

S. 833

At the request of Mr. HATCH, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 833, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 851

At the request of Mr. JOHNSTON, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 851, a bill to amend the Federal Water Pollution Control Act to reform the wetlands regulatory program, and for other purposes.

S. 960

At the request of Mr. SANTORUM, the name of the Senator from Texas [Mr. GRAMM] was added as a cosponsor of S. 960, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns, and for other purposes.

S. 1086

At the request of Mr. DOLE, the names of the Senator from New Hampshire [Mr. SMITH], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of S. 1086, a bill to amend the Internal Revenue Code of 1986 to allow a family-owned business exclusion from the gross estate subject to estate tax, and for other purposes.

S. 1117

At the request of Mr. DASCHLE, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 1117, a bill to repeal AFDC and establish the Work First Plan, and for other purposes.

SENATE JOINT RESOLUTION 6

At the request of Mr. THURMOND, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as "National Family Week," and for other purposes.

SENATE RESOLUTION 149

At the request of Mr. AKAKA, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Wyoming [Mr. THOMAS], the Senator from Nebraska [Mr. EXON], the Senator from Massachusetts [Mr. KERRY], the Senator from New Mexico [Mr. BINGAMAN], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of Senate Resolution 149, a resolution expressing the sense of the Senate regarding the recent announce-

ment by the Republic of France that it intends to conduct a series of underground nuclear test explosions despite the current international moratorium on nuclear testing.

SENATE CONCURRENT RESOLUTION 23—RELATIVE TO THE NATIONAL VOTER REGISTRATION ACT OF 1993

Mr. SIMON submitted the following concurrent resolution; which was referred to the Committee on the Rules and Administration:

S. CON. RES. 23

Whereas section 4 of article I of the Constitution provides that the times, places, and manner of holding elections for Senators and Representatives shall be prescribed by State legislatures, subject to laws passed by the Congress;

Whereas the results of a recent study by the Congressional Budget Office indicate that the costs of implementing the National Voter Registration Act of 1993, commonly known as the Motor Voter Act, are far less than costs that would be considered unfunded mandates under the criteria of the Unfunded Mandates Reform Act of 1995; and

Whereas, States that have complied with the Motor Voter Act have, through such compliance, registered new voters in proportion to the demographics of those States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the Congress is responsible for the ultimate protection of the voting process, which responsibility is to be exercised by making the voting process available to all persons who are eligible to become voters;

(2) it is appropriate for the Congress to affirm that the National Voter Registration Act of 1993, commonly known as the Motor Voter Act, is an appropriate measure to ensure the full participation of the American electorate in voting;

(3) any failure of a State to comply with the Motor Voter Act is illegal;

(4) not later than November 5, 1995, the Governors of the States should comply with the Motor Voter Act; and

(5) the actions of the Attorney General in seeking enforcement of the Motor Voter Act have the support of the Congress.

AMENDMENTS SUBMITTED

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996 THURMOND (AND OTHERS) AMENDMENT NO. 2111

Mr. THURMOND (for himself, Mr. DOMENICI, Mr. LOTT, Mrs. HUTCHISON, Mr. BOND, Mr. THOMPSON, Mr. FRIST, and Mr. BINGAMAN) proposed an amendment to the bill (S. 1026) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

AMENDMENT NO. 2111

On page 515, strike out line 7 and all that follows through page 570, line 10, and insert in lieu thereof the following:

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) STOCKPILE STEWARDSHIP.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of \$1,624,080,000, to be allocated as follows:

(1) For core stockpile stewardship, \$1,386,613,000, to be allocated as follows:

(A) For operation and maintenance, \$1,305,308,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$81,905,000, to be allocated as follows: Project 96-D-102, stockpile stewardship facilities revitalization, Phase VI, various locations, \$2,520,000.

Project 96-D-103, Atlas, Los Alamos National Laboratory, Los Alamos, New Mexico, \$8,400,000.

Project 96-D-104, processing and environmental technology laboratory (PETTL), Sandia National Laboratories, Albuquerque, New Mexico, \$1,800,000.

Project 96-D-105, contained firing facility addition, Lawrence Livermore National Laboratory, Livermore, California, \$6,600,000.

Project 95-D-102, Chemical and Metallurgy Research Building upgrades, Los Alamos National Laboratory, New Mexico, \$9,940,000.

Project 94-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, \$12,200,000.

Project 93-D-102, Nevada support facility, North Las Vegas, Nevada, \$15,650,000.

Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, \$6,200,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, \$17,995,000.

(2) For inertial fusion, \$230,667,000, to be allocated as follows:

(A) For operation and maintenance, \$193,267,000.

(B) For the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and land acquisition related thereto), \$37,400,000:

Project 96-D-111, national ignition facility, location to be determined.

(3) For Marshall Islands activities and Nevada Test Site dose reconstruction, \$6,800,000.

(b) STOCKPILE MANAGEMENT.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of \$2,035,483,000, to be allocated as follows:

(1) For operation and maintenance, \$1,911,858,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$123,625,000, to be allocated as follows:

Project GPD-121, general plant projects, various locations, \$10,000,000.

Project 96-D-122, sewage treatment quality upgrade (STQU), Pantex Plant, Amarillo, Texas, \$600,000.

Project 96-D-123, retrofit heating, ventilation, and air conditioning and chillers for ozone protection, Y-12 Plant, Oak Ridge, Tennessee, \$3,100,000.

Project 96-D-125, Washington measurements operations facility, Andrews Air Force Base, Camp Springs, Maryland, \$900,000.

Project 96-D-126, tritium loading line modifications, Savannah River Site, South Carolina, \$12,200,000.

Project 95-D-122, sanitary sewer upgrade, Y-12 Plant, Oak Ridge, Tennessee, \$6,300,000.

Project 94-D-124, hydrogen fluoride supply system, Y-12 Plant, Oak Ridge, Tennessee, \$8,700,000.

Project 94-D-125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, \$5,500,000.

Project 94-D-127, emergency notification system, Pantex Plant, Amarillo, Texas, \$2,000,000.

Project 94-D-128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas, \$4,000,000.

Project 93-D-122, life safety upgrades, Y-12 Plant, Oak Ridge, Tennessee, \$7,200,000.

Project 93-D-123, complex-21, various locations, \$41,065,000.

Project 88-D-122, facilities capability assurance program, various locations, \$8,660,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, \$13,400,000.

(c) PROGRAM DIRECTION.—Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for program direction in carrying out weapons activities necessary for national security programs in the amount of \$118,000,000.

(d) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (c) reduced by the sum of—

(1) \$25,000,000, for savings resulting from procurement reform; and

(2) \$86,344,000, for use of prior year balances.

SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) CORRECTIVE ACTIVITIES.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for corrective activities in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$3,406,000, all of which shall be available for the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and land acquisition related thereto):

Project 90-D-103, environment, safety and health improvements, weapons research and development complex, Los Alamos National Laboratory, Los Alamos, New Mexico.

(b) ENVIRONMENTAL RESTORATION.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for environmental restoration for operating expenses in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$1,550,926,000.

(c) WASTE MANAGEMENT.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$2,341,641,000, to be allocated as follows:

(1) For operation and maintenance, \$2,121,256,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$220,330,000, to be allocated as follows:

Project GPD-171, general plant projects, various locations, \$15,728,000.

Project 96-D-400, replace industrial waste piping, Kansas City Plant, Kansas City, Missouri, \$200,000.

Project 96-D-401, comprehensive treatment and management plan immobilization of miscellaneous wastes, Rocky Flats Environmental Technology Site, Golden, Colorado, \$1,400,000.

Project 96-D-402, comprehensive treatment and management plan building 374/774 sludge immobilization, Rocky Flats Environmental Technology Site, Golden, Colorado, \$1,500,000.

Project 96-D-403, tank farm service upgrades, Savannah River, South Carolina, \$3,315,000.

Project 96-D-405, T-plant secondary containment and leak detection upgrades, Richland, Washington, \$2,100,000.

Project 96-D-406, K-Basin operations program, Richland, Washington, \$41,000,000.

Project 96-D-409, advanced mixed waste treatment facility, Idaho National Engineering Laboratory, Idaho, \$5,000,000.

Project 96-D-410, specific manufacturing characterization facility assessment and upgrade, Idaho National Engineering Laboratory, Idaho, \$2,000,000.

Project 95-D-402, install permanent electrical service, Waste Isolation Pilot Plant, New Mexico, \$4,314,000.

Project 95-D-405, industrial landfill V and construction/demolition landfill VII, Y-12 Plant, Oak Ridge, Tennessee, \$4,600,000.

Project 95-D-406, road 5-01 reconstruction, area 5, Nevada Test Site, Nevada, \$1,023,000.

Project 94-D-400, high explosive wastewater treatment system, Los Alamos National Laboratory, Los Alamos, New Mexico, \$4,445,000.

Project 94-D-402, liquid waste treatment system, Nevada Test Site, Nevada, \$282,000.

Project 94-D-404, Melton Valley storage tanks capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, \$11,000,000.

Project 94-D-407, initial tank retrieval systems, Richland, Washington, \$9,400,000.

Project 94-D-411, solid waste operations complex project, Richland, Washington, \$5,500,000.

Project 94-D-417, intermediate-level and low-activity waste vaults, Savannah River, South Carolina, \$2,704,000.

Project 93-D-178, building 374 liquid waste treatment facility, Rocky Flats Plant, Golden, Colorado, \$3,900,000.

Project 93-D-182, replacement of cross-site transfer system, Richland, Washington, \$19,795,000.

Project 93-D-183, multi-tank waste storage facility, Richland, Washington, \$31,000,000.

Project 93-D-187, high-level waste removal from filled waste tanks, Savannah River, South Carolina, \$34,700,000.

Project 92-D-171, mixed waste receiving and storage facility, Los Alamos National Laboratory, Los Alamos, New Mexico, \$1,105,000.

Project 92-D-188, waste management environmental, safety and health (ES&H) and compliance activities, various locations, \$1,100,000.

Project 90-D-172, aging waste transfer lines, Richland, Washington, \$2,000,000.

Project 90-D-177, RWMC transuranic (TRU) waste characterization and storage facility,

Idaho National Engineering Laboratory, Idaho, \$1,428,000.

Project 90-D-178, TSA retrieval containment building, Idaho National Engineering Laboratory, Idaho, \$2,606,000.

Project 89-D-173, tank farm ventilation upgrade, Richland, Washington, \$800,000.

Project 89-D-174, replacement high-level waste evaporator, Savannah River, South Carolina, \$11,500,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, California, \$8,885,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, \$1,000,000.

(d) TECHNOLOGY DEVELOPMENT.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for technology development in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$550,465,000.

(e) TRANSPORTATION MANAGEMENT.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for transportation management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$16,158,000.

(f) NUCLEAR MATERIALS AND FACILITIES STABILIZATION.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for nuclear materials and facilities stabilization in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$1,596,028,000, to be allocated as follows:

(1) For operation and maintenance, \$1,463,384,000.

(2) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$132,644,000, to be allocated as follows:

Project GPD-171, general plant projects, various locations, \$14,724,000.

Project 96-D-458, site drainage control, Mound Plant, Miamisburg, Ohio, \$885,000.

Project 96-D-461, electrical distribution upgrade, Idaho National Engineering Laboratory, Idaho, \$1,539,000.

Project 96-D-462, health physics instrument laboratory, Idaho National Engineering Laboratory, Idaho, \$1,126,000.

Project 96-D-463, central facilities craft shop, Idaho National Engineering Laboratory, Idaho, \$724,000.

Project 96-D-464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, \$4,952,000.

Project 96-D-465, 200 area sanitary sewer system, Richland, Washington, \$1,800,000.

Project 96-D-470, environmental monitoring laboratory, Savannah River Site, Aiken, South Carolina, \$3,500,000.

Project 96-D-471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, \$1,500,000.

Project 96-D-472, plant engineering and design, Savannah River Site, Aiken, South Carolina, \$4,000,000.

Project 96-D-473, health physics site support facility, Savannah River Site, Aiken, South Carolina, \$2,000,000.

Project 96-D-474, dry fuel storage facility, Idaho National Engineering Laboratory, Idaho, \$15,000,000.

Project 96-D-475, high level waste volume reduction demonstration (pentaborane), Idaho National Engineering Laboratory, Idaho, \$5,000,000.

Project 95-D-155, upgrade site road infrastructure, Savannah River, South Carolina, \$2,900,000.

Project 95-D-156, radio trunking system, Savannah River, South Carolina, \$10,000,000.

Project 95-D-454, 324 facility compliance/renovation, Richland, Washington, \$3,500,000.

Project 95-D-456, security facilities upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, \$8,382,000.

Project 94-D-122, underground storage tanks, Rocky Flats, Golden, Colorado, \$5,000,000.

Project 94-D-401, emergency response facility, Idaho National Engineering Laboratory, Idaho, \$5,074,000.

Project 94-D-412, 300 area process sewer piping system upgrade, Richland, Washington, \$1,000,000.

Project 94-D-415, medical facilities, Idaho National Engineering Laboratory, Idaho, \$3,601,000.

Project 94-D-451, infrastructure replacement, Rocky Flats Plant, Golden, Colorado, \$2,940,000.

Project 93-D-147, domestic water system upgrade, Phase I and II, Savannah River, South Carolina, \$7,130,000.

