

## "SENATE JOINT RESOLUTION NO. 15

"Whereas, the founders of our nation appended to the Constitution of the United States ten amendments commonly known as the Bill of Rights; and

"Whereas, the First Amendment of the Constitution of the United States provides that 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances'; and

"Whereas, the Ninth Amendment of the Constitution of the United States provides that 'The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people'; and

"Whereas, the clear and express intent of the framers of the Constitution was to prevent the Federal Government from interfering with the right of the people to freely exercise and express their religious beliefs; and

"Whereas, for more than one hundred and fifty years the people, acting through their state and local governments, enjoyed the freedom to provide for prayer and religious expression in their schools and public assemblies; and

"Whereas, beginning in the 1960's, the United States Supreme Court has issued a series of rulings that have systematically stripped from the people their historic and constitutionally guaranteed right to provide for prayer, religious study and religious expression in schools and public assemblies; and

"Whereas, to date, the Congress of the United States has failed or refused to restore to the people their right to provide for prayer, religious study and religious expression in schools and public assemblies; and

"Whereas, it is now time for the citizens of this nation to reclaim and reassert our First Amendment rights which constitutionally guarantee our freedom of religion and freedom of religious expression: Now, therefore, be it

*"Resolved by the Senate of the Ninety-Ninth General Assembly of the State of Tennessee, the House of Representatives concurring.* That this General Assembly hereby memorializes the United States Congress to propose an amendment to the United States Constitution to restore to the American people the right to free religious expression, including the right to allow non-sectarian prayer, religious study and religious expression in public schools and other public assemblies, and to submit such constitutional amendment to the several states for proper ratification, be it further

*"Resolved,* That the Chief Clerk of the Senate is directed to transmit an enrolled copy of this resolution to the Speaker and the Clerk of the U.S. House of Representatives; the President and the Secretary of the U.S. Senate; and to each member of Tennessee's Congressional delegation."

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BOND, from the Committee on Small Business, with an amendment in the nature of a substitute:

S. 895. A bill to amend the Small Business Act to reduce the level of participation by the Small Business Administration in certain loans guaranteed by the Administration, and for other purposes (Rept. No. 104-129).

## ADDITIONAL COSPONSORS

S. 895

At the request of Mr. BOND, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Montana [Mr. BURNS], and the Senator from Maine [Ms. SNOWE] were added as cosponsors of S. 895, a bill to amend the Small Business Act to reduce the level of participation by the Small Business Administration in certain loans guaranteed by the Administration, and for other purposes.

## AMENDMENTS SUBMITTED

## THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

MIKULSKI (AND SARBANES)  
AMENDMENT NO. 2126

(Ordered to lie on the table.)

Ms. MIKULSKI (for herself and Mr. SARBANES) submitted an amendment intended to be proposed by them 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:

On page 468, below line 24, add the following:

**SEC. 2825. CONSOLIDATION OF DISPOSAL OF PROPERTY AND FACILITIES AT FORT HOLABIRD, MARYLAND.**

(a) CONSOLIDATION.—Notwithstanding any other provision of law, the Secretary of Defense shall dispose of the property and facilities at Fort Holabird, Maryland, described in subsection (b) in accordance with the provisions of the 1990 base closure law as such provisions apply to the closure or realignment of military installations approved for closure or realignment under that law in 1995.

(b) COVERED PROPERTY AND FACILITIES.—Subsection (a) applies to the following property and facilities at Fort Holabird, Maryland:

(1) Property and facilities that were approved for closure or realignment under the 1988 base Closure law that are not disposed of as of the date of the enactment of this Act, including buildings 305 and 306 and the parking lots and other property associated with such buildings.

(2) Property and facilities that are approved for closure or realignment under the 1990 base closure law in 1995.

(c) USE OF SURVEYS AND OTHER EVALUATIONS OF PROPERTY.—In carrying out the disposal of the property and facilities referred to in subsection (b)(1), the Secretary shall utilize any surveys and other evaluations of such property and facilities that are prepared by the Corps of Engineers before the date of the enactment of this Act as part of the process for the disposal of such property and facilities under the 1988 base closure law.

