (42 U.S.C. 10305) is amended to read as follows:

"SEC. 106. (a)(1) The Secretary shall make grants in addition to those authorized under sections 104 and 105 for technology development concerning any aspect of water resources including water-related technology which the Secretary may deem to be of State, regional, or national importance. Ac-

tivities funded under this section may be carried out by educational institutions, private firms, foundations, individuals, or agencies of State or local government. Care shall be taken to protect proprietary information of private individuals or firms associated with the technology.

"(2) The Secretary may establish any condition for the matching of funds by the recipient of any grant or contract under this section which the Secretary considers to be in the best interest of the Nation considering the information transfer and technology needs of the Nation. However, in the case of institutes established by section 104 of this Act no match greater than that required under section 104 may be required.

"(b) Each application for a grant under this section shall state the nature of the project to be undertaken, the qualifications of the personnel who will direct and conduct it, facilities of the organization performing any technology development, the importance of the project to the Nation, region, and State concerned, and the potential benefit to be accrued.

"(c) there is authorized to be appropriated to the Secretary the sum of $6,000,000 for the purpose of carrying out this section for each of the fiscal years ending September 30, 1990, through September 30, 1995; such sums to remain available until expended.".

(o) Section 309(a) of the Water Resources Research Act of 1984 (42 U.S.C. 10301 et al.), as amended, is further amended by deleting "1991" and inserting in lieu thereof "1995".

SEC. 2. (a) The Secretary of the Interior, in consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, is authorized to enter into contracts or cooperative agreements, as the Secretary deems appropriate, with national laboratories (including Los Alamos National Laboratory) to carry out water resources research, development, and demonstration projects within the authorities of Public Law 98-242 (including the effects of potential climate changes on surface and ground water quality and quantity and the elimination of contamination of ground water aquifers).

(b) The water resources research authorized in this section shall be undertaken under such rules and regulations as the Secretary deems appropriate and shall be carried out in close consultation and collaboration with the institutes established pursuant to Public Law 98-242, to the extent such research work affects the State in which the institute exists, and to the extent such institute agrees to consult and collaborate.

(c) For the purposes of carrying out this section, there is authorized to be appropriated to the Secretary of the Interior the sum of $10,000,000 for each of the fiscal years 1991 through 1995.

Mr. MILLER of California (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from California?

Mr. HANSEN. Mr. Speaker, reserving the right to object, under my reservation I ask the gentleman from California to explain this request, and I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, H.R. 1101 extends the authorization for the Water Resources Research Act of 1984. This legislation passed the House, without objection, on June 6, 1989. The Senate considered the measure on August 2, 1990, amended the legislation, and returned it to the House.

The most significant change in H.R. 1101 by the Senate was to revise the matching requirements for receipt of the Federal grant funds by the water resources research institutes in each of the States.

The House-passed bill changed the matching grant formula in the 1984 act by making the match on non-Federal dollar for every Federal dollar. In other words, a one-to-one match.

The Senate amendment requires a 2-to-1 match. This means that two non-Federal dollars must match every Federal dollar appropriated in order to obtain grants under this program. The Senate amendment, in effect, retains the program as it was amended in 1984.

I support the changes made by the Senate. Mr. Speaker, this change will insure that the institutes will contribute a reasonable share of program costs. I am pleased that we will finally reauthorize the water resources research program. I know of no controversy with the legislation and urge its passage by the House.

Mr. HANSEN. Mr. Speaker, I thank the gentleman for his explanation, and support the Senate amendment.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from California?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MILLER of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on the Senate amendment to H.R. 1101.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

WHERE IS GERMANY WHEN WE NEED HER?

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, I am an American of German descent. My ancestors were among the first to come to this country from Germany 313 years ago. A large percentage of my district is of German descent. But today, Mr. Speaker, I am criticizing Germany as I criticized Japan yesterday.

Germany has vetoed supplying direct funds for United States military forces in the Persian Gulf region. Maybe they could have temporarily forgotten why there was a need for the presence of U.S. troops in their country for the last 45 years. Recently, a consultant to the Deutsche Bank said: "We have found $3 billion for a loan to the Soviet Union, so we should certainly be able to find the $1.8 billion that President Bush requested."

Mr. Speaker, I am not saying that countries like Japan and Germany are not doing anything; but it is obvious when you look at their huge economic interests, and the commitments we have extended to them for over 45 years, that they should and certainly can be doing more. How is it that Germany can afford to give $3 billion to her longtime foe, turned new friend, yet she can't make a minimum contribution to world peace and security? Come on Germany. Get on board the peace wagon. Americans are tired of being forgotten, when the going gets tough!

GERMANY, JAPAN KEEP WALLETS SHUT

By Martin Sieff

International support for President Bush's Persian Gulf policy looks a mile wide, but financially it has proved to be only an inch deep.

Treasury Secretary Nicholas Brady is on an 18,500-mile globetrotting mission to seek further financial support from America's reluctant European and East Asian allies. He meets today with South Korean President Roh Tae-woo and Japanese Prime Minister Toshiki Kaifu.

The administration says privately what critics in Congress are saying openly—that our main allies, especially Japan, should do much more, given the size of their economies.

Britain and France have both boldly supported the United States with words and force movements. But neither of them has committed themselves to any specific financial pledges. Officials of the 12-nation European Community are due to take up the question of increased assistance at a meeting today.

In particular, West Germany and Japan—the two powerhouse industrial economies that Mr. Bush is asking to bankroll much of the costly U.S. deployment in the Gulf—have refused to invest in the enormous peacekeeping effort.

The West German government has rejected Mr. Bush's request, according to reports from Bonn.

The United States finally strongarmed a $1 billion aid package out of Japan for countries damaged by the international blockade, but Tokyo flatly refused to underwrite any U.S. military costs.

These actions have angered congressional leaders, who already question the sums Washington pays to protect its allies, including Japan and Germany.

"It is about time Germany realizes that we cannot hide behind our constitution and [the priority of reunification] forever on this crisis," said Hieko Thieme, a consultant to the Deutsche Bank, Germany's largest. "We have found 5 billion deutsche marks [$3 billion] for a loan to the Soviet Union, so we should certainly be able to find the 3 billion deutsche marks [1.8 billion] that President Bush requested. We are morally in his debt for his support for German unification."

German and Japanese leaders argue that their nations have huge economic problems of their own that dictate caution rather than boldness in dealing with the Gulf crisis.

The West German bailout of East Germany has become a bottomless pit. West German investment to replace and aid the East's moribund economy will require at least $500 billion over the next 10 years, with another $200 billion to clean up the environment, analysts say.

London financial sources report "extreme nervousness and reluctance" among German money managers over supporting and helping fund that U.S. deployment in the Gulf.

Of all the major Western nations, West Germany is the most dependent on Middle East oil for its energy needs. Britain, with North Sea oil is the ninth-largest oil producer in the world. France produces 70 percent of its electrical energy from cost-efficient nuclear power stations. The Germans have neither option.

Along with fears of a devastating energy cutoff, German financial leaders worry that the once-mighty deutsche mark is already strained to the limit, anchoring the European Monetary System as well as bailing out East Germany.

West German Chancellor Helmut Kohl, determined to push through unification as fast as possible, brushed aside warnings from Finance Minister Theo Weigal and Bundesbank (central bank) chief Karl Otto Pohl that the generous exchange rate he promised the East Germans for their defunct Ostmark would create major inflationary pressures.