Project 93-D-172, electrical upgrade, Idaho National Engineering Laboratory, Idaho, \$124,000.

Project 92-D-123, plant fire/security alarms system replacement, Rocky Flats Plant, Golden, Colorado, \$9,560,000.

Project 92-D-125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, \$7,000,000.

Project 92-D-181, fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, \$6,883,000.

Project 91-D-127, criticality alarm and production announcement utility replacement, Rocky Flats Plant, Golden, Colorado, \$2,800,000.

(g) COMPLIANCE AND PROGRAM COORDINATION.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for compliance and program coordination in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$81,251,000, to be allocated as follows:

(1) For operation and maintenance, \$66,251,000.

(2) For the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and land acquisition related thereto), \$15,000,000:

Project 95-E-600, hazardous materials training center, Richland, Washington.

(h) ANALYSIS, EDUCATION, AND RISK MANAGEMENT.—Subject to subsection (i), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for analysis, education, and risk management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$80,022,000.

(i) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts specified in subsections (a) through (h) reduced by the sum of—

(1) \$276,942,000, for use of prior year balances; and

(2) \$37,000,000 for recovery of overpayment to the Savannah River Pension Fund.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) OTHER DEFENSE ACTIVITIES.—Subject to subsection (b), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for other defense activities in carrying out programs necessary for national security in the amount of \$1,408,162,000, to be allocated as follows:

(1) For verification and control technology, \$430,842,000, to be allocated as follows:

(A) For nonproliferation and verification research and development, \$226,142,000.

(B) For arms control, \$162,364,000.

(C) For intelligence, \$42,336,000.

(2) For nuclear safeguards and security, \$83,395,000.

(3) For security investigations, \$25,000,000.

(4) For security evaluations, \$14,707,000.

(5) For the Office of Nuclear Safety, \$15,050,000.

(6) For worker and community transition, \$100,000,000.

(7) For fissile materials disposition, \$70,000,000.

(8) For naval reactors development, \$682,168,000, to be allocated as follows:

(A) For operation and infrastructure, \$659,168,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$23,000,000, to be allocated as follows:

Project 95-D-200, laboratory systems and hot cell upgrades, various locations, \$11,300,000.

Project 95-D-201, advanced test reactor radioactive waste system upgrades, Idaho National Engineering Laboratory, Idaho, \$4,800,000.

Project 93-D-200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, \$3,900,000.

Project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, \$3,000,000.

(b) ADJUSTMENT.—The total amount that may be appropriated pursuant to this section is the total amount authorized to be appropriated in subsection (a) reduced by \$13,000,000, for use of prior year balances.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1996 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of \$198,400,000.

SEC. 3105. PAYMENT OF PENALTIES ASSESSED AGAINST ROCKY FLATS SITE.

The Secretary of Energy may pay to the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507), from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3102, stipulated civil penalties in the amount of \$350,000 assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) against the Rocky Flats Site, Golden, Colorado.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) \$1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed \$2,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds \$2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, and 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than \$5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be

merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) **TRANSFER WITHIN DEPARTMENT OF ENERGY; LIMITATIONS.**—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than 5 percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than 5 percent by a transfer under such paragraph.

(3) The authority provided by this section to transfer authorizations—

(A) may only be used to provide funds for items relating to weapons activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(B) may not be used to provide authority for an item that has been denied funds by Congress.

(c) **NOTICE TO CONGRESS.**—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) **REQUIREMENT FOR CONCEPTUAL DESIGN.**—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds \$3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than \$2,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) **AUTHORITY FOR CONSTRUCTION DESIGN.**—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed \$600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds \$600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) **AUTHORITY.**—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including funds authorized to be appropriated under sections 3101, 3102, and 3103 for advance planning and construction design, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Sec-

retary, must proceed expeditiously in order to protect public health and safety, meet the needs of national defense, or to protect property.

(b) **LIMITATION.**—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) **SPECIFIC AUTHORITY.**—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

(d) **REPORT.**—The Secretary of Energy shall report to the congressional defense committees any exercise of authority under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121 of this title, 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, plant projects, and capital equipment may remain available until expended.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. TRITIUM PRODUCTION.

(a) **TRITIUM PRODUCTION.**—Of the funds authorized to be appropriated to the Department of Energy under section 3101, not more than \$50,000,000 shall be available to conduct an assessment of alternative means of ensuring that the tritium production of the Department of Energy is adequate to meet the tritium requirements of the Department of Defense. The assessment shall include an assessment of various types of reactors and an accelerator.

(b) **LOCATION OF NEW TRITIUM PRODUCTION FACILITY.**—The Secretary of Energy shall locate the new tritium production facility of the Department of Energy at the Savannah River Site, South Carolina.

(c) **TRITIUM TARGETS.**—Of the funds authorized to be appropriated to the Department of Energy under section 3101, not more than \$5,000,000 shall be available for the Idaho National Engineering Laboratory for the test and development of nuclear reactor tritium targets for the various types of reactors to be assessed by the Department under subsection (a).

SEC. 3132. FISSILE MATERIALS DISPOSITION.

Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1996 under section 3103(a)(7), \$70,000,000 shall be available only for purposes of completing the evaluation of, and commencing implementation of, the interim- and long-term storage and disposition of fissile materials (including plutonium, highly enriched uranium, and other fissile materials) that are excess to the national security needs of the United States, of which \$10,000,000 shall be available for plutonium resource assessment on a competitive basis by an appropriate university consortium.

SEC. 3133. TRITIUM RECYCLING.

(a) **IN GENERAL.**—Except as provided in subsection (b), the following activities shall be carried out at the Savannah River Site, South Carolina:

(1) All tritium recycling for weapons, including tritium refitting.

(2) All activities regarding tritium formerly carried out at the Mound Plant, Ohio.

(b) **EXCEPTION.**—The following activities may be carried out at the Los Alamos National Laboratory, New Mexico:

(1) Research on tritium.

(2) Work on tritium in support of the defense inertial confinement fusion program.

(3) Provision of technical assistance to the Savannah River Site regarding the weapons surveillance program.

SEC. 3134. MANUFACTURING INFRASTRUCTURE FOR REFABRICATION AND CERTIFICATION OF ENDURING NUCLEAR WEAPONS STOCKPILE.

(a) **MANUFACTURING PROGRAM.**—The Secretary of Energy shall carry out a program for purposes of establishing within the Government a manufacturing infrastructure that has the following capabilities as specified in the Nuclear Posture Review:

(1) To develop a stockpile surveillance engineering base.

(2) To refabricate and certify weapon components and types in the enduring nuclear weapons stockpile, as necessary.

(3) To design, fabricate, and certify new nuclear warheads, as necessary.

(4) To support nuclear weapons.

(5) To supply sufficient tritium in support of nuclear weapons to ensure an upload hedge in the event circumstances require.

(b) **REQUIRED CAPABILITIES.**—The manufacturing infrastructure established under the program under subsection (a) shall include the following capabilities (modernized to attain the objectives referred to in that subsection):

(1) The weapons assembly capabilities of the Pantex Plant.

(2) The weapon secondary fabrication capabilities of the Y-12 Plant, Oak Ridge, Tennessee.

(3) The tritium production and recycling capabilities of the Savannah River Site.

(4) A weapon primary pit refabrication/manufacturing and reuse facility capability at Savannah River Site (if required for national security purposes).

(5) The non-nuclear component capabilities of the Kansas City Plant.

(c) **NUCLEAR POSTURE REVIEW.**—For purposes of subsection (a), the term "Nuclear Posture Review" means the Department of Defense Nuclear Posture Review as contained in the Report of the Secretary of Defense to the President and the Congress dated February 19, 1995, or subsequent such reports.

(d) **FUNDING.**—Of the funds authorized to be appropriated under section 3101(b), \$143,000,000 shall be available for carrying out the program required under this section, of which—

(1) \$35,000,000 shall be available for activities at the Pantex Plant;

(2) \$30,000,000 shall be available for activities at the Y-12 Plant, Oak Ridge, Tennessee;

(3) \$35,000,000 shall be available for activities at the Savannah River Site; and

(4) \$43,000,000 shall be available for activities at the Kansas City Plant.

SEC. 3135. HYDRONUCLEAR EXPERIMENTS.

Of the funds authorized to be appropriated to the Department of Energy under section 3101, \$50,000,000 shall be available for preparation for the commencement of a program of hydronuclear experiments at the nuclear weapons design laboratories at the Nevada Test Site which program shall be for the purpose of maintaining confidence in the reliability and safety of the enduring nuclear weapons stockpile.

SEC. 3136. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF SKILLS CRITICAL TO THE DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

(a) **IN GENERAL.**—The Secretary of Energy shall conduct a fellowship program for the

development of skills critical to the ongoing mission of the Department of Energy nuclear weapons complex. Under the fellowship program, the Secretary shall—

(1) provide educational assistance and research assistance to eligible individuals to facilitate the development by such individuals of skills critical to maintaining the ongoing mission of the Department of Energy nuclear weapons complex;

(2) employ eligible individuals at the facilities described in subsection (c) in order to facilitate the development of such skills by these individuals; or

(3) provide eligible individuals with the assistance and the employment.

(b) **ELIGIBLE INDIVIDUALS.**—Individuals eligible for participation in the fellowship program are the following:

(1) Students pursuing graduate degrees in fields of science or engineering that are related to nuclear weapons engineering or to the science and technology base of the Department of Energy.

(2) Individuals engaged in postdoctoral studies in such fields.

(c) **COVERED FACILITIES.**—The Secretary shall carry out the fellowship program at or in connection with the following facilities:

(1) The Kansas City Plant, Kansas City, Missouri.

(2) The Pantex Plant, Amarillo, Texas.

(3) The Y-12 Plant, Oak Ridge, Tennessee.

(4) The Savannah River Site, Aiken, South Carolina.

(d) **ADMINISTRATION.**—The Secretary shall carry out the fellowship program at a facility referred to in subsection (c) through the stockpile manager of the facility.

(e) **ALLOCATION OF FUNDS.**—The Secretary shall, in consultation with the Assistant Secretary of Energy for Defense Programs, allocate funds available for the fellowship program under subsection (f) among the facilities referred to in subsection (c). The Secretary shall make the allocation after evaluating an assessment by the weapons program director of each such facility of the personnel and critical skills necessary at the facility for carrying out the ongoing mission of the facility.

(f) **FUNDING.**—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1996 under section 3101(b), \$10,000,000 may be used for the purpose of carrying out the fellowship program under this section.

SEC. 3137. EDUCATION PROGRAM FOR DEVELOPMENT OF PERSONNEL CRITICAL TO THE DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

(a) **IN GENERAL.**—The Secretary of Energy shall conduct an education program to ensure the long-term supply of personnel having skills critical to the ongoing mission of the Department of Energy nuclear weapons complex. Under the program, the Secretary shall provide—

(1) education programs designed to encourage and assist students in study in the fields of math, science, and engineering that are critical to maintaining the nuclear weapons complex;

(2) programs that enhance the teaching skills of teachers who teach students in such fields; and

(3) education programs that increase the scientific understanding of the general public in areas of importance to the nuclear weapons complex and to the Department of Energy national laboratories.

(b) **FUNDING.**—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1996 under section 3101(a), \$10,000,000 may be used for the purpose of carrying out the education program under this section.

SEC. 3138. LIMITATION ON USE OF FUNDS FOR CERTAIN RESEARCH AND DEVELOPMENT PURPOSES.

Funds appropriated or otherwise made available to the Department of Energy for fiscal year 1996 under section 3101 may be obligated and expended for activities under the Department of Energy Laboratory Directed Research and Development Program or under Department of Energy technology transfer programs only if such activities support the national security mission of the Department.

SEC. 3139. PROCESSING OF HIGH LEVEL NUCLEAR WASTE AND SPENT NUCLEAR FUEL RODS.

(a) **ELECTROMETALLURGICAL PROCESSING ACTIVITIES.**—Of the amount authorized to be appropriated to the Department of Energy under section 3102, not more than \$2,500,000 shall be available for electrometallurgical processing activities at the Idaho National Engineering Laboratory.

(b) **PROCESSING OF SPENT NUCLEAR FUEL RODS AT SAVANNAH RIVER SITE.**—Of the amount authorized to be appropriated to the Department of Energy under section 3102, \$30,000,000 shall be available for operating and maintenance activities at the Savannah River Site, which amount shall be available for the development at the canyon facilities at the site of technological methods (including plutonium processing and reprocessing) of separating, reducing, isolating, and storing the spent nuclear fuel rods that are sent to the site from other Department of Energy facilities and from foreign facilities.

(c) **PROCESSING OF SPENT NUCLEAR FUEL RODS AT IDAHO NATIONAL ENGINEERING LABORATORY.**—Of the amount authorized to be appropriated to the Department of Energy under section 3102, \$15,000,000 shall be available for operating and maintenance activities at the Idaho National Engineering Laboratory, which amount shall be available for the development of technological methods of processing the spent nuclear fuel rods that will be sent to the laboratory from other Department of Energy facilities.

(d) **SPENT NUCLEAR FUEL DEFINED.**—In this section, the term “spent nuclear fuel” has the meaning given such term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)).

SEC. 3140. DEPARTMENT OF ENERGY DECLASSIFICATION PRODUCTIVITY INITIATIVE.

Of the funds authorized to be appropriated to the Department of Energy under section 3103, \$3,000,000 shall be available for the Declassification Productivity Initiative of the Department of Energy.