(d) DEFINITIONS.—In this section:

(1) The term "1988 base closure law" means title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The term "1990 base closure law" means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

**SEC. 2826. LAND CONVEYANCE, PROPERTY UNDERLYING CUMMINS APARTMENT COMPLEX, FORT HOLABIRD, MARYLAND.**

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law, the Secretary of the Army may convey to the existing owner of the improvements thereon all right, title, and interest of the United States in and to a parcel of real property underlying the Cummins Apartment Complex at Fort Holabird, Maryland, consisting of approximately 6 acres.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the owner of the improvements referred to in that subsection shall pay to the United States an amount equal to the fair market value (as determined by the Secretary) of the property interest to be conveyed.

GLENN (AND OTHERS)  
AMENDMENT NO. 2127

(Ordered to lie on the table.)

Mr. GLENN (for himself, Mrs. FEINSTEIN, Mr. PELL, and Mr. MOYNIHAN) submitted an amendment intended to be proposed by them to the bill S. 1026, supra, as follows:

On page 49, between lines 14 and 15, insert the following:

**SEC. 224. JOINT SEISMIC PROGRAM AND GLOBAL SEISMIC NETWORK.**

To the extent provided in appropriations Acts, \$9,500,000 of the unobligated balance of funds available to the Air Force for research, development, test, and evaluation for fiscal year 1995 for the Defense Support Program shall be available for continuation of the Joint Seismic Program and Global Seismic Network.

## LEAHY AMENDMENT NO. 2128

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1026, supra, as follows:

On page 358, beginning on line 5, strike out "personnel." and all that follows through line 8 on that page, and insert in lieu thereof "personnel.'".

## GRASSLEY AMENDMENT NO. 2129

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1026, supra, as follows:

At the appropriate place in title X of the bill, insert the following:

**SEC. 10. REDUCTION IN OPERATIONAL SUPPORT AIRCRAFT FLEET.**

(a) REDUCTION IN NUMBER OF AIRCRAFT.—(1) After September 30, 1996, the number of aircraft of the Department of Defense performing functions that as of June 1, 1995, were performed by aircraft designated as Operational Support Aircraft may not exceed three-quarters of the number of such aircraft as of June 1, 1995.

(2) After September 30, 1997, the number of aircraft of the Department of Defense performing functions that as of June 1, 1995, were performed by aircraft designated as Operational Support Aircraft may not exceed one-half of the number of such aircraft as of June 1, 1995.

(3) The Secretary of Defense may authorize a higher number of Operational Support aircraft to perform functions referred to in

paragraph (1) or (2) than would otherwise be authorized under the applicable paragraph if the Secretary certifies to Congress that the additional Operational Support aircraft are required by reason of a war declared by Congress.

(b) EXECUTIVE AGENT.—The Secretary of Defense shall designate the Secretary of one of the military departments to be the executive agent of the Department of Defense for maintenance and operation of all fixed-wing aircraft performing the functions that were performed as of June 1, 1995, by aircraft designated as Operational Support Aircraft.

(c) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations for the operation, maintenance, and use of fixed-wing aircraft to perform the functions performed as of June 1, 1995, by aircraft designated as Operational Support Aircraft. The regulations shall apply uniformly throughout the Department of Defense.

(2) The regulations shall, to the maximum extent practicable, provide for the use of commercial airlines or aircraft (including charter services) to perform the functions referred to in paragraph (1).

(3) The regulations may not require the use of aircraft designated as Operational Support Aircraft by any group or class of individuals.

(d) NATIONAL CAPITAL AREA HELICOPTER USAGE.—After September 30, 1996, the only helicopters of the Department of Defense that may be used for administrative purposes in the National Capital area are the helicopters assigned for the support of the President.

(e) USE OF SAVINGS.—The Secretary of Defense shall utilize any savings that result from the operation of this section (including the regulations prescribed under subsection (c)) for purposes of maintaining and improving the readiness of the Armed Forces.

#### SMITH AMENDMENTS NOS. 2130-2131

(Ordered to lie on the table.)

Mr. SMITH submitted two amendments intended to be proposed by him to the bill, S. 1026, supra; as follows:

##### AMENDMENT No. 2130

#### SEC. . DEPRESSED ALTITUDE GUIDED GUN ROUND SYSTEM.

Of the funds authorized for Army RDT&E, \$5 million may be utilized to continue development of the Depressed Altitude Guided Gun Round System.