However, the warning came true. Interest rates in the financial center of Frankfurt are rising steeply as the Bundesbank seeks to shore up the faltering deutsche mark.

Japan faces the same problems as Germany in supporting U.S. Gulf policy, but to an even more extreme degree. Some 90 percent of Japan's energy requirements come from the Middle East, and a disruption because of war would have devastating repercussions, analysts say.

GUAM'S AIRPORT NAMED FOR THE LATE TONY WON PAT

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DE LUGO. Mr. Speaker, the airport in Guam, a U.S. insular area in the Pacific, was just recently officially named the Antonio B. Won Pat Guam International Airport in honor of our late colleague, Tony Won Pat, who died in 1987.

Tony was my predecessor in the job of chairman of the insular affairs subcommittee of the House Interior and Insular Affairs Committee. In fact, when he became chairman in 1981, he was the first island representative to become a chairman of a legislative subcommittee of the House. Prior to his coming to Congress in 1973, he served his beloved Guamanians in various elected capacities from the 1930's on, so he had a long history of public service.

Tony was a tireless campaigner and lobbyist on behalf of the Guamanian people and it is fitting that they should honor him by naming their airport after him.

I insert an editorial from the June 6, 1990 Pacific Daily News that applauds the decision to name the airport after Mr. Won Pat at this point in the RECORD.

GUAM AIRPORT'S NEW NAME WELL-CHOSEN

Many times were hear of proposals to change the name of an area or landmark. Usually this leads to confusion and quarrels. One change, however, against which few will argue is naming Guam's international airport for the late Antonio B. Won Pat. Many good men and women have served this community and deserve to be recognized. One of these is Won Pat.

Won Pat served the people of Guam as an elected official for four decades. He served locally and in Washington, D.C. He was very much dedicated to improving the lifestyle of the people of Guam and today many Guam residents continue to reap the benefits of his lobbying and legislation.

Won Pat's secretary of 18 years, Juanita R. Charfauros, said her former boss earned this recognition. He was known as a man whose traits were hard work and humility. This dedication was well-chosen. We hope to see others like him pass through the gates of the Antonio B. Won Pat International Airport.

Mr. Speaker, many of our colleagues pass through Guam on their way to and from the Far East on congressional fact finding trips. In future, if but for a fleeting moment, as they move through the airport, I hope they will remember our late colleague and his ceaseless efforts on behalf of his constituents, those U.S. citizens who live where, as he used to put it, "America's day begins."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DENNY SMITH (at the request of Mr. MICHEL), for today and the balance of the week, on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HANSEN) to revise and extend their remarks and include extraneous material:)

Mr. INHOFE, for 60 minutes each day, on September 18 and 19.

Mr. GINGRICH, for 60 minutes each day, on September 17, 18, 19, 24, 25, 26, and 27.

Mr. SAXTON, for 5 minutes each day, today and on September 12.

Mr. DORNAN of California, for 60 minutes each day, on September 11, 12, 13, 17, 18, 19, 20, 24, 25, 26, and 27.

Mr. MICHEL, for 5 minutes, today.

Mr. DORNAN of California, for 60 minutes each day, on October 2, 3, 4, 8, 9, 10, and 12.

(The following Members (at the request of Mr. HARRIS) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MCHUGH, for 5 minutes, on September 12.

Mr. GAYDOS, for 60 minutes each day, on September 18 and 19.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HANSEN) and to include extraneous matter:)

Mr. BROOMFIELD in two instances.
Mr. PETRI.
Mr. WELDON.
Mr. MADIGAN.
Mr. PURSELL.
Mr. BURTON of Indiana.
Mr. MICHEL.
Mr. RINALDO.
Mr. CONTE.
Mr. CRANE.
Mr. PORTER in two instances.
Mr. YOUNG of Alaska.
Mr. GALLEGLY.
Mr. BEREUTER.
Mr. SCHAEFER.
Mr. GILMAN in two instances.
Mr. MACHTLEY.
Mr. LOWERY of California.
Mr. GRANDY.

(The following Members (at the request of Mr. HARRIS) and to include extraneous matter:)

Mr. HAMILTON in three instances.
Mr. SOLARZ.
Ms. LONG.
Mr. FRANK.
Mr. WEISS.
Mr. HERTEL in two instances.
Mr. ROWLAND of Georgia.
Mr. MURTHA.
Mr. THOMAS A. LUKEN.
Mr. DONNELLY.

Mr. DARDEN.
Mr. OWENS of Utah.
Mr. DINGELL.
Mr. TRAFICANT in two instances.
Mr. FOGLIETTA.
Mr. ESPY.
Mr. THOMAS of Georgia.
Mr. JACOBS.

SENATE ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolutions of the Senate of the following titles:

S. 2597. An act to amend the act of June 20, 1910, to clarify in the State of New Mexico authority to exchange lands granted by the United States in Trust, and to validate prior land exchanges.

S.J. Res. 279. Joint resolution to designate the week of September 16, 1990, through September 22, 1990, as "National Rehabilitation Week."

S.J. Res. 285. Joint resolution to designate the period commencing September 9, 1990, and ending on September 15, 1990, as "National Historically Black Colleges Week."

S.J. Res. 289. Joint resolution to designate October 1990 as "Polish American Heritage Month."

S.J. Res. 309. Joint resolution designating the month of October 1990 as "Crime Prevention Month."

□ 1840

RECESS

The SPEAKER pro tempore (Mr. BROWN of California). Pursuant to the order of the House of earlier today, the House will stand in recess until approximately 8:40 p.m.

Accordingly (at 6 o'clock and 40 minutes p.m.), the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 49 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 365 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Missouri [Mr. GEPHARDT];

The gentleman from Pennsylvania [Mr. GRAY];

The gentleman from Maryland [Mr. HOYER];

The gentleman from Michigan [Mr. BONIOR];

The gentleman from California [Mr. FAZIO];

The gentleman from Illinois [Mr. MICHEL];

The gentleman from Georgia [Mr. GINGRICH];

The gentleman from California [Mr. LEWIS];

The gentleman from Oklahoma [Mr. EDWARDS]; and

The gentleman from Minnesota [Mr. WEBER].

The VICE PRESIDENT. The President of the Senate at the direction of that body appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from Maine [Mr. MITCHELL];

The Senator from California [Mr. CRANSTON];

The Senator from Rhode Island [Mr. PELL];

The Senator from Georgia [Mr. NUNN];

The Senator from Michigan [Mr. LEVIN];

The Senator from Illinois [Mr. SIMON];

The Senator from Hawaii [Mr. AKAKA];

The Senator from Kansas [Mr. DOLE];

The Senator from Wyoming [Mr. SIMPSON];

The Senator from South Carolina [Mr. THURMOND];

The Senator from Virginia [Mr. WARNER];

The Senator from Maine [Mr. COHEN]; and

The Senator from South Dakota [Mr. PRESSLER].

The Doorkeeper announced the ambassadors, ministers, and chargés d' affaires of foreign governments.

The ambassadors, ministers, and chargés d' affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 5 minutes p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

[Applause, the Members rising.]

ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Mr. President, Mr. Speaker, Members of the United States Congress, distinguished guests, fellow Americans, thank you very much for that warm welcome.

We gather tonight, witness to events in the Persian Gulf as significant as they are tragic. In the early morning hours of August 2d, following negotiations and promises by Iraq's dictator Saddam Hussein not to use force, a powerful Iraqi Army invaded its trusting and much weaker neighbor, Kuwait. Within 3 days, 120,000 Iraqi troops with 850 tanks had poured into Kuwait, and moved south to threaten Saudi Arabia. It was then I decided to check that aggression.