SEC. 3141. AUTHORITY TO REPROGRAM FUNDS FOR DISPOSITION OF CERTAIN SPENT NUCLEAR FUEL.

(a) **AUTHORITY TO REPROGRAM.**—Notwithstanding any other provision of law and subject to subsection (b), the Secretary of Energy may reprogram funds available to the Department of Energy for fiscal year 1996 under section 3101(b) or 3102(b) to make such funds available for use for storage pool treatment and stabilization or for canning and storage in connection with the disposition of spent nuclear fuel in the Democratic People's Republic of Korea, which treatment and stabilization or canning and storage is—

(1) necessary in order to meet International Atomic Energy Agency safeguard standards with respect to the disposition of spent nuclear fuel; and

(2) conducted in fulfillment of the Nuclear Framework Agreement between the United States and the Democratic People's Republic of Korea dated October 21, 1994.

(b) **LIMITATION.**—The total amount that the Secretary may reprogram under the authority in subsection (a) may not exceed \$5,000,000.

(c) **DEFINITION.**—In this section, the term “spent nuclear fuel” has the meaning given such term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)).

SEC. 3142. PROTECTION OF WORKERS AT NUCLEAR WEAPONS FACILITIES.

Of the funds authorized to be appropriated to the Department of Energy under section 3102, \$10,000,000 shall be available to carry out activities authorized under section 3131 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1571; 42 U.S.C. 7274d), relating to worker protection at nuclear weapons facilities.

Subtitle D—Review of Department of Energy National Security Programs

SEC. 3151. REVIEW OF DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

(a) **REPORT.**—Not later than March 15, 1996, the Secretary of Defense shall, in consultation with the Secretary of Energy, submit to the congressional defense committees a report on the national security programs of the Department of Energy.

(b) **CONTENTS OF REPORT.**—The report shall include an assessment of the following:

(1) The effectiveness of the Department of Energy in maintaining the safety and reliability of the enduring nuclear weapons stockpile.

(2) The management by the Department of the nuclear weapons complex, including—

(A) a comparison of the Department of Energy's implementation of applicable environmental, health, and safety requirements with the implementation of similar requirements by the Department of Defense; and

(B) a comparison of the costs and benefits of the national security research and development programs of the Department of Energy with the costs and benefits of similar programs sponsored by the Department of Defense.

(3) The fulfillment of the requirements established for the Department of Energy in the Nuclear Posture Review.

(c) **DEFINITION.**—In this section, the term “Nuclear Posture Review” means the Department of Defense Nuclear Posture Review as contained in the Report of the Secretary of Defense to the President and the Congress dated February 19, 1995, or in subsequent such reports.

Subtitle E—Other Matters

SEC. 3161. RESPONSIBILITY FOR DEFENSE PROGRAMS EMERGENCY RESPONSE PROGRAM.

The Office of Military Applications under the Assistant Secretary of Energy for Defense Programs shall retain responsibility for the Defense Programs Emergency Response Program within the Department of Energy.

SEC. 3162. REQUIREMENTS FOR DEPARTMENT OF ENERGY WEAPONS ACTIVITIES BUDGETS FOR FISCAL YEARS AFTER FISCAL YEAR 1996.

(a) **IN GENERAL.**—The weapons activities budget of the Department of Energy shall be developed in accordance with the Nuclear Posture Review, the Post Nuclear Posture Review Stockpile Memorandum currently under development, and the programmatic and technical requirements associated with the review and memorandum.

(b) **REQUIRED DETAIL.**—The Secretary of Energy shall include in the materials that the Secretary submits to Congress in support of the budget for a fiscal year submitted by the President pursuant to section 1105 of title 31, United States Code, a long-term program plan, and a near-term program plan, for the certification and stewardship of the enduring nuclear weapons stockpile.

(c) **DEFINITION.**—In this section, the term “Nuclear Posture Review” means the Department of Defense Nuclear Posture Review

as contained in the Report of the Secretary of Defense to the President and the Congress dated February 19, 1995, or in subsequent such reports.

SEC. 3163. REPORT ON PROPOSED PURCHASES OF TRITIUM FROM FOREIGN SUPPLIERS.

(a) **REQUIREMENT.**—Not later than May 30, 1997, the President shall submit to the congressional defense committees a report on any plans of the President to purchase from foreign suppliers tritium to be used for purposes of the nuclear weapons stockpile of the United States.

(b) **FORM OF REPORT.**—The report shall be submitted in unclassified form, but may contain a classified annex.

SEC. 3164. REPORT ON HYDRONUCLEAR TESTING.

(a) **REPORT.**—The Secretary of Energy shall direct the joint preparation by the Lawrence Livermore National Laboratory and the Los Alamos National Laboratory of a report on the advantages and disadvantages for the safety and reliability of the enduring nuclear weapons stockpile of permitting alternative limits to the current limits on the explosive yield of hydronuclear tests. The report shall address the following explosive yield limits:

- (1) 4 pounds (TNT equivalent).
- (2) 400 pounds (TNT equivalent).
- (3) 4,000 pounds (TNT equivalent).
- (4) 40,000 pounds (TNT equivalent).

(b) **FUNDING.**—The Secretary shall make available funds authorized to be appropriated to the Department of Energy under section 3101 for preparation of the report required under subsection (a).

SEC. 3165. PLAN FOR THE CERTIFICATION AND STEWARDSHIP OF THE ENDURING NUCLEAR WEAPONS STOCKPILE.

(a) **REQUIREMENT.**—Not later than March 15, 1996, and every March 15 thereafter, the Secretary of Energy shall submit to the Secretary of Defense a plan for maintaining the enduring nuclear weapons stockpile.

(b) **PLAN ELEMENTS.**—Each plan under subsection (a) shall set forth the following:

- (1) The numbers of weapons (including active weapons and inactive weapons) for each type of weapon in the enduring nuclear weapons stockpile.
- (2) The expected design lifetime of each weapon system type, the current age of each weapon system type, and any plans (including the analytical basis for such plans) for lifetime extensions of a weapon system type.
- (3) An estimate of the lifetime of the nuclear and non-nuclear components of the weapons (including active weapons and inactive weapons) in the enduring nuclear weapons stockpile, and any plans (including the analytical basis for such plans) for lifetime extensions of such components.
- (4) A schedule of the modifications, if any, required for each weapon type (including active weapons and inactive weapons) in the enduring nuclear weapons stockpile, and the cost of such modifications.
- (5) The process to be used in recertifying the safety, reliability, and performance of each weapon type (including active weapons and inactive weapons) in the enduring nuclear weapons stockpile.
- (6) The manufacturing infrastructure required to maintain the nuclear weapons stockpile stewardship management program.

EXON (AND OTHERS) AMENDMENT NO. 2112

Mr. EXON (for himself, Mr. HATFIELD, Mr. DASCHLE, Mr. LEVIN, Mr. BINGAMAN, Mr. GLENN, Mr. HARKIN, Mr. SIMON, Mr. KERREY, Mr. KENNEDY, Mr. WELLSTONE, and Mr. BUMPERS) proposed an amendment to the bill S. 1026, supra; as follows:

On page 33 of the underlying amendment, strike out Section 3135, lines 11 through 19.

REID (AND BRYAN) AMENDMENT NO. 2113

Mr. REID (for himself and Mr. BRYAN) proposed an amendment to amendment No. 2111 proposed by Mr. THURMOND to the bill S. 1026, supra; as follows:

On page 29 of the amendment, strike lines 18 through 21.

THURMOND AMENDMENT NO. 2114

Mr. THURMOND proposed an amendment to amendment No. 2111 proposed by him to the bill S. 1026, supra; as follows:

Page 8, line 17 strike out “\$2,341,596,000” and substitute in lieu thereof “\$2,386,596,000”.

Page 8, line 20 strike out “\$2,121,226,000” and substitute in lieu thereof “\$2,151,266,000”.

Page 9, line 1 strike out “\$220,330,000” and substitute in lieu thereof “\$235,330,000”.

Page 9, line 25 strike out “\$26,000,000” and substitute in lieu thereof “\$41,000,000”.

Page 13, line 6 strike out “\$550,510,000” and substitute in lieu thereof “\$505,510,000”.

BUMPERS (AND OTHERS) AMENDMENT NO. 2115

Mr. BUMPERS (for himself, Mr. SIMON, Mr. WELLSTONE, Ms. MOSELEY-BRAUN, and Mr. FEINGOLD) proposed an amendment to the bill S. 1026, supra; as follows:

At the appropriate place in the bill, add the following new section:

SEC. . REPEAL OF DEFENSE FIREWALL.

(A) Strike Section 201(a) through 201(b)(1)(B) of H. Con. Res. 67, as passed by both houses of Congress and insert in lieu thereof the following:

SEC. 201. DISCRETIONARY SPENDING LIMITS.

(a) **DEFINITION.**—As used in this section and for the purposes of allocations made pursuant to section 302(a) or 602(a) of the Congressional Budget Act of 1974, for the discretionary category, the term “discretionary spending limit” means—

(1) with respect to fiscal year 1996, for the discretionary category \$485,074,000,000 in new budget authority and \$531,768,000,000 in outlays;

(2) with respect to fiscal year 1997, for the discretionary category \$482,430,000,000 in new budget authority and \$520,295,000,000 in outlays;

(3) with respect to fiscal year 1998, for the discretionary category \$490,692,000,000 in new budget authority and \$512,632,000,000 in outlays;

(4) with respect to fiscal year 1999, for the discretionary category \$482,207,000,000, in new budget authority and \$510,482,000,000 in outlays;

(5) with respect to fiscal year 2000, for the discretionary category \$489,379,000,000, in new budget authority and \$514,234,000,000 in outlays;

(6) with respect to fiscal year 2001, for the discretionary category \$496,601,000,000 in new budget authority and \$516,403,000,000 in outlays;

(7) with respect to fiscal year 2002, for the discretionary category \$498,837,000,000 in new budget authority and \$515,075,000,000 in outlays;

as adjusted for changes in concepts and definitions and emergency appropriations.

(b) **POINT OF ORDER IN THE SENATE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), it shall not be in order in the Senate to consider—

(A) any concurrent resolution on the budget for fiscal years 1996, 1997, 1998, 1999, 2000, 2001, or 2002 (or amendment, motion, or conference report on such a resolution) that provides discretionary spending in excess of the discretionary spending limit for such fiscal year; or

(B) Within 30 days of the date of enactment of this Act, the House and Senate Appropriations Committee shall meet to consider the reallocation of the fiscal year 1996 suballocations made pursuant to section 602(b) of the Congressional Budget Act of 1974.

MCCAIN AMENDMENT NO. 2116

Mr. MCCAIN proposed an amendment to the bill S. 1026, supra; as follows:

At the appropriate place in the Act, add the following new section:

SEC. . CIVILIAN SPORTING EVENTS.

(a) No funds made available to the Department of Defense may be expended either directly or indirectly to support civilian sporting events, including but not limited to the World Cup Soccer Games, the Goodwill Games, and the Olympics, until the Secretary of Defense enters into an agreement with the appropriate entity of affiliated entity or entities and certifies that such funds will be reimbursed to the extent available to the Department under terms and conditions established by the Secretary of Defense, and that such terms shall

(1) not mandate any reimbursement until after the event is complete and all event-related contractual obligations have been met by the entity; and

(2) such reimbursement shall not exceed surplus funds available.

(b) For the purposes of this Section, paragraph (a) shall be null and void and of no effect if the entity or entities with which the agreement was made have no surplus funds after all other contractual obligations have been met.

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

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

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

BOXER (AND OTHERS) AMENDMENT NO. 2117

Mrs. BOXER (for herself, Mr. HARKIN, and Mr. BRADLEY) proposed an amendment to the bill S. 1026, supra; as follows:

Beginning on page 189, strike out line 5 and all that follows through page 191, line 21, and insert in lieu thereof the following:

SEC. 526. FORFEITURE OF PAY AND ALLOWANCES AND REDUCTION IN GRADE.

(a) **EFFECTIVE DATE OF PUNISHMENTS.**—Section 857(a) (article 57(a)) is amended to read as follows:

“(a)(1) Any forfeiture of pay, forfeiture of allowances, or reduction in grade included in a sentence of a court-martial takes effect on the earlier of—

“(A) the date that is 14 days after the date on which the sentence is adjudged; or

“(B) the date on which the sentence is approved by the convening authority.

“(2) On application by an accused, the convening authority may defer any forfeiture of pay, forfeiture of allowances, or reduction in grade that would otherwise become effective under paragraph (1)(A) until the date on which the sentence is approved by the convening authority. The deferment may be rescinded at any time by the convening authority.

“(3) A forfeiture of pay or allowances shall be collected from pay accruing on and after the date on which the sentence takes effect under paragraph (1). Periods during which a sentence to forfeiture of pay or forfeiture of allowances is suspended or deferred shall be excluded in computing the duration of the forfeiture.

“(4) In this subsection, the term ‘convening authority’, with respect to a sentence of a court-martial, means any person authorized to act on the sentence under section 860 of this title (article 60).”