##### AMENDMENT No. 2131

On page 468, strike lines 16 through 24 and insert the following:

“The requirements of subparagraph (B) shall not apply in any case in which the transfer of the property occurs or has occurred by means of a lease, without regard to whether the lessee has agreed to purchase the property or whether the duration of the lease is longer than 55 years. In the case of a lease entered into after September 30, 1995, with respect to real property located at an installation approved for closure or realignment under a base closure law, the agency leasing the property, in consultation with the Administrator, shall determine before leasing the property that the property is suitable for lease, that the uses contemplated for the lease are consistent with protection of human health and the environment, and that there are adequate assurances that the United States will take all remedial action referred to in subparagraph (B) that has not been taken on the date of the lease.”.

#### MCCAIN AMENDMENT NO. 2132

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, S. 1062, supra, as follows:

On page 331, between lines 19 and 20, insert the following:

#### SEC. 1008. SUPPLEMENTAL FUNDING REQUESTS FOR COSTS OF PEACEKEEPING AND OTHER CONTINGENCY OPERATIONS.

(a) REQUIREMENT FOR TIMELY SUBMISSION.—(1) Chapter 9 of title 10, United States Code, is amended by inserting after section 227 the following:

##### “§228. Supplemental funding request for peacekeeping and other operations

“(a) IN GENERAL.—The procedures set forth in this section shall be followed in the case of each operation in which members of the armed forces are deployed—

“(1) to provide or to participate in providing support to a United Nations peacekeeping or peace enforcement operation;

“(2) to conduct an operation that is a contingency operation within the meaning of section 101(a)(13) of this title;

“(3) to provide or to participate in providing humanitarian assistance, disaster relief, or support for law enforcement (including immigration control) for which funds have not been specifically provided in advance; or

“(4) for a purpose (except for a training exercise) for which funds have not been specifically provided in advance.

“(b) REQUIREMENT FOR TIMELY SUBMISSION OF REQUEST.—Not later than 45 days after the date on which members of the armed forces are deployed in an operation described in subsection (a), the President shall submit to Congress the following:

“(1) A report containing the following information:

“(A) The objectives of the operation.

“(B) A discussion of the necessity for use of the armed forces.

“(C) The estimated duration of the operation and of deployment of armed forces personnel.

“(D) The estimated incremental cost of the operation to the United States.

“(E) The exit strategy and criteria for withdrawal.

“(F) The amount of any supplemental appropriations that are necessary to pay the estimated incremental cost enumerated as follows:

“(i) The amount necessary for reimbursing appropriations used to pay any of such costs.

“(ii) The amount necessary to pay any of such costs that are not paid out of existing appropriations.

“(2) Either—

“(A) a request for a supplemental appropriation of the funds necessary for paying all of the incremental costs of the operation (either directly or by reimbursement of other appropriations used for paying such costs) together with a request for rescission of funds from one or more appropriations to departments and agencies of the Federal Government in amounts sufficient to fully offset the total amount of the supplemental funding requested; or

“(B) if the President determines that it is necessary in the national security interests of the United States, an emergency supplemental appropriation request for paying all of the incremental costs of the operation (either directly or by reimbursement of other appropriations used for paying such costs).

“(c) REQUIREMENTS RELATING TO ADDITIONAL SUPPLEMENTAL APPROPRIATIONS.—If, after a supplemental appropriation has been requested for an operation under subsection (b) and has been provided by law, an additional supplemental appropriation becomes necessary for the operation before the withdrawal of all armed forces personnel from the operation, the President shall submit to

Congress a revised report described in paragraph (1) of subsection (b) and an additional request for supplemental funding and rescissions, or for an emergency supplemental funding and rescissions, or for an emergency supplemental appropriation, as described in paragraph (2) of such subsection. The President shall submit the revised report and the request for additional supplemental funding and rescission, or for an emergency supplemental appropriation, as soon as the President determines that the additional supplemental appropriation is necessary.

“(d) REPORT ON MATERIAL CHANGES.—Within seven days after the President determines that there has been a material change in circumstances discussed in a report under subsection (b)(1), the President shall submit to Congress a revised report incorporating each material change.