At this moment, our brave servicemen and women stand watch in that distant desert and on distant seas, side by side with the forces of more than 20 other nations.

They are some of the finest men and women of the United States of America. And they're doing one terrific job.

These valiant Americans were ready at a moment's notice to leave their spouses, their children, to serve on the frontline half-way around the world. They remind us who keeps America strong. They do.

In the trying circumstances of the gulf, the morale of our servicemen and women is excellent. In the face of danger, they are brave, well-trained, and dedicated.

A soldier, Private First Class Wade Merritt of Knoxville, Tennessee, now stationed in Saudi Arabia, wrote his parents of his worries, his love of family, and his hopes for peace. But Wade also wrote: "I am proud of my Army and its men . . . I am proud to serve my country."

Let me just say, Wade, America is proud of you. And grateful to every soldier, sailor, marine, and airman serving the cause of peace in the Persian Gulf.

I also want to thank the Chairman of the Joint Chiefs of Staff, General Powell, the Chiefs here tonight, our commander in the Persian Gulf, General Schwartzkop, and the men and women of the Department of Defense—what a magnificent job you are doing. Thank you very, very much.

I wish I could say their work is done. But we all know it is not.

So if ever there was a time to put country before self and patriotism before party, that time is now. Let me thank all Americans, especially those in this Chamber tonight, for your support for our forces and their mission.

That support will be even more important in the days to come.

So tonight, I want to talk to you about what is at stake—what we must do together to defend civilized values around the world, and maintain our economic strength at home.

Our objectives in the Persian Gulf are clear, our goals defined and familiar:

Iraq must withdraw from Kuwait completely, immediately—and without condition.

Kuwait's legitimate government must be restored.

The security and stability of the Persian Gulf must be assured.

American citizens abroad must be protected.

These goals are not ours alone. They have been endorsed by the United Nations Security Council five times in as many weeks. Most countries share our concern for principle. And many have a stake in the stability of the Persian Gulf. This is not, as Saddam Hussein would have it, the United States against Iraq. It is Iraq against the world.

As you know, I've just returned from a very productive meeting with Soviet President Gorbachev, I am pleased that we are working together to build a new relationship. In Helsinki, our joint statement affirmed to the world our shared resolve to counter Iraq's threat to peace. Let me quote:

> We are united in the belief that Iraq's aggression must not be tolerated. No peaceful international order is possible if larger states can devour their smaller neighbors.

Clearly, no longer can a dictator count on East-West confrontation to stymie concerted United Nations action against aggression.

A new partnership of nations has begun.

We stand today at a unique and extraordinary moment. The crisis in the Persian Gulf, as grave as it is, also offers a rare opportunity to move toward an historic period of cooperation. Out of these troubled times, our fifth objective—a new world order—can emerge: A new era—freer from the threat of terror, stronger in the pursuit of justice, and more secure in the quest for peace. An era in which the nations of the world, east and west, north and south, can prosper and live in harmony.

A hundred generations have searched for this elusive path to peace, while a thousand wars raged across the span of human endeavor. Today that new world is struggling to be born. A world quite different from the one we've known. A world where the rule of law supplants the rule of the jungle. A world in which nations recognize the shared responsibility for freedom and justice. A world where the strong respect the rights of the weak.

This is the vision I shared with President Gorbachev in Helsinki. He and other leaders from Europe, the Gulf and around the world, understand that how we manage this crisis today, could shape the future for generations to come.

The test we face is great—and so are the stakes. This is the first assault on the new world we seek, the first test of our mettle. Had we not responded to this first provocation with clarity of purpose; if we do not continue to demonstrate our determination; it would be a signal to actual and potential despots around the world.

America and the world must defend common vital interests. And we will.

America and the world must support the rule of law. And we will.

America and the world must stand up to aggression. And we will.

And one thing more—in the pursuit of these goals America will not be intimidated.

Vital issues of principle are at stake. Saddam Hussein is literally trying to wipe a country off the face of the Earth.

We do not exaggerate.

Nor do we exaggerate when we say: Saddam Hussein will fail.

Vital economic interests are at risk as well. Iraq itself controls some 10 percent of the world's proven oil reserves. Iraq plus Kuwait controls twice that. An Iraq permitted to swallow Kuwait would have the economic and military power, as well as the arrogance, to intimidate and coerce its neighbors—neighbors who control the lion's share of the world's remaining oil reserves. We cannot permit a resource so vital to be dominated by one so ruthless. And we won't.

Recent events have surely proven that there is no substitute for American leadership. In the face of tyranny, let no one doubt American credibility and reliability.

Let no one doubt our staying power. We will stand by our friends.

One way or another, the leader of Iraq must learn this fundamental truth.

From the outset, acting hand-in-hand with others, we've sought to fashion the broadest possible international response to Iraq's aggression. The level of world cooperation and condemnation of Iraq is unprecedented.

Armed Forces from countries spanning four continents, are there at the request of King Fahd of Saudi Arabia to deter and, if need be, to defend against attack. Muslim and non-Muslims, Arabs and non-Arabs, soldiers from many nations, stand shoulder-to-shoulder, resolute against Saddam Hussein's ambitions.

We can now point to five U.N. Security Council resolutions that condemn Iraq's aggression. They call for Iraq's immediate and unconditional withdrawal, the restoration of Kuwait's legitimate government, and categorically reject Iraq's cynical and self-serving attempt to annex Kuwait.

Finally, the United Nations has demanded the release of all foreign nationals held hostage against their will, and in contravention of international law. It is a mockery of human decency to call these people "guests." They are hostages, and the whole world knows it.

Prime Minister Margaret Thatcher, a dependable ally, said it all: "We do not bargain over hostages. We will not stoop to the level of using human beings as bargaining chips. Ever."

Of course, our hearts go out to the hostages and their families. But our policy cannot change. And it will not change. America and the world will not be blackmailed by this ruthless policy.

We are now in sight of a United Nations that performs as envisioned by its founders. We owe much to the outstanding leadership of Secretary-General Perez de Cuellar. The U.N. is backing up its words with action. The Security Council has imposed mandatory economic sanctions on Iraq, designed to force Iraq to relinquish the spoils of its illegal conquest. The Security Council has also taken the decisive step of authorizing the use of all means necessary to ensure compliance with these sanctions.

Together with our friends and allies, ships of the United States Navy are today patrolling mideast waters. They have already intercepted more than 700 ships to enforce the sanctions. Three regional leaders I spoke with just yesterday told me that these sanctions are working. Iraq is feeling the heat.

We continue to hope that Iraq's leaders will recalculate just what their aggression has cost them. They are cut off from world trade. Unable to sell their oil. And only a tiny fraction of goods gets through.

The communique with President Gorbachev made mention of what happens when the embargo is so effective that children of Iraq literally need milk, or the sick truly need medicine. Then under strict international supervision that guarantees the proper destination, then food will be permitted.

At home, the material cost of our leadership can be steep. That's why Secretary of State Baker and Treasury Secretary Brady have met with many world leaders to underscore that the burden of this collective effort must be shared. We are prepared to do our share and more to help carry that load; we insist others do their share as well.

The response of most of our friends and allies has been good. To help defray costs, the leaders of Saudi Arabia, Kuwait, and the United Arab Emirates have pledged to provide our deployed troops with all the food and fuel they need. Generous assistance will also be provided to stalwart frontline nations, such as Turkey and Egypt.