(b) EFFECT OF PUNITIVE SEPARATION OR CONFINEMENT FOR ONE YEAR OR MORE.—(1) Subchapter VIII is amended by inserting after section 858a (article 58a) the following new section (article):

“§ 585b. Art. 58b. Sentences: forfeiture of pay and allowances

“(a) A sentence adjudged by a court-martial that includes confinement for one year or more, death, dishonorable discharge, bad-conduct discharge, or dismissal shall result in the forfeiture of all pay and allowances due that member during any period of confinement or parole. The forfeiture required by this section shall take effect on the date determined under section 857(a) of this title (article 57(a)) and may be deferred in accordance with that section.

“(b) In a case involving an accused who has dependents, the convening authority or other person acting under section 860 of this title (article 60) may waive any or all of the forfeitures of pay and allowances required by subsection (a) for a period not to exceed six months. Any amount of pay or allowances that, except for a waiver under this subsection, would be forfeited shall be paid, as the convening authority or other person taking action directs, to the dependents of the accused.”

“(c) If the sentence of a member who forfeits pay and allowances under subsection (a) is set aside or disapproved or, as finally approved, does not provide for a punishment referred to in subsection (a), the member shall be paid the pay and allowances which the member would have been paid, except for the forfeiture, for the period during which the forfeiture was in effect.”

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

“858b. 58b. Sentences: forfeiture of pay and allowances.”

(c) APPLICABILITY.—The amendments made by this section shall apply to a case in which a sentence is adjudged by a court-martial on or after the first day of the first month that begins at least 30 days after the date of the enactment of this Act.

COHEN (AND OTHERS)
AMENDMENT NO. 2118

Mr. COHEN (for himself, Mr. LEVIN, Mr. ROTH, Mr. GLENN, and Mr. BINGAMAN) proposed an amendment to the bill S. 1026, *supra*; as follows:

At the end of the bill, add the following:

DIVISION D—INFORMATION TECHNOLOGY
MANAGEMENT REFORM

SEC. 4001. SHORT TITLE.

This division may be cited as the “Information Technology Management Reform Act of 1995”.

SEC. 4002. FINDINGS.

Congress makes the following findings:

(1) Federal information systems are critical to the lives of every American.

(2) The efficiency and effectiveness of the Federal Government is dependent upon the effective use of information.

(3) The Federal Government annually spends billions of dollars operation obsolete information systems.

(4) The use of obsolete information systems severely limits the quality of the services that the Federal Government provides, the efficiency of Federal Government operations, and the capabilities of the Federal Government to account for how taxpayer dollars are spent.

(5) The failure to modernize Federal Government information systems and the operations they support, despite efforts to do so, has resulted in the waste of billions of dollars that cannot be recovered.

(6) Despite improvements achieved through implementation of the Chief Financial Officers Act of 1990, most Federal agencies cannot track the expenditures of Federal dollars and, thus, expose the taxpayers to billions of dollars in waste, fraud, abuse, and mismanagement.

(7) Poor planning and program management and an overburdened acquisition process have resulted in the American taxpayers not getting their money's worth from the expenditure of \$200,000,000,000 on information systems during the decade preceding the enactment of this Act.

(8) The Federal Government's investment control processes focus too late in the system lifecycle, lack sound capital planning, and pay inadequate attention to business process improvement, performance measurement, project milestones, or benchmarks against comparable organizations.

(9) Many Federal agencies lack adequate personnel with the basic skills necessary to effectively and efficiently use information technology and other information resources in support of agency programs and missions.

(10) Federal regulations governing information technology acquisitions are outdated, focus on paperwork and process rather than results, and prevent the Federal Government from taking timely advantage of the rapid advances taking place in the competitive and fast changing global information technology industry.

(11) Buying, leasing, or developing information systems should be a top priority for Federal agency management because the high potential for the systems to substantially improve Federal Government operations, including the delivery of services to the public.

(12) Structural changes in the federal government, including elimination of the Brooks Act (Section 111 of the Federal Property and Administrative Services Act of 1949), are necessary in order to improve Federal information management and to facilitate Federal Government acquisition of the state-of-the-art information technology that is critical for improving the efficiency and effectiveness of Federal Government operations.

SEC. 4003. PURPOSES.

The purposes of this division are as follows:

(1) To create incentives for the Federal Government to strategically use information technology in order to achieve efficient and effective operations of the Federal Govern-

ment, and to provide cost effective and efficient delivery of Federal Government services to the taxpayers.

(2) To provide for the cost effective and timely acquisition, management, and use of effective information technology solutions.

(3) To transform the process-oriented procurement system of the Federal Government, as it relates to the acquisition of information technology, into a results-oriented procurement system.

(4) To increase the responsibility and authority of officials of the Office of Management and Budget and other Federal Government agencies, and the accountability of such officials to Congress and the public, in the use of information technology and other information resources in support of agency missions.

(5) To ensure that Federal Government agencies are responsible and accountable for achieving service delivery levels and project management performance comparable to the best in the private sector.

(6) To promote the development and operation of multiple-agency and Government wide, inter-operable, shared information resources to support the performance of Federal Government missions.

(7) To reduce fraud, waste, abuse, and errors resulting from a lack of, or poor implementation of, Federal Government information systems.

(8) To increase the capability of the Federal Government to restructure and improve processes before applying information technology.

(9) To increase the emphasis placed by Federal agencies managers on completing effective capital planning and process improvement before applying information technology to the execution of plans and the performance of agency missions.

(10) To coordinate, integrate, and, to the extent practicable, establish uniform Federal information resources management policies and practices in order to improve the productivity, efficiency, and effectiveness of Federal Government programs and the delivery of services to the public.

(11) To strengthen the partnership between the Federal Government and State, local, and tribal governments for achieving Federal Government missions, goals, and objectives.

(12) To provide for the development of a well-trained core of professional Federal Government information resources managers.

(13) To improve the ability of agencies to share expertise and best practices and coordinate the development of common application systems and infrastructure.

SEC. 4004. DEFINITIONS.

In this division:

(1) INFORMATION RESOURCES.—The term “information resources” means information and related resources such as personnel, equipment, funds, and information technology, but does not include information resources which support national security systems.

(2) INFORMATION RESOURCES MANAGEMENT.—The term “information resources management” means the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public.

(3) INFORMATION SYSTEM.—The term “information system” means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information.

(4) INFORMATION TECHNOLOGY.—The term “information technology”, with respect to an executive agency—

(A) means any equipment or interconnected system or subsystem of equipment, that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the executive agency or under a contract with the executive agency which (i) requires the use of such system or subsystem of equipment, or (ii) requires the use, to a significant extent, of such system or subsystem of equipment in the performance of a service or the furnishing of a product; and includes computers; ancillary equipment; software, firmware and similar procedures; services, including support services; and related resources;

(B) does not include any such equipment that is acquired by a Federal contractor incidental to a Federal contract; and

(C) does not include information technology contained in national security systems.

(5) **EXECUTIVE DEPARTMENT.**—The term “executive department” means an executive department specified in section 101 of title 5, United States Code.

(6) **EXECUTIVE AGENCY.**—The term “executive agency” has the meaning given the term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(1)).

(7) **COMMERCIAL ITEM.**—The term “commercial item” has the meaning given that term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

(8) **NONDEVELOPMENTAL ITEM.**—The term “Nondevelopmental item” has the meaning given that term in section 4(13) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(13)).

(9) **INFORMATION ARCHITECTURE.**—The term “information architecture”, with respect to an executive agency, means a framework or plan for evolving or maintaining existing information technology, acquiring new information technology, and integrating the agency's information technology to achieve the agency's strategic goals and information resources management goals.

(10) **NATIONAL SECURITY SYSTEMS.**—The term “national security systems” are those telecommunications and information systems operated by the United States Government, the function, operation, or use of which: 1) involve intelligence activities; 2) involve cryptologic activities related to national security; 3) involves the command and control of military forces; 4) involves equipment that is an integral part of a weapon or weapons system; or 5) is critical to the direct fulfillment of military or intelligence missions, but does not include systems to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

(11) **DIRECTOR.**—The term “Director” means the Director of the Office of Management and Budget.

SEC. 4005. APPLICATIONS OF EXCLUSIONS

IN GENERAL.—The exclusions for national security systems provided in section 4004 of the division apply only in title XLI of this division unless otherwise provided in that title.

TITLE XLI—RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

SUBTITLE A—GENERAL AUTHORITY

SEC. 4101. AUTHORITY OF HEADS OF EXECUTIVE AGENCIES.

The heads of the executive agencies may conduct acquisitions of information technology pursuant to their respective authorities.

SEC. 4102. REPEAL OF CENTRAL AUTHORITY OF THE ADMINISTRATOR OF GENERAL SERVICES.

Section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) is repealed.

SUBTITLE B—DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

SEC. 4121. RESPONSIBILITY OF DIRECTOR.

(a) In fulfilling the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the Director shall comply with this subtitle with respect to the specific matters covered by this subtitle.

(b) This subtitle shall sunset on September 30, 2001, after which the Director may continue to comply with this subtitle.

SEC. 4122. CAPITAL PLANNING AND INVESTMENT CONTROL.

(a) With respect to the responsibilities under section 3504(h) of title 44, United States Code, the Director shall—

(1) promote and be responsible for improving the acquisition, use and disposal of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public;

(2) Develop, as part of the budget process, a process for analyzing, tracking and evaluating the risk and results of all major agency capital investments or information systems over the life of the system;

(A) The process should identify opportunities for interagency cooperation, ensure the success of high risk and high return investments, but not duplicate or supplant existing agency investment development and control processes.

(B) The process should include development of explicit criteria for analyzing the projected and actual cost, benefit and risk of information systems investments. As part of the process three categories of information systems investments should be identified:

(1) **HIGH RISK.**—those projects that, by virtue of their size, complexity, use of innovative technology or other factors have an especially high risk of failure

(2) **HIGH RETURN.**—those projects that, by virtue of their total potential benefits in proportion to their costs, have particularly unique value to the public

(3) **CROSSCUTTING.**—those projects of individual agencies with shared benefit to or impact on other federal agencies and state or local governments that require enforcement of operational standards or elimination of redundancies.

(C) Each annual budget submission shall include a report to Congress on the net program performance benefits achieved by major information systems investments and how these benefits support the accomplishment of agency goals.

(D) This process shall be performed with the assistance of and advice from the Chief Information Officers Council and appropriate interagency functional groups.

(E) The process shall ensure that agency information resources management plans are integrated into agency's program plans and budgets for acquisition and use of information technology to improve agency performance and the accomplishment of agency missions.

(3) in consultation with the Director of the National Institute of Standards and Technology, oversee the development and implementation of information technology standards by the Secretary of Commerce under section 4 of Public Law 100-235;

(4) designate (as the Director considers appropriate) one or more heads of executive

agencies as an executive agent to contract for Government wide acquisition of information technology;

(5) encourage the executive agencies to develop and use the best practices in the acquisition of information technology by—

(A) identifying and collecting information regarding the best practices, including information on the development and implementation of the best practices by the executive agencies; and

(B) providing the executive agencies with information on the best practices and with advice and assistance regarding use of the best practices.

(6) assess, on a continuing basis, the experiences of executive agencies, State and local governments, international organizations, and the private sector in managing information technology;

(7) compare the performances of the executive agencies in using information technology and disseminate the comparisons to the executive agencies;

(8) monitor the development and implementation of training in the management of information technology for executive agency management personnel and staff;

(9) keep Congress fully informed on the extent to which the executive agencies are improving program performance and the accomplishment of agency missions through the use of the best practices in information technology;

(10) coordinate the development and review by the Office of Information and Regulatory Affairs of policy associated with Federal procurement and acquisition of information technology with the Office of Federal Procurement Policy; and

(11) seek and give due weight to the advice given by the Chief Information Officer's Council or interagency functional groups regarding the performance of any responsibility of the Director under this subsection.

(b) The heads of executive agencies shall apply the Office of Management and Budget's guidelines promulgated pursuant to this section to national security systems only to the maximum extent practicable.

SEC. 4123. PERFORMANCE-BASED AND RESULTS-BASED MANAGEMENT.

The Director shall encourage performance and results based management in fulfilling the responsibilities assigned under section 3504(h), of title 44, United States Code.

(a) EVALUATION OF AGENCY PROGRAMS AND INVESTMENTS.—

(1) **REQUIREMENT.**—The Director of the Office of Management and Budget shall evaluate the information resources management practices of the executive agencies with respect to the performance and results of the information technology investments of executive agencies.

(2) **CONSIDERATION OF ADVICE AND RECOMMENDATIONS.**—In performing the evaluation, the Director shall consider any advice and recommendations provided by the Chief Information Officers Council or any interagency functional group.

(b) **GUIDANCE.**—The Director shall issue clear and concise guidance to ensure that—

(1) an agency and its major subcomponents institutes effective and efficient capital planning processes to select, control and evaluate the results of all its major information systems investments;

(2) an agency determines, prior to making investments in new information systems—

(A) whether the function to be supported should be performed in the private sector rather than by an agency of the Federal Government and, if so, whether the component of the agency performing that function should be converted from a governmental organization to a private sector organization; or

(B) whether the function should be performed by the executive agency and, if so, whether the function should be performed by private sector source under a contract entered into by head of the executive agency or executive agency personnel;

(3) the agency analyzes its missions and, based on the analysis, revises its mission-related processes and administrative processes, as appropriate, before making significant investments in information technology to be used in support of agency missions;

(4) the agency's information resources management plan is current and adequate and, to the maximum extent practicable, specifically identifies how information technology to be acquired is expected to improve agency operations and otherwise benefit the agency;

(5) agency information security is adequate;

(6) the agency—

(A) provides adequately for the integration of the agency's information resources management plans, strategic plans prepared pursuant to section 306 of title 5, United States Code, and performance plans prepared pursuant to section 1115 of title 31, United States Code; and

(B) budgets for the acquisition and use of information technology; and

(7) efficient and effective interagency and Governmentwide information technology investments are undertaken to improve the accomplishment of common agency missions.