“(e) TRANSFER AND USE OF FUNDS PRIOR TO SUPPLEMENTAL APPROPRIATIONS.—(1) Whenever armed forces personnel are deployed in an operation of the Department of Defense described in subsection (a), the Secretary of Defense shall, subject to the provisions of appropriations Acts, transfer amounts described in paragraph (2) to appropriations from which funds have been transferred or expended for incremental expenses of that operation in order to reimburse those appropriations for the amounts so transferred or expended. Amounts transferred under this paragraph shall be merged with, and be available for the same purposes and periods as, the appropriations to which transferred.

“(2) Transfers under this subsection may be made only from amounts appropriated to the Department of Defense for a fiscal year that remain available for obligation for administration and servicewide activities of the Department of Defense.

“(3) A transfer made from one appropriation to another under the authority of this subsection shall be deemed to increase the amount authorized for the appropriation to which transferred by an amount equal to the amount transferred.

“(4) Supplemental appropriations provided with respect to an operation when requested pursuant to this section shall be used to reimburse the appropriations from which transfers are made under this subsection.

“(5) The Secretary of Defense shall issue regulations to carry out this subsection.

“(f) WAIVER OF REQUIREMENT TO REIMBURSE SUPPORT UNITS.—(1) When a unit of the armed forces participating in an operation described in subsection (a) receives services from an element of the Department of Defense that operates through the Defense Business Operations Fund, any working capital fund, any revolving fund, or any fund similar to the Defense Business Operations Fund, the unit may not be required to reimburse that element of the department for any incremental cost incurred by that element of the department in providing such services, notwithstanding any other provision of law or any Government accounting practice, until supplemental appropriations are available for doing so.

“(2) The amounts to be reimbursed to an element of the Department of Defense (or a fund) out of a supplemental appropriation in accordance with paragraph (1) shall be recorded as an expense attributable to the operation and shall be accounted for separately.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 227 the following:

“228. Supplemental funding request for peacekeeping and other operations.”.

(b) WAIVER OF DISCRETIONARY SPENDING FIREWALLS.—For purposes of supplemental

appropriations and rescissions requested under subsection (b) or (c) of section 228 of title 10, United States Code (as added by subsection (a)), the discretionary spending limit provided in section 201 of House Concurrent Resolution 63 (104th Congress, first session) for fiscal year 1996 shall be the sum of the limits for the defense and nondefense categories.

(c) EXPEDITIOUS CONGRESSIONAL ACTION.—It is the sense of Congress that Congress should act expeditiously on requests for supplemental appropriations submitted in accordance with section 228 of title 10, United States Code, as added by subsection (a).

(d) INAPPLICABILITY OF TRANSFER AUTHORITY.—The transfer authority provided in section 1001 may not be exercised for purposes of funding operations referred to in section 228 of title 10, United States Code, as added by subsection (a).

(e) PROSPECTIVE APPLICABILITY TO OPERATIONS.—Section 228 of title 10, United States Code (as added by subsection (a)), shall apply only to operations described in subsection (a) of such section that begin on or after the date of the enactment of this Act.

(f) OPERATIONS BEFORE DATE OF ENACTMENT.—The President shall include in the budgets for fiscal years after fiscal year 1996 that are submitted to Congress under section 1105(a) of title 31, United States Code, any amounts that are necessary for paying all of the costs of any operation described in section 228(a) of title 10, United States Code (as added by subsection (a)), that began before the date of the enactment of this Act and is ongoing on such date.

MCCAIN (AND FEINSTEIN)  
AMENDMENT NO. 2133

(Ordered to lie on the table.)

Mr. MCCAIN (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by them to the bill, S. 1026, supra; as follows:

On page 468, below line 24, add the following:

**SEC. 2825. IMPROVEMENT OF BASE CLOSURE AND REALIGNMENT PROCESS.**

(a) APPLICABILITY.—Subparagraph (A) of section 2905(b)(7) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by striking out "Determinations of the use to assist the homeless of buildings and property located at installations approved for closure under this part" and inserting in lieu thereof "Procedures for the disposal of buildings and property located at installations approved for closure or realignment under this part".

(b) REDEVELOPMENT AUTHORITIES.—Subparagraph (B) of such section is amended by adding at the end the following:

"(iii) The chief executive officer of the State in which an installation covered by this paragraph is located may assist in resolving any disputes among citizens or groups of citizens as to the individuals and groups constituting the redevelopment authority for the installation."