I am also heartened to report that this international response extends to the neediest victims of this conflict—the refugees. For our part, we have contributed $28 million for relief efforts. This is but a portion of what is needed. I commend, in particular, Saudi Arabia, Japan, and several European nations who have joined us in this purely humanitarian effort.

There is an energy-related cost to be borne as well. Oil-producing nations are already replacing lost Iraqi and Kuwaiti output. More than half of what was lost has been made up. We are getting superb cooperation. If producers, including the United States, continue steps to expand oil and gas production, we can stabilize prices and guarantee against hardship. Additionally, we and several of our allies always have the option to extract oil from our strategic petroleum reserves, if conditions warrant. As I have pointed out before, conservation efforts are essential to keep our energy needs as low as possible. We must then take advantage of our energy sources across the board: Coal, natural gas, hydro, and nuclear. Our failure to do these things has made us more dependent on foreign oil than ever before. Finally, let no one even contemplate profiteering from this crisis. We will not have it.

I cannot predict just how long it will take to convince Iraq to withdraw from Kuwait. Sanctions will take time to have their full intended effect. We will continue to review all options with our allies, but let it be clear: We will not let this aggression stand.

Our interest, our involvement in the gulf, is not transitory. It predated Saddam Hussein's aggression, and will survive it. Long after all our troops come home, and we all hope it is soon, very soon, there will be a lasting role for the United States in assisting the nations of the Persian Gulf. Our role, with others, is to deter future aggression. Our role is to help our friends in their own self-defense. And something else: To curb the proliferation of chemical, biological, ballistic missile, and above all, nuclear technologies.

Let me also make clear that the United States has no quarrel with the Iraqi people. Our quarrel is with Iraq's dictator, and with his aggression. Iraq will not be permitted to annex Kuwait. That's not a threat, or a boast, that's just the way it's going to be.

Our ability to function effectively as a great power abroad depends on how we conduct ourselves here at home. Our economy, our Armed Forces, our energy dependence, and our cohesion all determine whether we can help our friends and stand up to our foes.

For America to lead, America must remain strong and vital. Our world leadership and domestic strength are mutual and reinforcing; a woven piece, as strongly bound as Old Glory.

To revitalize our leadership capacity, we must address our budget deficit—not after election day, or next year, but now.

Higher oil prices slow our growth, and higher defense costs would only make our fiscal deficit problem worse. That deficit was already greater than it should have been—a projected $232 billion for the coming year. It must—it will—be reduced.

To my friends in Congress, together we must act this very month—before the next fiscal year begins October 1—to get America's economic house in order. The gulf situation helps us realize we are more economically vulnerable than we ever should be. Americans must never again enter any crisis—economic or military—with an excessive dependence on foreign oil and an excessive burden of Federal debt.

Most Americans are sick and tired of endless battles in the Congress and between the branches over budget matters. It is high time we pulled together—and get the job done right. It is up to us to straighten this out.

This job has four basic parts.

First: The Congress should, this month, within a budget agreement, enact growth-oriented tax measures—to help avoid recession in the short term; and to increase savings, investment, productivity, and competitiveness for the longer term. These measures include extending incentives for research and experimentation; expanding the use of IRA's for new homeowners; establishing tax-deferred family savings accounts; creating incentives for the creation of enterprise zones and initiatives to encourage more domestic drilling; and, yes, reducing the tax rate for capital gains.

Second, the Congress should, this month, enact a prudent multiyear defense program—one that reflects not only the improvement in East-West relations, but our broader responsibilities to deal with the continuing risk of outlaw action and regional conflict. Even with our obligation in the gulf, a sound defense budget can have some reduction in real terms, and we are prepared to accept that. But to go beyond such levels, where cutting defense would threaten our vital margin of safety, is something I will never accept.

The world is still dangerous. Surely that is now clear. Stability is not secure. American interests are far-reaching. Inter-dependence has increased. The consequences of regional instability can be global. This is no time to risk America's capacity to protect her vital interests.

Third, the Congress should, this month, enact measures to increase domestic energy production and energy conservation—in order to reduce dependence on foreign oil. These measures should include my proposals to increase incentives for domestic oil and gas exploration, fuel-switching, and to accelerate the development of Alaskan energy resources, without damage to wildlife.

As you know, when the oil embargo was imposed in the early 1970's the United States imported almost 6 million barrels of oil per day. This year, before the Iraqi invasion, U.S. imports had risen to nearly 8 million barrels per day. We had moved in the wrong direction. Now we must act to correct that trend.

Fourth, the Congress should, this month, enact a 5-year program to reduce the projected debt and deficits by $500 billion—that is, by half a trillion dollars. If, with the Congress, we can develop a satisfactory program by the end of the month, we can avoid the ax of sequester—deep across-the-board cuts that would threaten our military capacity and risk substantial domestic disruption.

I want to be able to tell the American people that we have truly solved the deficit problem. For me to do that, a budget agreement must meet these tests:

It must include the measures I've recommended to increase economic growth and reduce dependence on foreign oil.

It must be fair. All should contribute, but the burden should not be excessive for any one group of programs or people.

It must address the growth of government's hidden liabilities.

It must reform the budget process, and further: It must be real.

I urge Congress to provide a comprehensive 5-year deficit reduction pro-

gram to me as a complete legislative package—with measures to assure that it can be fully enforced. America is tired of phoney deficit reduction, or promise-now, save-later plans. It is time for a program that is credible and real.

Finally, to the extent that the deficit reduction program includes new revenue measures, it must avoid any measure that would threaten economic growth or turn us back toward the days of punishing income tax rates. That is one path we should not head down again.

I have been pleased with recent progress, although it has not always seemed so smooth.

But now it is time to produce.

I hope we can work out a responsible plan. But with or without agreement from the budget summit, I ask both Houses of the Congress to allow a straight up-or-down vote on a complete $500 billion deficit reduction package—not later than September 28.

If the Congress cannot get me a budget, then Americans will have to face a tough, mandated sequester.

I am hopeful, in fact I am confident, the Congress will do what it should. And I can assure you, we in the executive branch will do our part.

In the final analysis, our ability to meet our responsibilities abroad depends upon political will and consensus at home. This is never easy in democracies—where we govern only with the consent of the governed. And although free people in a free society are bound to have their differences, Americans traditionally come together in times of adversity and challenge.

Once again, Americans have stepped forward to share a tearful goodbye with their families before leaving for a strange and distant shore. At this very moment, they serve together with Arabs, Europeans, Asians, and Africans in defense of principle and the dream of a new world order. That is why they sweat and toll in the sand and the heat and the sun.

If they can come together under such adversity; if old adversaries like the Soviet Union and the United States can work in common cause; then surely we who are so fortunate to be in this great chamber—Democrats, Republicans, liberals, conservatives—can come together to fulfill our responsibilities here.

Thank you, good night, and God bless the United States of America.

Thank you all very much.

[Applause, the Members rising.]

At 9 o'clock and 40 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests from the Chamber in the following order.

The members of the President's Cabinet.

The ambassadors, ministers, and charges d'affaires of foreign governments.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly at 9 o'clock and 45 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. FAZIO. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The motion was agreed to.

LEGISLATION PROVIDING FREE MAILING PRIVILEGES FOR TROOPS ENGAGED IN OPERATION DESERT SHIELD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, right now, our men and women in the Saudi Desert are faced with many enemies. Saddam Hussein and the hot sun, of course, are deadly in a very direct way. Boredom and loneliness are also enemies, and they can be deadly in their own way.