(c) **PERIODIC REVIEWS.**—The Director shall ensure that selected information resources management activities of the executive agencies are periodically reviewed in order to ascertain the efficiency and effectiveness of information technology in improving agency performance and the accomplishments of agency missions.

(d) **ENFORCEMENT OF ACCOUNTABILITY.**—

(1) **IN GENERAL.**—The Director may take any authorized action that the Director considers appropriate, including an action involving the budgetary process or appropriations management process, to enforce accountability under this title in an Executive agency.

(2) **SPECIFIC ACTIONS.**—Actions taken by the Director in the case of an Executive agency may include—

(A) recommending a reduction or an increase in the amount proposed by the head of the executive agency to be included for information resources in the budget submitted to Congress under section 1105(a) of title 31, United States Code;

(B) reducing or otherwise adjusting appropriations and reappropriations of appropriations for information resources;

(C) using other authorized administrative controls over appropriations to restrict the availability of funds for information resources; and

(D) designating for the Executive agency an executive agent to contract with private sector sources for the performance of information resources management or the acquisition of information technology.

(e) The heads of executive agencies shall apply the Office of Management and Budget guidelines promulgated pursuant to this section to national security systems only to the maximum extent practicable. This subsection does not apply to subparagraphs (d)(1) or (d)(2)(A), (B), or (C).

SEC. 4124. INTEGRATION WITH INFORMATION RESOURCE MANAGEMENT RESPONSIBILITIES

In undertaking activities and issuing guidance in accordance with this subtitle, the Director shall promote the integration of information technology management with the broader information resource management processes in the agencies.

SUBTITLE C—EXECUTIVE AGENCIES

SEC. 4131. RESPONSIBILITIES.

(a) In fulfilling the responsibilities assigned under chapter 35 of title 44, United States Code, the head of each executive agency shall comply with this subtitle with respect to the specific matters covered by this subtitle.

(b) This subtitle shall sunset on September 30, 2001, after which the head of each executive agency may continue to comply with this subtitle.

(c) Guidance issued by the Director in accordance with subtitle B of this title shall sunset on September 30, 2001, unless the Director determines it should continue in effect pursuant to Sec. 4121(b) of this division, and notifies the Congress and the agencies of that intent by March 31, 2001.

SEC. 4132. CAPITAL PLANNING AND INVESTMENT CONTROL.

IN GENERAL.—(a) In fulfilling the responsibilities assigned under Section 3506(h) of title 44, U.S. Code, the head of each executive agency shall design and apply in the executive agency a process for maximizing the value and assessing and managing the risks of the information technology acquisitions of the agency.

(b) The process shall—

(1) provide for the selection, control, and evaluation of the results of information technology investments of the agency;

(2) be integrated with budget, financial, and program management decisions of the agency;

(3) include minimum criteria for considering an information systems investment—to include a quantitative assessment of projected net, risk-adjusted return on investment—as well as explicit criteria, both quantitative and qualitative, for comparing and prioritizing alternative information systems investment projects;

(4) identify information systems investments with share benefits to or impact on other federal agencies and state or local governments that require enforcement of operational standards or elimination of redundancies;

(5) provide for clearly identifying in advance of the proposed investment of quantifiable measurements for determining the net benefits and risks;

(6) provide senior management with timely information regarding the progress of information systems initiatives against measurable, independently-verifiable milestones, including cost, ability to meet specified requirements, timeliness, and quality.

(c) This section applies to national security systems except for subsection (b).

SEC. 4133. PERFORMANCE AND RESULTS-BASED MANAGEMENT.

(a) **IN GENERAL.**—In fulfilling the responsibilities under section 3506(h) of title 44, United States Code, the head of an executive agency shall—

(1) establish goals for improving the efficiency and effectiveness of agency operations and, as appropriate, the delivery of services to the public through the effective use of information technology;

(2) prepare an annual report, to be included in the budget submission for the executive agency, on the progress in achieving the goals;

(3) ensure that—

(A) the agency determines—

(i) whether the function should be performed in the private sector rather than by an agency of the Federal Government and, if so, whether the component of the agency performing that function should be converted from a governmental organization to a private sector organization; or

(ii) whether the function should be performed by the executive agency and, if so,

whether the function should be performed by a private sector source under a contract entered into by head of the executive agency or executive agency personnel;

(B) the agency—

(i) provides adequately for the integration of the agency's information resources management plans, strategic plans prepared pursuant to section 306 of title 5, United States Code, and performance plans prepared pursuant to section 1115 of title 31, United States Code; and

(ii) budgets for the acquisition and use of information technology;

(4) ensure that performance measurements are prescribed for information technology used by or to be acquired for the executive agency and that the performance measurements measure how well the information technology supports agency programs;

(5) where comparable processes and organizations in the public or private sectors exist, quantitatively benchmark agency process performance against such processes in terms of cost, speed, productivity, and quality of outputs and outcomes;

(6) analyze its missions and, based on the analysis, revises its mission-related processes and administrative processes as appropriate before making significant investments in information technology to be used in support of agency missions;

(7) ensure that the agency's information resources management plan is current and adequate and, to the maximum extent practicable, specifically identifies how information technology to be acquired is expected to improve agency operations and otherwise expected to benefit the agency;

(8) ensure that efficient and effective interagency and Governmentwide information technology investments are undertaken to improve the accomplishment of common agency missions; and

(9) ensure that an agency's information security is adequate.

(b) This section applies to national security systems except for subparagraph (3)(A).

SEC. 4134. SPECIFIC AUTHORITY.

(a) **IN GENERAL.**—The authority of the head of an executive agency under section 4101 and the authorities referred to in such section includes but is not limited to the following authorities:

(1) To acquire information technology as authorized by law—

(2) To enter into a contract that provides for multi-agency acquisitions of information technology subject to the approval and guidance of the Director.

(3) If the Director, based on advice from the Chief Information Officers Council or interagency functional groups, finds that it would be advantageous for the Federal Government to do so, to enter into a multi-agency contract for procurement of commercial items that requires each agency covered by the contract, when procuring such items, either to procure the items under that contract or to justify an alternative procurement of the items.

(4) To establish and support one or more independent technical review committees, composed of diverse agency personnel (including users) and outside experts selected by the head of the executive agency, to advise the head of the executive agency about information systems programs.

(b) **FTS 2000 PROGRAM.**—Notwithstanding any other provision of this or any other law, the General Services Administration shall continue to manage the FTS 2000 program, and to coordinate the follow-on to that program, on behalf and with the advice of the Federal agencies.

SEC. 4135. AGENCY CHIEF INFORMATION OFFICER.

(a) **DEPRESSION OF CHIEF INFORMATION OFFICERS.**—Section 3506(a) of title 44, United

States Code, is amended by striking out "senior official" wherever it appears and inserting in lieu thereof "Chief Information Officer; and by striking out "official" wherever it appears and inserting in lieu thereof "Officer."

(b) In General.—The chief information officer of an executive agency shall be responsible for

(1) providing advice and other assistance to the head of the executive agency and other senior management personnel of the executive agency to ensure that information technology is acquired and information resources are managed for the agency in a manner that implements the policies and procedures of this division and the priorities established by the agency head;

(2) developing, maintaining and facilitating the implementation of a sound and integrated information architecture for an agency; and

(3) promoting the effective and efficient design and operation of all major information resources management processes including work process improvements for an agency.

(c) Duties and Qualifications of chief information officers in Agencies listed in section 901(b)(1) of title 31 United States Code

(1) Information resources management duties shall be a primary duty of the chief information officer.

(2) The chief information officer shall monitor the performance of information technology programs of the executive agency, evaluate the performance on the basis of the applicable performance measurements, and advise the head of the executive agency regarding whether to continue or terminate programs and/or projects.

(3) The chief information officer shall, as part of the strategic planning process required under Government Performance and Results Act, annually

(A) perform an assessment of the agency's knowledge and skill requirements in information resources management for achieving performance goals;

(B) an analysis of the degree to which existing positions and personnel, both at the executive and management levels, meet those requirements;

(C) develop strategies and specific plans for hiring, training and professional development to narrow the gap between needed and existing capability; and

(D) report to the agency head on the progress made in improving information management capability.

(4) Agencies may establish Chief Information Officers for major subcomponents or bureaus.

(5) Agency chief information officers shall possess demonstrated ability in general management of, and knowledge of and extensive practical experience in, information and information technology management practices of business or government entities.

(6) For each chief information officer, a deputy chief information officer shall be appointed by the agency head reporting directly to the respective agency or component chief information officer. Deputy chief information officers shall have demonstrated ability and experience in general management, business process analysis, software and information systems development, design and management of information technology architectures, data and telecommunications management at government or business entities.

(d) EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Agency Chief information officers designated under section 4135(c) of the Information Technology Management Reform Act of 1995."

(e) This section applies to national security systems.

SEC. 4136. ACCOUNTABILITY.

(a) SYSTEM OF CONTROLS.—The head of each executive agency, in consultation with the chief information officer and the chief financial officer of that agency (or, in the case of an agency without a chief financial officer, any comparable official), shall establish policies and procedures that—

(1) ensure that the accounting, financial, and asset management systems and other information systems of the agency are designed, developed, maintained, and used effectively to provide financial or program performance data for financial statements of the agency;

(2) ensure that financial and related program performance data are provided on a reliable, consistent, and timely basis to agency financial management systems; and

(3) ensure that financial statements support—

(A) assessment and revision of mission-related processes and administrative processes of the agency; and

(B) performance measurement in the case of information system investments made by the agency.

(b) INFORMATION RESOURCES MANAGEMENT PLAN.—The information resources management plan required under Section 3506(b)(2) of title 44, United States Code shall:

(1) be consistent with the strategic plan prepared by the head of the agency pursuant to section 306 of title 5, United States Code, where applicable, and the agency head's mission analysis, and ensure that the agency information systems conform to those plans. The plan shall provide for applying information technology and other information resources in support of the performance of the missions of the agency and shall include the following:

(A) A statement of goals for improving the contribution of information resources to program productivity, efficiency, and effectiveness.

(B) Methods for measuring progress toward achieving the goals.

(C) Assignment of clear roles, responsibilities, and accountability for achieving the goals.

(D) A description of—

(i) the major existing and planned information technology components (such as information systems and telecommunication networks) of the agency and the relationship among the information technology components; and

(ii) the information architecture for the agency.

(E) A summary, for each ongoing or completed major information systems investment from the previous year, of the project's status and any changes in name, direction or scope, quantifiable results achieved and current maintenance expenditures.

(c) AGENCY INFORMATION.—The head of an executive agency shall periodically evaluate and, as necessary, improve the accuracy, security, completeness, and reliability of information maintained by or for the agency.

(d) This section applies to national security systems except for subsection (b).

SEC. 4137. SIGNIFICANT FAILURES

The agency shall include in the plan required under section 3506(b)(2) of title 44, United States Code, a justification for the continuation of any major information technology acquisition program, or phase or increment of such program, that has significantly deviated from the established cost, performance, or schedule baseline.

SEC. 4138. INTERAGENCY SUPPORT

The heads of multiple executive agencies are authorized to utilize funds appropriated

for use in oversight, acquisition and procurement of information technology to support the activities of the Chief Information Officers Council established pursuant to section 4141 and to such independent review committees and interagency groups established pursuant to section 4151 in such manner and amounts as prescribed by the Director.

SUBTITLE D—CHIEF INFORMATION OFFICERS COUNCIL

SEC. 4141. ESTABLISHMENT OF CHIEF INFORMATION OFFICERS COUNCIL

(a) ESTABLISHMENT.—There is established a Chief Information Officers Council, consisting of—

(1) the Deputy Director for Management of the Office of Management and Budget, who shall act as chairperson of the council;

(2) the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget;

(3) the Administrator of General Services;

(4) the Administrator of the Office of Federal Procurement Policy of the Office of Management and Budget; and

(5) the Controller of the Office of Federal Financial Management of the Office of Management and Budget; and

(6) each of the Chief Information Officers from those agencies listed in section 901(b)(1) of title 31, United States Code, along with a Chief Information Officer representing other Executive agencies.

(b) FUNCTIONS.—The Chief Information Officers Council shall meet periodically to advise and coordinate the activities of the agencies of its members by:

(1) obtaining advice on information resources, information resources management, including the reduction of information collection burdens on the public, and information technology from State, local, and tribal governments and from the private sector;

(2) making recommendations to the Director of the Office of Management and Budget regarding Federal policies and practices on information resources management, including the reduction of information collection burdens on the public, to increase the efficiency and effectiveness of federal programs;

(3) providing for the Director of the Office of Management and Budget to establish temporary special advisory groups to the Chief Information Officers Council, composed of senior officials from industry, academia and the Federal Government, to review Governmentwide information technology programs, information technology acquisitions, and issues of information technology policy; and

(4) reviewing agency programs and processes, to identify opportunities for consolidation of activities or cooperation.

(c) The Chief Information Officers Council shall consider national security systems for advice or coordination only with the consent of the affected agency.