(c) AGREEMENTS UNDER REDEVELOPMENT PLANS.—Subparagraph (F)(ii)(I) of such section is amended in the second sentence by striking out "the approval of the redevelopment plan by the Secretary of Housing and Urban Development under subparagraph (H) or (J)" and inserting in lieu thereof "the decision regarding the disposal of the buildings and property covered by the agreements by the Secretary of Defense under subparagraph (K) or (L)".

(d) REVISION OF REDEVELOPMENT PLANS.—Subparagraph (I) of such section is amended

by inserting "the Secretary of Defense and" before "the Secretary of Housing and Urban Development" each place it appears.

(e) DISPOSAL OF BUILDINGS AND PROPERTY.—(1) Subparagraph (K) of such section is amended to read as follows:

"(K)(i) Upon receipt of a notice under subparagraph (H)(iv) or (J)(ii) of the determination of the Secretary of Housing and Urban Development that a redevelopment plan for an installation meets the requirements set forth in subparagraph (H)(i), the Secretary of Defense shall dispose of the buildings and property at the installation.

"(ii) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary shall treat the redevelopment plan for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation.

"(iii) The Secretary shall dispose of buildings and property under clause (i) in accordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) In preparing the record of decision or other decision document, the Secretary shall give substantial deference to the redevelopment plan concerned.

"(iv) The disposal under clause (i) of buildings and property to assist the homeless shall be without consideration.

"(v) In the case of a request for a conveyance under clause (i) of buildings and property for public benefit under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) and subchapter II of chapter 471 of title 49, United States Code, the applicant and use proposed in the request shall be determined to be eligible for the public benefit conveyance under the eligibility criteria set forth in such section or such subchapter. The determination of such eligibility should be made before the redevelopment plan concerned under subparagraph (G)".

(2) Subparagraph (L) of such section is amended by striking out clauses (iii) and (iv) and inserting in lieu thereof the following new clauses (iii) and (iv):

"(iii) Not later than 90 days after the date of the receipt of a revised plan for an installation under subparagraph (J), the Secretary of Housing and Urban Development shall—

"(I) notify the Secretary of Defense and the redevelopment authority concerned of the buildings and property at an installation under clause (i)(IV) that the Secretary of Housing and Urban Development determines are suitable for use to assist the homeless; and

"(II) notify the Secretary of Defense of the extent to which the revised plan meets the criteria set forth in subparagraph (H)(i).

"(iv)(I) Upon notice from the Secretary of Housing and Urban Development with respect to an installation under clause (iii), the Secretary of Defense shall, after consultation with the Secretary of Housing and Urban Development and redevelopment authority concerned, dispose of buildings and property at the installation.

"(II) For purposes of carrying out an environmental assessment of the closure or realignment of an installation, the Secretary shall treat the redevelopment plan for the installation (including the aspects of the plan providing for disposal to State or local governments, representatives of the homeless, and other interested parties) as part of the proposed Federal action for the installation.

"(III) The Secretary shall dispose of buildings and property under subclause (I) in ac-

cordance with the record of decision or other decision document prepared by the Secretary in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.) In preparing the record of decision or other decision document, the Secretary shall give deference to the redevelopment plan concerned.

"(IV) The disposal under subclause (I) of buildings and property to assist the homeless shall be without consideration.

"(V) In the case of a request for a conveyance under clause (i) of buildings and property for public benefit under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) and subchapter II of chapter 471 of title 49, United States Code, the applicant and use proposed in the request shall be determined to be eligible for the public benefit conveyance under the eligibility criteria set forth in such section or such subchapter. The determination of such eligibility should be made before the redevelopment plan concerned under subparagraph (G)".

(f) CONFORMING AMENDMENT.—Subparagraph (M)(i) of such section is amended by inserting "or (L)" after "subparagraph (K)".

(g) CLARIFICATION OF PARTICIPANTS IN PROCESS.—Such section is further amended by adding at the end the following:

"(P) For purposes of this paragraph, the term 'other interested parties', in the case of an installation, includes any parties eligible for the conveyance of property of the installation under section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) or subchapter II of chapter 471 of title 49, United States Code, whether or not the parties assist the homeless."

(h) TECHNICAL AMENDMENTS.—Section 2910 of such Act is amended—

(1) by designating the paragraph (10) added by section 2(b) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Public Law 103-421; 108 Stat. 4352) as paragraph (11); and

(2) in such paragraph, as so designated, by striking out "section 501(h)(4) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(h)(4))" and inserting in lieu thereof "section 501(i)(4) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(i)(4))".