We here in the Congress can't do much about the sun, and the President is handling Saddam Hussein. We can make a contribution, though. We can try to relieve the boredom and loneliness that has dogged our men and women over in the Middle East.

Providing free mailing priviledges to our troops would be a small, yet significant, step in keeping their morale high.

That is why I have introduced legislation which would provide members of the Armed Forces who are participants in this temporary overseas deployment in Saudi Arabia with free mail service.

In my bill, the postal service would be reimbursed for this free mailing by legislative branch appropriations. Thus, some of the money earmarked for congressional franking will be put to better use: Helping American troops in operation Desert Shield.

I think this can be an important contribution the Congress can make for our troops overseas and for our constituents back at home.

H.R. 5570

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

SECTION 1. FREE MAILING PRIVILEGES FOR MEMBERS OF THE ARMED FORCES PARTICIPATING IN TEMPORARY OVERSEAS DEPLOYMENT IN ARDUOUS CIRCUMSTANCES.

(a) MAILING PRIVILEGES.—In a case in which members of the Armed Forces are temporarily deployed overseas for an operational contingency in arduous circumstances, as determined by the Secretary of Defense, members so deployed shall be provided mailing privileges under section 3410(a)(1)(A) of title 39, United States Code, in the same manner as if the forces deployed were engaged in military operations involving armed conflict with a hostile foreign force.

(b) REIMBURSEMENT OF POSTAL SERVICE FROM LEGISLATIVE BRANCH APPROPRIATIONS.—There shall be transferred to the Postal Service as postal revenues, out of appropriations made for the legislative branch for the purpose of franked mailings, as a necessary expense of the appropriations concerned, the equivalent amount for postage due, as determined by the Postal Service, for matter sent in the mails under authority of subsection (a).

(c) EXPIRATION.—The provisions of this section shall expire on June 30, 1991.

ADJOURNMENT

Mr. FAZIO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 49 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 12, 1990 at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3864. A letter from the Acting Executive Director, Neighborhood Reinvestment Corporation, transmitting the annual report of the Corporation for 1989, pursuant to 42 U.S.C. 8106(a); to the Committee on Banking, Finance and Urban Affairs.

3865. A letter from the Commissioner, Rehabilitation Services Administration, transmitting a report on the accomplishments of the supported employment programs for the fiscal year October 1, 1988 through September 30, 1989, pursuant to 29 U.S.C. 777a; to the Committee on Education and Labor.

3866. A letter from the Attorney General, Office of the Attorney General, transmitting the Departments 1989 annual report on missing children, pursuant to 42 U.S.C. 5773(a); to the Committee on Education and Labor.

3867. A letter from the Secretary of Education, transmitting the interim report on the distribution of Federal elementary-secondary education grants among the States, pursuant to Public Law 100-297, section 6207 (102 Stat. 427); to the Committee on Education and Labor.

3868. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a pro-

posed license for the export of defense equipment sold commercially to the Republic of Korea (Transmittal No. DTC-30-90), pursuant to 22 U.S.C. 2776(c), (d); to the Committee on Foreign Affairs.

3869. A letter from the Comptroller of the Department of Defense, transmitting notification that the Secretary has invoked the authority granted by section 3732 of the Revised Statutes to authorize the military departments to incur obligations in excess of available appropriations for the costs of any additional members of the Armed Forces on active duty which have been increased beyond the number for which funds were provided for; jointly, to the Committees on Armed Services and Appropriations.

3870. A letter from the Secretary of Energy, transmitting a comprehensive report describing the project entitled, "Confined Zone Dispersion Flue Gas Desulfurization Demonstration", proposed by Bechtel Corp.; jointly, to the Committees on Appropriations; Energy and Commerce; and Science, Space, and Technology.

3871. A letter from the Secretary of Energy, transmitting a comprehensive report describing the project entitled, "Evaluation of Gas Reburning and Low NO_x Burners on a Wall-Fired Boiler," proposed by Energy and Environmental Research Corp.; jointly, to the Committees on Appropriations; Science, Space, and Technology; and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FROST: Committee on Rules. House Resolution 461. Resolution providing for the consideration of H.R. 4739, a bill to authorize appropriations for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, and for other purposes (Report No. 101-693). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FASCELL (for himself, Mr. SMITH of Florida, Mr. KOSTMAYER, Mr. HAMILTON, Mr. YATRON, Mr. SOLARZ, Mr. STUDDS, Mr. WOLPE, Mr. GEJDENSON, Mr. DYMALLY, Mr. LANTOS, Mr. TORRICELLI, Mr. FEIGHAN, Mr. ACKERMAN, Mr. UDALL, Mr. CLARKE, Mr. FUSTER, Mr. JOHNSTON of Florida, Mr. FALEOMAVAEGA, Mr. BOSCO, and Mr. MCCLOSKEY):

H.R. 5567. A bill to authorize international narcotics control activities for fiscal year 1991, and for other purposes; jointly, to the Committees on Foreign Affairs, the Judiciary, and Banking, Finance and Urban Affairs.

By Mr. DINGELL (for himself and Mr. RITTER):

H.R. 5568. A bill to impose additional duties on the products of foreign countries if, and during such time as, such countries do not make sufficient contributions to the multinational military mobilization and operations being carried out in response to the invasion of Kuwait by Iraq; to the Committee on Ways and Means.

By Mr. GILMAN (for himself, Mr. DORNAN of California, Mr. INHOFE, Mr. BATES, and Mr. DONALD E. LUKENS):

H.R. 5569. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to enhance the protections for members of the Armed Forces on active duty, including members of the reserve components of the Armed Forces; to the Committee on Veterans' Affairs.

By Mr. MICHEL (for himself, Mr. LEWIS of California, Mrs. MARTIN of Illinois, Mr. SMITH of New Hampshire, Mr. ROWLAND of Connecticut, Mr. CRAIG, Mr. BROWN of Colorado, Mr. GILMAN, Mr. DICKINSON, Mr. TAUKE, Ms. SCHNEIDER, and Mrs. SAIKI):

H.R. 5570. A bill to provide free mailing privileges for members of the Armed Forces who are participants in a temporary overseas deployment for an operational contingency in arduous circumstances; to the Committee on Post Office and Civil Service.

By Mr. BORSKI:

H.R. 5571. A bill to amend title 28, United States Code, to provide for the appointment of an additional bankruptcy judge for the Eastern District of Pennsylvania; to the Committee on the judiciary.

By Mr. BRYANT (for himself and Mr. MORRISON of Connecticut):

H.R. 5572. A bill to amend the Immigration and Nationality Act to extend the requirement for an annual GAO report on the impact of employer sanctions, to improve enforcement of antidiscrimination provisions, and for other purposes; jointly, to the Committees on the Judiciary and Education and Labor.

By Mr. DEFAZIO:

H.R. 5573. A bill to require the Secretary of the Interior to prepare a national least-cost energy plan and to prohibit any oil and gas leasing on Federal lands currently withdrawn from, or not available for, oil and gas leasing until such a plan is submitted to the Congress; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. DUNCAN:

H.R. 5574. A bill to authorize financial assistance for Knoxville College of Knoxville, TN; to the Committee on Education and Labor.

By Mr. GIBBONS:

H.R. 5575. A bill to provide for free mailing privileges for members of the Armed Forces serving in the Persian Gulf region as part of Operation Desert Shield; to the Committee on Post Office and Civil Service.