(d) The Chief Information Officers Council shall consult with the Public Printer appointed under Section 301 of Title 44, United States Codes, regarding implementation Section 4819 of this division.

SUBTITLE E—INTERAGENCY FUNCTIONAL GROUPS

SEC. 4151. ESTABLISHMENT.

(a) IN GENERAL.—The President may direct the establishment of one or more interagency groups to advise the Director and the agencies, known as "functional groups"—

(1) to examine areas including telecommunications, software engineering, common administrative and programmatic applications, computer security, and information policy, that would benefit from a Governmentwide or multi-agency perspective;

(2) to submit to the Chief Information Officers Council proposed solutions for problems in specific common operational areas;

(3) to promote cooperation among agencies on information technology matters,

(4) to review and make recommendations to the Director and the agencies concerned regarding major or high risk information technology acquisitions, and

(5) to otherwise improve the efficient of information technology to support agency missions.

(b) **TEMPORARY SPECIAL ADVISORY GROUPS.**—The Director of the Office of Management and Budget is authorized to establish temporary special advisory groups to the functional groups, composed of experts from industry, academia and the Federal Government, to review Governmentwide information technology programs, major or high-risk information technology acquisitions, and issues of information technology policy.

SEC. 4152. SPECIFIC FUNCTIONS.

The functions of an interagency functional group are as follows:

(1) To identify common goals and requirements for common agency programs.

(2) To develop a coordinated approach to meeting agency requirements, including coordinated budget estimates and procurement programs.

(3) To identify opportunities to share information for improving the quality of the performance of agency functions, for reducing the cost of agency programs, and for reducing burdens of agency activities on the public.

(4) To coordinate activities and the sharing of information with other functional groups.

(5) To make recommendations to the heads of executive agencies and to the Director of the Office of Management and Budget regarding the selection of protocols and other standards for information technology, including security standards.

(6) To support interoperability among information systems.

(7) To perform other functions, related to the purposes set forth in section 4151(a), that are assigned by the chief Information Officers Council.

(b) Interagency functional groups may perform these functions with respect to national security systems only with the consent of the affected agency.

SUBTITLE F—OTHER RESPONSIBILITIES

SEC. 4161. RESPONSIBILITIES UNDER THE COMPUTER SECURITY ACT OF 1987.

(a) **IN GENERAL.**—(1) The Secretary of Commerce shall, on the basis of standards and guidelines developed by the National Institute of Standards and technology pursuant to section 20(a) (2) and (3) of the National Bureau of Standards Act, promulgate standards and guidelines pertaining to Federal computer systems, making such standards compulsory and binding to the extent to which the Secretary determines necessary to improve the efficiency of operation or security and privacy of Federal computer systems. The President may disapprove or modify such standards and guidelines if he determines such action to be in the public interest. The President's authority to disapprove or modify such standards and guidelines may not be delegated. Notice of such disapproval or modification shall be submitted promptly to the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate and shall be published promptly in the Federal Register. Upon receiving notice of such disapproval or modification, the Secretary of Commerce shall immediately rescind or modify such standards or guidelines as directed by the President.

(2) The head of a Federal agency may employ standards for the cost effective security

and privacy of sensitive information in a Federal computer system within or under the supervision of that agency that are more stringent than the standards promulgated by the Secretary of Commerce, if such standards contain, at a minimum, the provisions of those applicable standards made compulsory and binding by the Secretary of Commerce.

(3) The standards determined to be compulsory and binding may be waived by the Secretary of Commerce in writing upon a determination that compliance would adversely affect the accomplishment of the mission of an operator of a Federal computer system, or cause a major adverse financial impact on the operator which is not offset by government-wide savings. The Secretary may delegate to the head of one or more Federal agencies authority to waive such standards to the extent to which the Secretary determines such action to be necessary and desirable to allow for timely and effective implementation of Federal computer system standards. The head of such agency may redelegate such authority only to a Chief Information Officer designated pursuant to Section 3506 of title 44, United States Code. Notice of each such waiver and delegation shall be transmitted promptly to the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate and shall be published promptly in the Federal Register.

(4) As used in this section, the terms "Federal computer system" and "operator of a Federal computer system" have the meanings given in section 20(d) of the National Bureau of Standard Act.

(b) **EXERCISE OF AUTHORITY.**—The authority conferred upon the Secretary by this section shall be exercised subject to direction by the President and in coordination with the Director of the Office of Management and Budget to ensure fiscal and policy consistency.

(c) **TECHNICAL AND CONFORMING AMENDMENT.**—Subsections 3504(g) (2) and (3), and 3506(g) (2) and (3) to title 44, United States Code, are each amended by inserting the phrase "and section 161 of the Information Technology Reform Act of 1995" after the phrase "the Computer Security Act of 1987 (P.L. 100-235).

SUBTITLE G—SENSE OF CONGRESS

SEC. 4171. SENSE OF CONGRESS.

It is the sense of Congress over the next five years that executive agencies should achieve at least a real 5 percent per year decrease in the cost incurred by the agency for operating and maintaining information technology, and a real 5 percent per year increase in the efficiency of the agency operations, by reason of improvements in information resources management by the agency.

TITLE XLII—PROCESS FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

SUBTITLE A—PROCEDURES

SEC. 4201. PROCUREMENT PROCEDURES.

(a) **RESPONSIBILITY.**—The Director of the Office of Management and Budget of the United States shall issue guidance to be used in conducting information technology acquisitions.

(b) **STANDARDS FOR PROCEDURES.**—The Director shall ensure that the process for acquisition of information technology is, in general a simplified, clear, and understandable process that specifically addresses the management of risk.

(c) **PERFORMANCE MEASUREMENTS.**—The guidance shall include performance measurements and other performance requirements that the Director determines appropriate.

(d) **USE OF COMMERCIAL ITEMS.**—The guidance shall mandate the use, to maximum ex-

tent practicable, of commercial items to meet the information technology requirements of the executive agency.

(e) **DIFFERENTIATED PROCEDURES.**—Subject to subsection (b), the Director shall consider whether and, to the extent appropriate, how to differentiate in the treatment and conduct of acquisitions of information technology on any of the following bases:

(1) The dollar value of the acquisition.

(2) The information technology to be acquired, including such consideration as whether the item is a commercial item or an item being developed or modified uniquely for use by one or more executive agencies.

(3) The complexity of the information technology acquisition, including such considerations as size and scope.

(4) The level of risk, including technical and schedule risks.

(5) The level of experience or expertise of the critical personnel in the program office, mission unit, or office of the chief information officer of the executive agency concerned.

(6) The extent to which the information technology may be used government-wide or by several agencies.

SEC. 4202. INCREMENTAL ACQUISITION OF INFORMATION TECHNOLOGY.

(a) **CIVILIAN AGENCIES.**—

(1) **PROCEDURES AUTHORIZED.**—Title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.) is amended by inserting after section 303H the following new section:

"MODULAR CONTRACTING

"SEC. 303I. (a) **IN GENERAL.**—An executive agency's need for a major system of information technology should, to the maximum extent practicable, be satisfied in successive acquisitions of interoperable increments pursuant to subsections (b) and (c). Such increments shall comply with readily available standards such that they can be connected to other increments that comply with such standards.

"(b) **DIVISION OF ACQUISITIONS INTO INCREMENTS.**—Under the successive, incremental acquisition process, a major system of information technology may be divided into several smaller acquisition increments that

"(1) are easier to manage individually than would be one extensive acquisition;

"(2) address complex information technology problems incrementally in order to enhance the likelihood of achieving workable solutions for those problems;

"(3) provide for delivery, implementation, and testing of workable systems or solutions in discrete increments each of which comprises a system or solution that is not dependent on any subsequent increment in order to perform its principal functions; and

"(4) provide an opportunity for subsequent increments of the acquisition to take advantage of any evolution in technology or needs that occur during conduct of the earlier increments.

"(c) **TIMELY ACQUISITIONS.**—(1) A contract for an increment of an information technology acquisition should, to the maximum extent practicable, be awarded within 180 days after the date on which the solicitation is issued, or that increment of the acquisition should be considered for cancellation.

"(2) The information technology provided for in a contract for acquisition of information technology should be delivered within 18 months after the date on which the solicitation resulting in award of the contract was issued."

(2) **CLERICAL AMENDMENT.**—The table of contents in the first section of such Act is amended by inserting after the item relating to section 303H the following new item:

"Sec. 303I MODULAR CONTRACTING."

(b) DEPARTMENT OF DEFENSE.—

(1) PROCEDURES AUTHORIZED.—Chapter 137 of title 10, United States Code, is amended by inserting after section 2305 the following new section:

“§ 2305a. Modular Contracting

“(a) IN GENERAL.—An executive agency’s need for a major system of information technology should, to the maximum extent practicable, be satisfied in successive acquisitions of interoperable increments pursuant to subsections (b) and (c). Such increments shall comply with readily available standards such that they can be connected to other increments that comply with such standards.

“(b) DIVISION OF ACQUISITIONS INTO INCREMENTS.—Under the successive incremental acquisition process, a major system of information technology may be divided into several ties smaller acquisition increments that—

“(1) are easier to manage individually than should be one extensive acquisition;

“(2) address complex information technology problems incrementally in order to enhance the likelihood of achieving workable solutions for those problems;

“(3) provide for delivery, implementation, and testing of workable systems or solutions in discrete increments each of which comprises a system or solution that is not dependent on any subsequent increment in order to perform its principal functions; and

“(4) provide an opportunity for subsequent increments of the acquisition to take advantage of any evolution in technology or needs that occur during conduct of the earlier increments.

“(c) TIMELY ACQUISITIONS.—(1) A contract for an increment of an information technology acquisition should, to the maximum extent practicable, be awarded within 180 days after the date on which the solicitation is issued, or that increment of the acquisition should be considered for cancellation.

“(2) The information technology provided for in a contract for acquisition of information technology should be delivered within 18 months after the date on which the solicitation resulting in award of the contract was issued.”

(2) Clerical amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2305 the following:

“2305a. Modular Contracting.”.

SEC. 4203. TASK AND DELIVERY ORDER CONTRACTS.

(a) CIVILIAN AGENCY ACQUISITIONS.—

(1) REQUIREMENT FOR MULTIPLE AWARDS.—Section 303H(d) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253H(d)) is amended by adding at the end the following new paragraph:

“(4) In exercising the authority under this section for procurement of information technology, the head of an executive agency shall award at least two task or delivery order contracts for the same or similar information technology services or property unless the agency determines that it is not in the best interests of the United States to award two or more such contracts.”.

“(2) DEFINITION.—Section 303K of such Act (41 U.S.C. 253k) is amended by adding at the end the following new paragraph:

“(3) The term ‘information technology’ has the meaning given that term in section 4 of the Information Technology Management Reform Act of 1995.”.

(b) ARMED SERVICES ACQUISITIONS.—

(1) REQUIREMENT FOR MULTIPLE AWARDS.—Section 2304a(d) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) In exercising the authority under this section for procurement of information tech-

nology, the head of an executive agency shall award at least two task or delivery order contracts for the same or similar information technology services or property unless the agency determines that it is not in the best interests of the United States to award two or more such contracts.”.

(2) DEFINITION.—Section 2304d of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) The term ‘information technology’ has the meaning given that term in section 4 of the Information Technology Management Reform Act of 1995.”.

SUBTITLE B—ACQUISITION MANAGEMENT

SEC. 4221. ACQUISITION MANAGEMENT TEAM.

(a) CAPABILITIES OF AGENCY PERSONNEL.—The head of each executive agency shall ensure that the agency personnel involved in an acquisition of information technology have the experience, and have demonstrated the skills and knowledge, necessary to carry out the acquisition competently.

(b) USE OF OUTSIDE ACQUISITION TEAM.—If the head of the executive agency determines that such personnel are not available for carrying out the acquisition, the head of that agency should consider designating a capable executive agent to carry out the acquisition.

SEC. 4222. OVERSIGHT OF ACQUISITIONS.

It is the sense of Congress that the director of the Office of Management and Budget, the heads of executive agencies, and the inspectors general of executive agencies, in performing responsibilities for oversight of information technology acquisitions, should emphasize reviews of the operational justifications for the acquisitions, the results of the acquisition programs, and the performance measurements established for the information technology rather than reviews of the acquisition process.

TITLE XLIII—INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS

SUBTITLE A—CONDUCT OF PILOT PROGRAMS

SEC. 4301. AUTHORIZATION TO CONDUCT PILOT PROGRAMS.

(a) IN GENERAL.—

(1) PURPOSE.—The Administrator for Federal Procurement Policy (hereinafter referred to as the “Administrator”), in consultation with the Administrator for the Office of Information and Regulatory Affairs shall be authorized to conduct pilot programs in order to test alternative approaches for acquisition of information technology and other information resources by executive agencies.

(2) MULTI-AGENCY, MULTI-ACTIVITY CONDUCT OF EACH PROGRAM.—Except as otherwise provided in this title, each pilot program conducted under this title shall be carried out in not more than two procuring activities in each of two executive agencies designated by the Administrator. The head of each designated executive agency shall, with the approval of the Administrator, select the procuring activities of the agency to participate in the test and shall designate a procurement testing official who shall be responsible for the conduct and evaluation of the pilot program within the agency.