**SEC. 2826. EXERCISE OF AUTHORITY DELEGATED BY THE ADMINISTRATOR OF GENERAL SERVICES.**

Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (A)—

(A) by striking out "Subject to subparagraph (C)" in the matter preceding clause (i) and inserting in lieu thereof "Subject to subparagraph (B)"; and

(B) by striking out "in effect on the date of the enactment of this Act" each place it appears in clauses (i) and (ii);

(2) by striking out subparagraphs (B) and (C) and inserting in lieu thereof the following new subparagraph (B):

"(B) The Secretary may, with the concurrence of the Administrator of General Services—

"(i) prescribe general policies and methods for utilizing excess property and disposing of surplus property pursuant to the authority delegated under paragraph (1); and

"(ii) issue regulations relating to such policies and methods which regulations supersede the regulations referred to in subparagraph (A) with respect to that authority."; and

(3) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

**SEC. 2827. LEASE BACK OF PROPERTY DISPOSED FROM INSTALLATIONS APPROVED FOR CLOSURE OR REALIGNMENT.**

(a) **AUTHORITY.**—Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively; and

(2) by inserting after subparagraph (B) the following new subparagraph (C):

“(C)(i) The Secretary may transfer real property at an installation approved for closure or realignment under this part (including property at an installation approved for realignment which property will be retained by the Department of Defense or another Federal agency after realignment) to the redevelopment authority for the installation if the redevelopment authority agrees to lease, directly upon transfer, all or a significant portion of the property transferred under this subparagraph to the Secretary or to the head of another department or agency of the Federal Government. Subparagraph (B) shall apply to a transfer under this subparagraph.

“(ii) A lease under clause (i) shall be for a term of not to exceed 50 years, but may provide for options for renewal or extension of the term by the department or agency concerned.

“(iii) A lease under clause (i) may not require rental payments by the United States.

“(iv) A lease under clause (i) shall include a provision specifying that if the department or agency concerned ceases requiring the use of the leased property before the expiration of the term of the lease, the remainder of the lease term may, upon approval by the redevelopment authority concerned, be satisfied by the same or another department or agency of the Federal Government using the property for a use similar to the use under the lease.”.

(b) **USE OF FUNDS TO IMPROVE LEASED PROPERTY.**—Notwithstanding any other provision of law, a department or agency of the Federal Government that enters into a lease of property under section 2905(b)(4)(C) of the such Act, as amended by subsection (a), may use funds appropriated or otherwise available to the department or agency for such purpose to improve the leased property.

**SEC. 2828. PROCEEDS OF LEASES AT INSTALLATIONS APPROVED FOR CLOSURE OR REALIGNMENT.**

(a) **INTERIM LEASES.**—Section 2667(d) of title 10, United States Code, is amended—

(1) in paragraph (1)(A)—

(A) by striking out “and” at the end of clause (i);

(B) by striking out the period at the end of clause (ii) and inserting in lieu thereof “; and”;

(C) by adding at the end the following:

“(iii) money rentals referred to in paragraph (5).”; and

(2) by adding at the end the following:

“(5) Money rentals received by the United States under subsection (f) shall be deposited in the Department of Defense Base Closure Account 1990 established under section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).”.

(b) **DEPOSIT IN 1990 ACCOUNT.**—Section 2906(a)(2) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in subparagraph (C)—

(A) by striking out “transfer or disposal” and inserting in lieu thereof “transfer, lease, or other disposal”;

(B) by striking out “and” at the end;

(2) in subparagraph (D)—

(A) by striking out “transfer or disposal” and inserting in lieu thereof “transfer, lease, or other disposal”;

(B) by striking out the period at the end and inserting in lieu thereof “; and”;

(3) by adding at the end the following:

“(E) money rentals received by the United States under section 2667(f) of title 10, United States Code.”.

**KOHL AMENDMENTS NOS. 2134-2135**

(Ordered to lie on the table.)