By Mr. GREEN:

H.R. 5576. A bill to amend the Internal Revenue Code of 1986 to exempt cooperative housing corporations from the provisions of section 277 of such Code; to the Committee on Ways and Means.

By Mr. HAYES of Illinois (for himself, Mr. CONYERS, Mr. CLAY, Mr. SERRANO, Mr. STOKES, Mr. DELLUMS, Mr. RANGEL, Mr. FAUNTROY, Mrs. COLLINS, Mr. FORD of Tennessee, Mr. DIXON, Mr. GRAY, Mr. CROCKETT, Mr. DYMALLY, Mr. SAVAGE, Mr. OWENS of New York, Mr. TOWNS, Mr. WHEAT, Mr. ESPY, Mr. FLAKE, Mr. LEWIS of Georgia, Mr. MFUME, Mr. PAYNE of New Jersey, Mr. WASHINGTON, Mr. HOYER, Mr. LEHMAN of Florida, Mr. ROSE, Mr. SPRATT, Mr. FROST, Mr. KILDEE, Mr. MARTINEZ, Mr. JONTZ, and Mr. PERKINS):

H.R. 5577. A bill to establish the Lovejoy Building as an African-American Higher Education Center, and for other purposes; to the Committee on Education and Labor.

By Mr. PETRI:

H.R. 5578. A bill to amend the Fair Labor Standards Act of 1938 to exempt certain model garment programs from minimum wage and maximum hour requirements, and for other purposes; to the Committee on Education and Labor.

By Mr. RAHALL (for himself and Mr. CRAIG):

H.R. 5579. A bill to amend section 28(w) of the Mineral Leasing Act, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. SHARP (for himself and Mr. MCCLOSKEY):

H.R. 5580. A bill to deny to Iraq any windfall resulting from its invasion of Kuwait, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SMITH of Florida:

H.R. 5581. A bill to amend the Clayton Act to improve the notification requirements applicable to foreign persons who acquire voting securities or assets of persons in the United States; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. ANNUNZIO, Mr. ATKINS, Mrs. COLLINS, Mr. COSTELLO, Mr. EVANS, Mr. FEIGHAN, Mr. GUNDERSON, Mr. DE LUGO, Mr. JOHNSON of South Dakota, Mr. JONTZ, Mr. KOLTER, Mr. MILLER of California, Mr. MORRISON of Connecticut, Mr. NEAL of Massachusetts, Mr. PALLONE, Mr. PARRIS, Mr. PEASE, Mr. SHAYS, Mr. TRAFICANT, Mr. UDALL, Mr. YATES, Mr. HAYES of Illinois, Mr. COLEMAN of Missouri, Mr. HUGHES, Mrs. UNSOELD, Ms. KAPTUR, and Mrs. BOXER):

H.R. 5582. A bill to protect the national security by prohibiting profiteering of essential commodities during periods of national emergency; to the Committee on the Judiciary.

By Mr. GLICKMAN (for himself, Mr. ENGLISH, Mr. ROBERTS, Mr. JOHNSON of South Dakota, Mr. STANGELAND, Mr. SARPALIUS, Mr. VOLKMER, Mr. NAGLE, and Mr. STALLINGS):

H.R. 5583. A bill to provide for an acreage limitation program for the 1991 crop of wheat; to the Committee on Agriculture.

By Mr. LOWERY of California:

H.R. 5584. A bill to amend title 37, United States Code, to expand the eligibility of members of the Reserve components of the Armed Forces to receive a variable housing allowance and to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to expand the protections for members of the Armed Forces on active duty who occupy rental housing; jointly, to the Committees on Armed Services and Veterans' Affairs.

By Mrs. MARTIN of Illinois (for herself, Mr. FAWELL, and Mr. TAUKE):

H.R. 5585. A bill to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to include the pay of Members of Congress and high-level officers of the executive branch within the coverage of the act; jointly, to the Committees on Government Operations and Post Office and Civil Service.

By Mr. VOLKMER:

H.R. 5586. A bill to authorize funding for certain alternative fuel source and energy

conservation programs, and for other purposes; jointly, to the Committees on Ways and Means; Energy and Commerce; Science, Space, and Technology; and Banking, Finance and Urban Affairs.

By Mr. WELDEN:

H.R. 5587. A bill to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to include the pay of Members of Congress within the coverage of the act; jointly, to the Committees on Government Operations, Post Office and Civil Service , and House Administration.

By Mr. WEISS (for himself, Mr. YATRON, Mr. DYMALLY, Mr. BEREUTER, Mr. MILLER of Washington, Mr. BERMAN, Mr. ACKERMAN, Mr. KOSTMAYER, and Mr. FEIGHAN):

H. Con Res. 368. Concurrent resolution commending the United Nations for its actions with respect to Iraq: to the Committee on Foreign Affairs.

By Mr. McCANDLESS:

H. Res. 462. Resolution to facilitate compliance with congressional intent expressed in the Balanced Budget and Emergency Deficit Control Act of 1985 with respect to fiscal year 1991; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 39: Mr. DOUGLAS.

H.R. 107: Mr. MURPHY.

H.R. 222: Mr. NELSON of Florida.

H.R. 496: Mr. JOHNSTON of Florida, Mr. COSTELLO, Mr. MCMILLEN of Maryland, Mr. LEHMAN of Florida, Mr. MILLER of California, and Mr. SHAYS.

H.R. 671: Mrs. BOXER.

H.R. 689: Mr. HOLLOWAY.

H.R. 725: Ms. OAKAR and Mr. SOLARZ.

H.R. 1378: Mr. FUSTER.

H.R. 1380: Mr. FUSTER.

H.R. 1406: Mr. KYL.

H.R. 1693: Ms. ROS-LEHTINEN, Mr. TRAFICANT, and Mr. NEAL of Massachusetts.

H.R. 1767: Ms. PELOSI.

H.R. 1875: Mr. HALL of Texas, Mr. LEHMAN of Florida, and Mr. INHOFE.

H.R. 2098: Mr. ALEXANDER.

H.R. 2383: Mr. HENRY.

H.R. 2395: Mr. EMERSON, and Mr. DEFAZIO.

H.R. 2664: Mrs. COLLINS and Mr. DURBIN.

H.R. 2807: Mr. STUDDS.

H.R. 2816: Mr. EMERSON, and Mr. BEREUTER.

H.R. 2885: Mr. HARRIS, Ms. OAKAR, Mrs. MORELLA, Mr. MCCURDY, and Mr. KANJORSKI.

H.R. 3004: Mr. BILIRAKIS, Mr. GILMAN, Mr. GUNDERSON, Mr. MORRISON of Washington, Mr. PURSELL and Mr. PARRIS.

H.R. 3037: Mr. KOLTER and Mr. DWYER of New Jersey.

H.R. 3623: Mr. INHOFE.

H.R. 3785: Mr. JOHNSON of South Dakota, Mr. CAMPBELL of Colorado, Mr. INHOFE, and Mr. WATKINS.

H.R. 3903: Mr. MORRISON of Connecticut.

H.R. 3923: Mr. EMERSON.

H.R. 3970: Mr. GORDON, Mr. ENGLISH, and Mr. SLATTERY.

H.R. 3999: Mr. BOSCO and Mr. DOUGLAS.

H.R. 4075: Mr. DOWNEY and Mr. NEAL of North Carolina.