(b) LIMITATIONS.—

(1) NUMBER.—Not more than two pilot programs shall be conducted under the authority of this title, including one pilot program each pursuant to the requirements of sections 4321 and 4322.

(2) AMOUNT.—The total amount obligated for contracts entered into under the pilot programs conducted under the authority of this title may not exceed \$750,000,000. The Administrator shall monitor such contracts and ensure that contracts are not entered into in violation of the limitation in the preceding sentence.

(c) INVOLVEMENT OF CHIEF INFORMATION OFFICERS COUNCIL.—The Administrator may—

(1) conduct pilot programs recommended by the Chief Information Officers Council; and

(2) consult with the Chief Information Officers Council regarding development of pilot programs to be conducted under this section.

(d) PERIOD OF PROGRAM.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator shall conduct a pilot program for the period, not in excess of five years, that is determined by the Administrator to be sufficient to establish reliable results.

(2) CONTINUING VALIDITY OF CONTRACTS.—A contract entered into under the pilot program before the expiration of that program shall remain in effect according to the terms of the contract after the expiration of the program.

SEC. 4302. EVALUATION CRITERIA AND PLANS.

(a) MEASURABLE TEST CRITERIA.—The head of each executive agency conducting a pilot program under section 4301 shall establish, to the maximum extent practicable, measurable criteria for evaluating the effects of the procedures or techniques to be tested under the program.

(b) TEST PLAN.—Before a pilot program may be conducted under section 4301 the Administrator shall submit to the Committee on Governmental Affairs and the Committee on Small Business of the Senate and the Committee on Government Reform and Oversight and the Committee on Small Business of the House of Representative a detailed test plan for the program, including a detailed description of the procedures to be used and a list of any regulations that are to be waived.

SEC. 4303. REPORT.

(a) REQUIREMENT.—Not later than 180 days after the completion of a pilot program conducted under this title the Administrator shall—

(1) submit to the Director of the Office of Management and Budget a report on the results and findings under the program; and

(2) provide a copy of the report to the Committee on Governmental Affairs and the Committee on Small Business of the Senate, and the Committee on Government Reform and Oversight and the Committee on Small Business of the House of Representatives.

(b) CONTENT.—The report shall include the following:

(1) A detailed description of the results of the program, as measured by the criteria established for the program.

(2) A discussion of any legislation that the Administrator recommends, or changes in regulations that the Administrator considers necessary, in order to improve overall information resources management within the Federal Government.

SEC. 4304. RECOMMENDED LEGISLATION.

If the Director of the Office of Management and Budget determines that the results and findings under a pilot program under this title indicate that legislation is necessary or desirable in order to improve the process for acquisition of information technology, the Director shall transmit the Director’s recommendations for such legislation to the Committee on Governmental Affairs and the Committee on Small Business of the Senate and the Committee on Government Reform and Oversight and the Committee on Small Business of the House of Representatives.

SEC. 4305. RULE OF CONSTRUCTION.

Nothing in this title shall be construed as authorizing the appropriation or obligation of funds for the pilot programs conducted pursuant to this title.

SUBTITLE B—SPECIFIC PILOT PROGRAMS

SEC. 4321. SHARE-IN-SAVINGS PILOT PROGRAM.

(a) **REQUIREMENT.**—The Administrator may authorize agencies to carry out a pilot program to test the feasibility of—

(1) contracting on a competitive basis with a private sector source to provide the Federal Government with an information technology solution for improving mission-related or administrative processes of the Federal Government; and

(2) paying the private sector source an amount equal to a portion of the savings derived by the Federal Government from any improvements in mission-related processes and administrative processes that result from implementation of the solution.

(b) **PROGRAM CONTRACTS.**—Up to five contracts for one project each may be entered into under the pilot program.

(c) **SELECTION OF PROJECTS.**—The projects shall be selected by the Administrator, in consultation with the Administrator for the Office of Information and Regulatory Affairs, from among projects recommended by the Chief Information Officers Council.

SEC. 4322. SOLUTIONS-BASED CONTRACTING PILOT PROGRAM

(a) **IN GENERAL.**—The Administrator may authorize agencies to carry out a pilot program to test the feasibility of the use of solutions-based contracting for acquisition of information technology.

(b) **SOLUTIONS-BASED CONTRACTING DEFINED.**—For purposes of this section, solutions-based contracting is an acquisition method under which the Federal Government user of the technology to be acquired defines the acquisition objectives, uses a streamlined contractor selection process, and allows industry sources to provide solutions that attain the objectives effectively. The emphasis of the method is on obtaining from industry an optimal solution.

(c) **PROCESS.**—The Administrator shall require use of the following process for acquisitions under the pilot program:

(1) **ACQUISITION PLAN EMPHASIZING DESIRED RESULT.**—Preparation of an acquisition plan that defines the functional requirements of the intended users of the information technology to be acquired, identifies the operational improvement results to be achieved, and defines the performance measurements to be applied in determining whether the information technology acquired satisfies the defined requirements and attains the identified results.

(2) **RESULTS-ORIENTED STATEMENT OF WORK.**—Use of a statement of work that is limited to an expression of the end results or performance capabilities desired under the acquisition plan.

(3) **SMALL ACQUISITION ORGANIZATION.**—Assembly of small acquisition organization consisting of the following:

(A) An acquisition management team, the members of which are to be evaluated and rewarded under the pilot program for contributions toward attainment of the desired results identified in the acquisition plan.

(B) A small source selection team composed of representatives in the specific mission or administrative area to be supported by the information technology to be acquired, a contracting officer, and persons with relevant expertise.

(4) **USE OF SOURCE SELECTION FACTORS EMPHASIZING SOURCE QUALIFICATIONS.**—Use of source selection factors that are limited to determining the qualifications of the offeror, including such factors as personnel skills, previous experience in providing other private or public sector organizations with solutions for attaining objectives similar to the objectives to be attained in the acquisition, past contract performance, qualifica-

tions of the proposed program manager, and the proposed management plan.

(5) **OPEN COMMUNICATIONS WITH CONTRACTOR COMMUNITY.**—Open availability of the following information to potential offerors:

(A) The agency mission to be served by the acquisition.

(B) The functional process to be performed by use of information technology.

(C) The process improvements to be attained.

(6) **SIMPLE SOLICITATION.**—Use of simple solicitation that sets forth only the functional work description, source selection factors, the required terms and conditions, instructions regarding submission of offers, and the estimate of the Federal Government's budget for the desired work.

(7) **SIMPLE PROPOSALS.**—Submission of oral proposals and acceptance of written supplemental submissions that are limited in size and scope and contain information on the offeror's qualifications to perform the desired work together with information of past contract performance.

(8) **SIMPLE EVALUATION.**—Use of a simple evaluation process, to be completed within 45 days after receipt of proposals, which consists of the following:

(A) Identification of the offerors that are within the competitive range of most of the qualified offerors.

(B) Issuance of invitations for at least three and not more than five of the identified offerors to make oral presentations to, and engage in discussions with, the evaluating personnel regarding the qualifications of the offerors, including the qualifications of each offeror relate to the approaches proposed to be taken by the offeror in the acquisition.

(C) Evaluation of the qualifications of the identified offerors on the basis of submissions required under the process and any oral presentations made by, and any discussions with, the offerors.

(9) **SELECTION OF MOST QUALIFIED OFFEROR.**—A selection process consisting of the following:

(A) Identification of the most qualified source, and ranking of alternative sources, primarily on the basis of the oral proposals, presentations, and discussions, but taking into consideration supplemental written submissions.

(B) Conduct for 30 to 60 days of a program definition phase, funded by the Federal Government—

(i) during which the selected source, in consultation with one or more intended users, develops a conceptual system design and technical approach, defines logical phases for the project, and estimates the total cost and the cost for each phase; and

(ii) after which a contract for performance of the work may be awarded to that source on the basis of cost, the responsiveness, reasonableness, and quality of the proposed performance, and a sharing of risk and benefits between the source and the Government.

(C) Conduct of as many successive program definition phases with the alternative sources (in the order ranked) as is necessary in order to award a contract in accordance with subparagraph (B).

(10) **SYSTEM IMPLEMENTATION PHASING.**—System implementation to be executed in phases that are tailored to the solution, with various contract arrangements being used, as appropriate, for various phases and activities.

(11) **MUTUAL AUTHORITY TO TERMINATE.**—Authority for the Federal Government or the contractor to terminate the contract without penalty at the end of any phase defined for the project.

(12) **TIME MANAGEMENT DISCIPLINE.**—Application of a standard for awarding a contract

within 60 to 90 days after issuance of the solicitation.

(d) **PILOT PROGRAM DESIGN.**—

(1) **JOINT PUBLIC-PRIVATE WORKING GROUP.**—The Administrator, in consultation with the Administrator for the Office of Information and Regulatory Affairs shall establish a joint working group of Federal Government personnel and representatives of the information technology industry to design a plan for conduct of the pilot program. The establishment and operation of this working group shall not be subject to the requirements of the Federal Advisory Committee Act, Public Law 92-463, as amended (5 U.S.C. App.)

(2) **CONTENT OF PLAN.**—The plan shall provide for use of solutions-based contracting in the Department of Defense and not more than two other executive agencies for a total of—

(A) Not more than 10 projects, each of which has an estimated cost of between \$25,000,000 and \$100,000,000; and

(B) Not more than 10 projects, each of which has an estimated cost of between \$1,000,000 and \$5,000,000, to be set aside for small business concerns.

(3) **COMPLEXITY OF PROJECTS.**—(A) Subject to subparagraph (C), each acquisition project under the pilot program shall be sufficiently complex to provide for meaningful evaluation of the use of solutions-based contracting for acquisition of information technology for executive agencies.

(B) In order for an acquisition project to satisfy the requirement in subparagraph (A)—

(i) the solution for attainment of the executive agency's objectives under the project should not be obvious, but rather shall involve a need for some innovative development; and

(ii) the project shall incorporate all elements of system integration.

(C) An acquisition project should not be so extensive or lengthy as to result in undue delay in the evaluation of the use of solutions-based contracting.

(e) **USE OF EXPERIENCED FEDERAL PERSONNEL.**—Only Federal Government personnel who are experienced, and have demonstrated success, in managing or otherwise performing significant functions in complex acquisitions shall be used for evaluating offers, selecting sources, and carrying out the performance phases in an acquisition under the pilot program.

(f) **MONITORING BY GAO.**—

(1) **REQUIREMENT.**—The Comptroller General of the United States shall—

(A) monitor the conduct, and review the results, of acquisitions under the pilot program; and

(B) submit to Congress periodic reports containing the views of the Comptroller General on the activities, results, and findings under the pilot program.

(2) **EXPIRATION OF REQUIREMENT.**—The requirement under paragraph (1)(B) shall terminate after submission of the report that contains the final views of the Comptroller General on the last of the acquisition projects completed under the pilot program.

TITLE XLIV—OTHER INFORMATION RESOURCES MANAGEMENT REFORM**SEC. 4401. ON-LINE MULTIPLE AWARD SCHEDULE CONTRACTING.**

(a) **AUTOMATION OF MULTIPLE AWARD SCHEDULE CONTRACTING.**—(1) In order to provide for the economic and efficient procurement of information technology, the Administrator of General Services shall establish a program for the development and implementation of a system to provide Government-wide, on-line computer access to information on information technology products and services that are available for ordering through multiple award schedules.

(2) The system required by paragraph (1) shall, at a minimum—

(A) provide basic information on prices, features, and performance of all products and services available for ordering through the multiple award schedules;

(B) provide for updating that information to reflect changes in prices, features, and performance as soon as information on the changes becomes available;

(C) enables users to make on-line computer comparisons of the prices, features, and performance of similar products and services offered by various vendors;

(D) enable users to place, and vendors to receive, on-line computer orders for products and services available for ordering through the multiple award schedules (up to the maximum order limitation of the applicable schedule contract);

(E) enable ordering agencies to make payments to contractors by bank card, electronic funds transfer, or other automated methods in cases in which it is practicable and in the interest of the Federal Government to do so; and

(F) archive data relating to each order placed against multiple award schedule contracts using such system, including, at a minimum, data on—

- (i) the agency or office placing the order;
- (ii) the vendor receiving the order;
- (iii) the products or services ordered; and
- (iv) the total price of the order.

(3)(A) The system required by paragraph (1) shall be implemented not later than January 1, 1998.

(B) The Administrator shall certify to Congress that the system required by paragraph (1) has been implemented at such time as a system meeting the requirements of paragraph (2) is in place and accessible by at least 90 percent of the potential users in the departments and agencies of the Federal Government.

(4) Orders placed against multiple award schedule contracts through the system required by paragraph (1) may be considered for purposes of the determinations regarding implementation of the capability described under subsection (b) of section 30A of the Office of Federal Procurement Policy Act (41 U.S.C. 426a) and implementation of such capability under subsection (d) of such section.

(b) STREAMLINED PROCEDURES; PILOT PROGRAM.—(1)(A) In order to provide for compliance with provisions of law requiring the use of competitive procedures in Federal Government procurement, the procedures established by the Administrator of General Services for the program referred to in subsection (a) shall include requirements for—

(i) participation in multiple award schedule contracts to be open to all responsible and responsive sources; and

(ii) orders to be placed using a process which results in the lowest overall cost alternative to meet the needs of the Government, except in a case in which a written determination is made (in accordance with such procedures) that a different alternative would provide a substantially better overall value to the Government.