H.R. 4121: Mr. GUNDERSON and Mr. PAYNE of New Jersey.

H.R. 4247: Mr. SUNDQUIST.

H.R. 4330: Mr. ANDREWS, Mr. BARNARD, Mrs. BOGGS, Mr. BOUCHER, Mr. DEFAZIO, Mr. SKAGGS, Mr. STAGGERS, Mr. STOKES, Mr. SWIFT, and Mr. YATRON.

H.R. 4367: Mr. TAUKE.

H.R. 4550: Mr. DE LUGO.

H.R. 4641: Mr. JACOBS and Mr. HUNTER.

H.R. 4683: Mr. MCMILLAN of North Carolina.

H.R. 4684: Mr. SKAGGS and Mr. CROCKETT.

H.R. 4755: Mr. LEWIS of Florida, Mr. AUCOIN, Mr. PRICE, Mr. MCGRATH, and Mr. TALLON.

H.R. 4848: Mr. FEIGHAN.

H.R. 4875: Mr. GIBBONS.

H.R. 4880: Mr. RANGEL.

H.R. 4955: Mr. OWENS of Utah, Mr. ROWLAND of Georgia, and Mr. MCNULTY.

H.R. 4958: Mr. KENNEDY.

H.R. 4962: Mr. NELSON of Florida, Mr. DE LA GARZA, Mr. WHEAT, Mr. HANSEN, Mr. JACOBS, Ms. SNOWE, Mr. ROWLAND of Connecticut, Mr. FRENZEL, Mr. BRENNAN, Mr. MICHEL, Mr. PASHAYAN, Mr. CLEMENT, Mr. ANNUNZIO, Mr. PICKETT, Mr. GINGRICH, Mr. GALLO, Mr. MACHTLEY, and Mr. BUECHNER.

H.R. 4975: Mr. GINGRICH.

H.R. 4993: Mr. KYL.

H.R. 5006: Mr. KOLBE and Mr. SPRATT.

H.R. 5008: Mrs. BOXER.

H.R. 5028: Mr. MCCOLLUM.

H.R. 5054: Mr. ROE.

H.R. 5144: Mrs. BYRON, Mr. CRAIG, and Mr. PARRIS.

H.R. 5194: Mr. DONALD E. LUKENS, Mr. ENGLISH, Mr. LEACH of Iowa, and Mrs. VUCANOVICH.

H.R. 5222: Mr. SCHIFF, Mr. HORTON, Mrs. MEYERS of Kansas, Mrs. MARTIN of Illinois, and Mr. WATKINS.

H.R. 5244: Mr. GRANDY, Mr. WATKINS, and Mr. GILMAN.

H.R. 5261: Ms. SCHNEIDER.

H.R. 5290: Mr. FOGLIETTA, Mr. HERTEL, Mr. WYDEN, Ms. MOLINARI, Mr. MARKEY, and Mrs. BYRON.

H.R. 5292: Mr. MARLENEE.

H.R. 5338: Mrs. LOWEY of New York, Mr. RICHARDSON, and Ms. ROS-LEHTINEN.

H.R. 5362: Mr. SUNDQUIST and Ms. SCHNEIDER.

H.R. 5392: Mrs. JOHNSON of Connecticut, Mr. OWENS of Utah, Mr. MACHTLEY, Mr. FAUNTROY, Mr. GREEN, Mrs. BOXER, Mr. RANGEL, Mr. HUGHES, Mr. HORTON, Mr. TOWNS, Mr. FUSTER, Ms. PELOSI, and Ms. SLAUGHTER of New York.

H.R. 5393: Mrs. JOHNSON of Connecticut, Mr. OWENS of Utah, Mr. MACHTLEY, Mr. FAUNTROY, Mr. GREEN, Mrs. BOXER, Mr. RANGEL, Mr. HUGHES, Mr. HORTON, Mr. TOWNS, Mr. FUSTER, Ms. PELOSI, and Ms. SLAUGHTER of New York.

H.R. 5410: Mrs. COLLINS, Mrs. UNSOELD, Mr. DICKS, and Mr. MCDERMOTT.

H.R. 5429: Mr. SUNDQUIST.

H.R. 5481: Mr. SOLOMON, Mr. COX, Mr. NOWAK, Mr. PALLONE, Mr. SAXTON, Mr. HORTON, Mr. MCGRATH, Mr. MILLER of Washington, Mr. BORSKI, and Mr. FAWELL.

H.R. 5531: Mrs. COLLINS and Mr. MADIGAN.

H.R. 5553: Mr. RHODES and Mr. ROBERTS.

H.R. 5563: Mrs. BYRON, Mrs. MORELLA, Mr. ROBINSON, and Mr. HAYES of Louisiana.

H.J. Res. 214: Mr. STOKES and Mr. ROWLAND of Connecticut.

H.J. Res. 369: Mr. TAYLOR, Mr. PRICE, and Mr. VOLKMER.

H.J. Res. 476: Mr. BEREUTER, Mr. BLAZ, Mr. BROWN of Colorado, Mr. CHAPMAN, Mr. FIELDS, Mr. FISH, Mr. GINGRICH, Ms. OAKAR, Mr. SMITH of Texas, Mrs. VUCANOVICH.

H.J. Res. 562: Mr. BILIRAKIS, Mr. FUSTER, Mr. PAYNE of New Jersey, Mr. HAYES of Louisiana, Mr. WHEAT, Mr. FASCELL, and Mr. YATRON.

H.J. Res. 571: Mr. SMITH of Iowa, Mr. SPRATT, Mr. LEACH of Iowa, Mr. EMERSON, Mr. EVANS, Mr. DONALD E. LUKENS, Mr. HAYES of Louisiana, and Mrs. COLLINS.

H.J. Res. 572: Mr. ORTIZ and Mr. TAYLOR.

H.J. Res. 579: Mr. TOWNS, Mr. WALSH, Mr. KOSTMAYER, Mr. HAMMERSCHMIDT, Mr. DOWNEY, Mr. GILMAN, Mr. LIGHTFOOT, Mr. MONTGOMERY, and Mr. SCHUMER.

H.J. Res. 583: Mr. LEACH of Iowa, Mr. APPLEGATE, Mr. SCHEUER, Mrs. LLOYD, Mr. KOLTER, Mr. GRANT, Mr. TORRICELLI, Mr. WOLPE, Mr. BATEMAN, Mr. BLILEY, Mr. BEVILL, Mr. VALENTINE, Mr. WALGREN, Mr. SMITH of Florida, Mr. RINALDO, Mr. THOMAS A. LUKEN, Mr. DIXON, and Mr. SAWYER.

H.J. Res. 585: Mr. BATEMAN, Mr. BROWN of Colorado, Mr. COUGHLIN, Mr. GUNDERSON, Mr. HERTEL, Mr. KANJORSKI, Mr. KOSTMAYER, Mr. MOODY, Mr. ORTIZ, Mrs. PATTERSON, Mr. PERKINS, Mr. PORTER, Mr. SPENCE, Mr. WATKINS, Mr. BROOMFIELD, Mr. JENKINS, Mr. MILLER of California, and Mr. STALLINGS.

H.J. Res. 595: Mr. STARK, Mr. BROWN of Colorado, Mr. OWENS of Utah, Mrs. COLLINS, Mr. ROE, Mr. ROBERTS, Mr. SUNDQUIST, Mr. PURSELL, Mr. RAVENEL, Mr. PARKER, Mr. RHODES, Mr. BEVILL, Mr. ESPY, Mr. CALLAHAN, Mr. BARTON of Texas, Mr. WYDEN, Mr. LEACH of Iowa, Mr. STOKES, Mr. SKEEN, Mr. PAYNE of New Jersey, Mr. RITTER, Mr. ROBINSON, Mr. HOAGLAND, Mr. HARRIS, Mr. VANDER JAGT, Mr. BROWN of California, Mr. TANNER, Mr. HERTEL, Mr. FEIGHAN, Mr. FAUNTROY, Mr. LAFALCE, Mr. INHOFE, Mrs. PATTERSON, Mr. JOHNSON of South Dakota, Mr. SKAGGS, Mr. ALEXANDER, and Mr. FALEOMAVAEGA.

H.J. Res. 603: Mr. RUSSO, Mr. GEJDENSON, Mr. DONALD E. LUKENS, Mr. ANDREWS, Mr. BAKER, Mr. BEREUTER, Mr. BOUCHER, Mr. BOEHLERT, Mr. BROWN of California, Mr. CALLAHAN, Mr. CAMPBELL of Colorado, Mr. CLAY, Mr. CRANE, Mr. CROCKETT, Mr. DONNELLY, Mr. FIELDS, Mr. FISH, Mr. GIBBONS, Mr. GRAY, Mr. HAWKINS, Mr. HOAGLAND, Mr. HOYER, Mrs. KENNELLY, Mr. MCCURDY, Mr. MOODY, Mr. NEAL of Massachusetts, Mr. NELSON of Florida, Mr. ROSE, Mr. SISISKY, Mr. SYNAR, Mr. VISCLOSKY, and Mr. WHEAT.

H.J. Res. 608: Mr. ACKERMAN, Mr. ANDERSON, Mr. ATKINS, Mr. BARNARD, Mr. BATES, Mr. BERMAN, Mrs. BOGGS, Mr. BROWN of California, Mr. BROWN of Colorado, Mr. BRUCE, Mr. CAMPBELL of Colorado, Mr. CONTE, Mr. COURTER, Mr. COYNE, Mr. DARDEN, Mr. DERRICK, Mr. DORGAN of North Dakota, Mr. DREIER of California, Mr. FEIGHAN, Mr. FISH, Mr. FORD of Michigan, Mr. FRANK, Mr. GALLEGLY, Mr. GALLO, Mr. GOODLING, Mr. GUNDERSON, Mr. HASTERT, Mr. HAWKINS, Mr. HALL of Texas, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HANSEN, Mr. HENRY, Mr. HERTEL, Mr. HOCHBRUECKNER, Mr. HOYER, Mr. HUNTER, Mr. HUTTO, Mr. INHOFE, Mr. JOHNSON of South Dakota, Mr. JONES of Georgia, Mr. JONES of North Carolina, Mr. KASICH, Mr. KENNEDY, Mrs. KENNELLY, Mr. KILDEE, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LAUGHLIN, Mr. LEVINE of Michigan, Mr. LEVIN of California, Mrs. LOWEY of New York, Mr. DONALD E. LUKENS, Mr. MANTON, Mr. MATSUI, Mr.

McHUGH, Mr. McMILLEN of Maryland, Mr. MFUME, Mr. MINETA, Mrs. MORELLA, Mr. MORRISON of Connecticut, Mr. MORRISON of Washington, Mr. NELSON of Florida, Mr. OBEY, Mr. ORTIZ, Mr. PORTER, Mr. PRICE, Mr. RICHARDSON, Mr. ROE, Mr. ROSE, Mr. ROWLAND of Connecticut, Mr. RUSSO, Mr. SARPALIUS, Mr. SCHUMER, Mr. SERRANO, Mr. SLATTERY, Mr. SMITH of New Hampshire, Mr. STALLINGS, Mr. THOMAS of Wyoming, Mr. THOMAS of Georgia, Mr. TORRES, Mr. TORRICELLI, Mr. UDALL, Mr. VISCLOSKY, Mr. WALGREN, Mr. WILSON, Mr. WOLF, Mr. WOLPE, Mr. WYDEN, and Mr. YATRON.

H.J. Res. 610: Mr. ACKERMAN, Mr. APPLEGATE, Mr. AUCOIN, Mr. BATES, Mr. BENNETT, Mr. BILBRAY, Mr. BONIOR, Mr. BORSKI, Mr. BOSCO, Mrs. BOXER, Mr. CALLAHAN, Mr. CARPER, Mr. CARR, Mr. CLARKE, Mrs. COLLINS, Mr. COSTELLO, Mr. COURTER, Mr. CROCKETT, Mr. DELLUMS, Mr. DE LUGO, Mr. DEWINE, Mr. DIXON, Mr. DORGAN of North Dakota, Mr. DORNAN of California, Mr. DWYER of New Jersey, Mr. EDWARDS of Oklahoma, Mr. EMERSON, Mr. ENGEL, Mr. ESPY, Mr. FALEOMAVAEGA, Mr. FEIGHAN, Mr. FRENZEL, Mr. FROST, Mr. GEJDENSON, Mr. GUARINI, Mr. HARRIS, Mr. HAWKINS, Mr. HAYES of Illinois, Mr. HORTON, Mr. JOHNSTON of Florida, Mr. KOLTER, Mr. LEVIN of Michigan, Ms. LONG, Mr. McCLOSKEY, Mr. McDADE, Mr. McGRATH, Mr. MACHTLEY, Mr. MANTON, Mr. MARTIN of New York, Mr. MINETA, Mr. MOORHEAD, Mrs. MORELLA, Ms. OAKAR, Mr. OBERSTAR, Mr. ORTIZ, Mr. PALLONE, Ms. PELOSI, Mr. PRICE, Mrs. ROUKEMA, Mr. SCHEUER, Mr. SCHIFF, Mr. SKAGGS, Mr. SLATTERY, Ms. SLAUGHTER of New York, Mr. SMITH of New Jersey, Mr. SOLARZ, Mr. SPENCE, Mr. STOKES, Mr. TALLON, Mr. TOWNS, Mr. TRAFICANT, Mr. VENTO, Mr. WALGREN, Mr. WAXMAN, Mr. WOLPE, and Mr. YATRON.

H.J. Res. 628: Mr. LAGOMARSINO, Mr. LANCASTER, Mr. McDERMOTT, Mr. SCHUETTE, Mr. SMITH of Florida, and Mr. WALGREN.

H.J. Res. 637: Mr. CHAPMAN, Mr. HORTON, Mr. NATCHER, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. ANTHONY, Mr. WHITTEN, Mr. MARTINEZ, Mr. FAUNTROY, Mr. LEHMAN of Florida, Mr. BAKER, Mr. BENNETT, Mr. WASHINGTON, Mr. FASCELL, and Mr. DIXON.

H. Con. Res. 315: Mr. CAMPBELL of California, Mr. FALEOMAVAEGA, Mr. LAGOMARSINO, Mr. LIPINSKI, Mr. PENNY, amd Mr. WHEAT.

H. Con. Res. 356: Mr. GRAY and Mr. WAXMAN.

H. Res. 380: Mr. SCHAEFER, Mr. DYMALLY, Mr. FALEOMAVAEGA, and Mr. DICKINSON.

H. Res. 421: Mr. DORGAN of North Dakota, Mr. SMITH of New Hampshire, Mr. WHITTAKER, Mr. STANGELAND, Mr. GRANDY, and Mr. PAYNE of Virginia.