(B) The Administrator may require offerors to agree to accept orders electronically through the electronic exchange of procurement information in order to be eligible for award of a multiple award schedule contract.

(C) Regulations on the acquisition of commercial items issued pursuant to section 8002 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355; 108 Stat. 3386; 41 U.S.C. 264 note) shall apply to multiple award schedule contracts.

(2) Within 90 days after the Administrator makes the certification referred to in subsection (a)(3)(B), the Administrator shall es-

tablish a pilot program to test streamlined procedures for the procurement of information technology products and services available for ordering through the multiple award schedules. The Administrator shall provide for the pilot program to be applicable to all multiple award schedule contracts for the purchase of information technology and to test the following procedures:

(A) A procedure under which negotiation of the terms and conditions for a covered multiple award schedule contract is limited to terms and conditions other than price.

(B) A procedure under which the vendor establishes the prices under a covered multiple award schedule contract and may adjust those prices at any time in the discretion of the vendor.

(C) A procedure under which a covered multiple award schedule contract is awarded to any responsible and responsive offeror that—

(i) has a suitable record of past performance on Federal Government contracts, including multiple award schedule contracts;

(ii) agrees to terms and conditions that the Administrator determines as being required by law or as being appropriate for the purchase of commercial items; and

(iii) agrees to establish and update prices and to accept orders electronically through the automated system established pursuant to subsection (a).

(3)(A) Not later than three years after the date on which the pilot program is established, the Comptroller General of the United States shall review the pilot program and report to the Committee on Governmental Affairs and the Committee on Small Business of the Senate and the Committee on Government Reform and Oversight and the Committee on Small Business of the House of Representatives on the results of the pilot program.

(B) The report shall include the following:

(i) An evaluation of the extent of the competition for the orders placed under the pilot program.

(ii) The effect of the pilot program on prices charged under multiple award schedule contracts.

(iii) The effect of the pilot program on paperwork requirements for multiple award schedule contracts and orders.

(iv) The impact of the pilot program on small businesses and socially and economically disadvantaged small businesses.

(4) Unless reauthorized by Congress, the authority of the Administrator to award contracts under the pilot program shall expire four years after the date on which the pilot program is established. Contracts entered into before the authority expires shall remain in effect in accordance with their terms notwithstanding the expiration of the authority to enter new contracts under the pilot program.

(c) DEFINITIONS.—In this section—

(1) The term “information technology” has the meaning given that term in section 4 of this Act.

(2) The term “commercial item” has the meaning given the term in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

(3) The term “competitive procedures” has the meaning given the term in section 309(b) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 259(b)).

SEC. 4402 DISPOSAL OF EXCESS COMPUTER EQUIPMENT.

(A) AUTHORITY TO DONATE.—The head of an executive agency may, without regard to the procedures otherwise applicable under title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.), convey without consideration all right, title, and interest of the United States in

any computer equipment under the control of such official that is determined under title II of such Act as being excess property to a recipient in the following order of priority:

(1) Elementary and secondary schools under the jurisdiction of a local educational agency and schools funded by the Bureau of Indian Affairs.

(2) Public libraries.

(3) Public colleges and universities

(b) INVENTORY REQUIRED.—Upon the enactment of this Act, the head of an executive agency shall inventory all computer equipment under the control of that official and identify in accordance with title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.) the equipment, if any, that is excess property.

(c) DEFINITION.—In this section:

(1) The term “excess property” has the meaning given such term in section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

(2) The terms “local educational agency”, “elementary school”, and “secondary school” have the meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

SEC. 4403 LEASING INFORMATION TECHNOLOGY.

(A) ANALYSIS BY GAO.—The Comptroller General of the United States shall perform a comparative analysis of alternative means of financing the acquisition of information technology. The analysis should

(1) investigate the full range of alternative financing mechanisms, to include leasing, purchasing and rentals of new and used equipment; and

(2) assess the relative costs, benefits and risks of alternative financing options for the federal government.

(b) LEASING GUIDELINES.—Based on the analysis, the Comptroller General shall develop recommended guidelines for financing information technology for executive agencies.

TITLE XLV—PROCUREMENT PROTEST

AUTHORITY OF THE COMPTROLLER GENERAL

SEC. 4501. PERIOD FOR PROCESSING PROTESTS.

Section 3554(a) of title 31, United States Code, is amended—

(1) in paragraph (1), by striking out “paragraph (2)” in the second sentence and inserting in lieu thereof “paragraphs (2) and (5)”; and

(2) by adding at the end the following:

“(5)(A) The requirements and restrictions set forth in this paragraph apply in the case of a protest in a procurement of information technology.

“(B) The Comptroller General shall issue a final decision concerning a protest referred to in subparagraph (A) within 45 days after the date of the protest is submitted to the Comptroller General.

“(C) The disposition under this subchapter of a protest in a procurement referred to in subparagraph (A) bars any further protest under this subchapter by the same interested party on the same procurement.”.

SEC. 4502. DEFINITION.

Section 3551 of title 31, United States Code, is amended by adding at the end the following:

“(4) The term ‘information technology’ has the meaning given that term in section 4 of the Information Technology Management Reform Act of 1995.”.

SEC. 4503. EXCLUSIVITY OF ADMINISTRATIVE REMEDIES.

Section 3556 of title 31, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following:

“Notwithstanding any other provision of law, the Comptroller General shall have the

exclusive administrative authority to resolve a protest involving the solicitation, a proposal for award, or an award of a contract for information technology, to the exclusion of the boards of contract appeals or any other entity. Nothing contained in the subchapter shall affect the right of any interested party to file a protest with the contracting agency or to file an action in a district court of the United States of the United States Court of Federal Claims."

TITLE XLVI—RELATED TERMINATIONS, CONFORMING AMENDMENTS, AND CLERICAL AMENDMENTS

SUBTITLE A—CONFORMING AMENDMENTS

SEC. 4601. AMENDMENTS TO TITLE 10, UNITED STATES CODE.

SENSITIVE DEFENSE ACTIVITIES.—For the Department of Defense Section 2315 of such title is amended by striking out from the words "Section 111" through the words "use of equipment or services if," and substituting therein the following:

"For the purpose of the Information Technology Management Reform Act of 1995, the term 'national security systems' means those telecommunications and information systems operated by the Department of Defense, the functions, operation or use of which".

SEC. 4602. AMENDMENTS TO TITLE 28, UNITED STATES CODE.

Section 612 of title 28, United States Code, is amended—

(1) in subsection (f), by striking out "section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759)" and inserting in lieu thereof "the provisions of law, policies, and regulations applicable to executive agencies under the Information Technology Management Reform Act of 1995";

(2) in subsection (g), by striking out "sections 111 and 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 and 759)" and inserting in lieu thereof "section 201 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481)";

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

(4) by redesignating subsection (m) as subsection (1).

SEC. 4803. AMENDMENTS TO TITLE 31, UNITED STATES CODE.

(a) **AVAILABILITY OF FUNDS FOLLOWING RESOLUTION OF A PROTEST.**—Section 1558(b) of title 31, United States Code, is amended by striking out "or under section 111(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f))".

(b) **GAO PROCUREMENT PROTEST SYSTEM.**—Section 3552 of such title is amended by striking out the second sentence.

SEC. 4804. AMENDMENTS TO TITLE 38, UNITED STATES CODE.

Section 301 of title 38, United States Code, is amended to read as follows:

"SEC. 310. CHIEF INFORMATION OFFICER.

"(a) The Secretary shall designate a chief information officer for the Department in accordance with section 4135(a) of the Information Technology Management Reform Act of 1995.

"(b) The chief information officer shall perform the duties provided for chief information officers of executive agencies under the Information Technology Management Reform Act of 1995."

SEC. 4805. PROVISIONS OF TITLE 44, UNITED STATES CODE, RELATING TO PAPERWORK REDUCTION.

(a) **DEFINITION.**—Section 3502 of title 44, United States Code, is amended by striking out paragraph (9) and inserting in lieu thereof the following:

"(9) the term 'information technology' has the meaning given that term in section 4004

of the Information Technology Management Reform Act of 1995;"

(b) **DEVELOPMENT OF STANDARDS AND GUIDELINES BY NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.**—Section 3504(h)(1)(B) of such title is amended by striking out "section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d))" and inserting in lieu thereof "paragraphs (2) and (3) of section 20(a) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(a))".

(c) **COMPLIANCE WITH DIRECTIVES.**—Section 3504(h)(2) of such title is amended by striking out "sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759)" and inserting in lieu thereof "the Information Technology Management Reform Act of 1995 and directives issued under section 110 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757)".

SEC. 4806. AMENDMENT TO TITLE 49, UNITED STATES CODE.

Section 40112(a) of title 49, United States Code, is amended by striking out "or a contract to purchase property to which section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) applies".

SEC. 4818. OTHER LAWS.

(a) **COMPUTER SECURITY ACT OF 1987.**—(1) Section 2(b)(2) of the Computer Security Act of 1987 (Public Law 100-235; 101 Stat. 1724) is amended by striking out "by amending section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d))"; and (2) Nothing in the Information Technology Management Reform Act shall affect the limitations on the authorities set forth in P.L. 100-235.

(b) **NATIONAL ENERGY CONSERVATION POLICY ACT.**—Section 801(b)(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287(b)(3)) is amended by striking out the second sentence.

(c) **NATIONAL SECURITY ACT OF 1947.**—Section 3 of the National Security Act of 1947 (50 U.S.C. 403c) is amended by striking out subsection (e).

SEC. 4919. ACCESS OF CERTAIN INFORMATION IN INFORMATION SYSTEMS TO THE DIRECTORY AND SYSTEM OF ACCESS ESTABLISHED UNDER SECTION 4101 OF TITLE 44, UNITED STATES CODE.

Notwithstanding any other provision of this division, if in designing an information technology system pursuant to this division, the agency determines that a purpose of the system is to disseminate information to the public, then the head of such agency shall ensure that information so disseminated is included in the directory created pursuant to Section 4101 of Title 44, United States Code. Nothing in this section shall authorize the dissemination of information to the public unless otherwise authorized.

SEC. 4820. RULE OF CONSTRUCTION RELATING TO THE PROVISIONS OF TITLE 44, UNITED STATES CODE.

Nothing in this division shall be construed to amend, modify or supercede any provision of Title 44, United States Code, other than Chapter 35 of Title 44, United States Code.

SUBTITLE B—CLERICAL AMENDMENTS

SEC. 4821. AMENDMENTS TO TITLE 38, UNITED STATES CODE.

The table of sections at the beginning of chapter 3 of title 38, United States Code, is amended by striking out the item relating to section 310 and inserting in lieu thereof the following:

"310. Chief information officer."

TITLE XLIX—SAVINGS PROVISIONS

SEC. 4901. SAVINGS PROVISION.

(a) **REGULATIONS, INSTRUMENTS, RIGHTS, AND PRIVILEGES.**—All rules, regulations, con-

tracts, orders, determinations, permits, certificates, licenses, grants, and privileges—

(1) which have been issued, made, granted, or allowed to become effective by the Administrator of General Services or the General Services Administration Board of Contract Appeals, or by a court of competent jurisdiction, in connection with an acquisition activity carried out under the section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759), and

(2) which are in effect on the effective date of this title, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Director of the Office of Management and Budget, any other authorized official, by a court of competent jurisdiction, or by operation of law.

(b) **PROCEEDINGS AND APPLICATIONS.**—

(1) **TRANSFERS OF FUNCTIONS NOT TO AFFECT PROCEEDINGS.**—This Act and the amendments made by this Act shall not affect any proceeding, including any proceeding involving a claim or application, in connection with an acquisition activity carried out under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) that is pending before the Administrator of General Services or the General Services Administration Board of Contract Appeals on the effective date of this Act.

(2) **ORDERS IN PROCEEDINGS.**—Orders may be issued in any such proceeding, appeals may be taken therefrom, and payments may be made pursuant to such orders, as if this Act had not been enacted. An order issued in any such proceeding shall continue in effect until modified, terminated, superseded, or revoked by the Director of the Office of Management and Budget, or any other authorized official, by a court of competent jurisdiction, or by operation of law.

(3) **DISCONTINUANCE OR MODIFICATION OF PROCEEDINGS NOT PROHIBITED.**—Nothing in this subsection prohibits the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(4) **REGULATIONS FOR TRANSFER OF PROCEEDINGS.**—The Director of the Office of Management and Budget may prescribe regulations providing for the orderly transfer of proceedings continued under paragraph (1).

TITLE L—EFFECTIVE DATES

SEC. 5101. EFFECTIVE DATES.

This Act and the amendments made by this Act shall take effect 180 days after the date of the enactment of this Act.

KOHL (AND OTHERS) AMENDMENT NO. 2119

Mr. KOHL (for himself, Mr. GRASSLEY, Mr. BINGAMAN, Mr. BROWN, Mr. FEINGOLD, Mr. BUMPERS, Mr. BRADLEY, Mr. HARKIN, Mrs. BOXER, and Mr. WELLSTONE) proposed an amendment to the bill S. 1026, supra; as follows:

On page 16, between lines 8 and 9, insert the following:

SEC. 4. GENERAL LIMITATION.

Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for fiscal year 1996 under the provisions of this Act is \$257,700,000,000.

THE LIVESTOCK GRAZING ACT

DOMENICI AMENDMENT NO. 2120
(Ordered to lie on the table.)