Mr. KOHL submitted two amendments intended to be proposed by him to the bill, S. 1026, supra, as follows:

**AMENDMENT NO. 2134**

On page 89, strike out lines 13 through 22 and insert in lieu thereof the following:

“(e) **TECHNICAL ASSISTANCE.**—(1) The members of a technical review committee or restoration advisory board may use funds made available under subsection (g)—

“(A) to obtain technical assistance in interpreting scientific and engineering issues with regard to the nature of environmental hazards at an installation and the restoration activities proposed for or conducted at the installation; and

“(B) to assist such members and affected citizens in participating more effectively in environmental restoration activities at the installation.

“(2) The Commander of an installation may obtain technical assistance for a technical review committee or restoration advisory board under paragraph (1) with respect to an installation only if—

“(A) the restoration advisory board has demonstrated that the Federal, State, and local agencies responsible for overseeing environmental restoration at the installation, and available Department of Defense personnel, do not have the technical expertise necessary for achieving the objective for which the technical assistance is to be obtained;

“(B) the technical assistance is likely to contribute to the efficiency, effectiveness, or timeliness of environmental restoration activities at the installation; and

“(C) the technical assistance is likely to contribute to community acceptance of environmental activities at the installation.”.

On page 90, line 20, strike out “until” and insert in lieu thereof “after March 1, 1996, unless”.

**AMENDMENT NO. 2135**

On page 89, strike out lines 1 through 22 and insert in lieu thereof the following:

“(e) **TECHNICAL ASSISTANCE.**—(1) The members of a technical review committee or restoration advisory board may use funds made available under subsection (g)—

“(A) to obtain technical assistance in interpreting scientific and engineering issues with regard to the nature of environmental hazards at an installation and the restoration activities proposed for or conducted at the installation; and

“(B) to assist such members and affected citizens in participating more effectively in environmental restoration activities at the installation.

“(2) A technical review committee or restoration advisory board may obtain technical assistance under paragraph (1) with respect to an installation if—

“(A) the restoration advisory board has demonstrated that the Federal, State, and local agencies responsible for overseeing environmental restoration at the installation, and available Department of Defense personnel, do not have the technical expertise necessary for achieving the objective for which the technical assistance is to be obtained;

“(B) the technical assistance is likely to contribute to the efficiency, effectiveness, or

timeliness of environmental restoration activities at the installation; and

“(C) the technical assistance is likely to contribute to community acceptance of environmental activities at the installation.”.

On page 90, line 20, strike out “until” and insert in lieu thereof “after March 1, 1996, unless”.

**SMITH AMENDMENT NO. 2136**

(Ordered to lie on the table.)

Mr. SMITH submitted an amendment intended to be proposed by him to the bill, S. 1026, supra, as follows:

At the appropriate point in the bill, insert the following:

**SEC. . NAMING AMPHIBIOUS SHIPS.**

(a) **FINDINGS.**—The Senate finds that—

(1) This year is the fiftieth anniversary of the battle of Iwo Jima, one of the great victories in all of the Marine Corps' illustrious history.

(2) The Navy has recently retired the ship that honored that battle, the U.S.S. Iwo Jima (LPH-2), the first ship in a class of amphibious assault ships.

(3) This Act authorizes the LHD-7, the final ship of the Wasp class of amphibious assault ships that will replace the Iwo Jima class of ships.

(4) The Navy is planning to start building a new class of amphibious transport docks, now called the LPD-17 class. This Act also authorizes funds that will lead to procurement of these vessels.

(5) There has been some confusion in the rationale behind naming new naval vessels with traditional naming conventions frequently violated.

(6) Although there have been good and sufficient reasons to depart from naming conventions in the past, the rationale for such departures has not always been clear.

(b) **SENSE OF THE SENATE.**—In light of these findings, expressed in subsection (a), it is the sense of the Senate that the Secretary of the Navy should:

(1) Name the LHD-7 the U.S.S. Iwo Jima.

(2) Name the LPD-17 and all future ships of the LPD-17 class after famous Marine Corps battles or famous Marine Corps heroes.

**BOXER AMENDMENT NO. 2137**

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1026, supra; as follows:

On page 487, below line 24, add the following:

**SEC. 2838. LAND CONVEYANCE, FORT ORD, CALIFORNIA.**

(a) **AUTHORITY TO CONVEY.**—(1) Notwithstanding any other provision of law, the Secretary of Defense may convey to the City of Seaside, California (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) consisting of approximately 477 acres located in Monterey County, California, and comprising a portion of the former Fort Ord Military Complex.

(2) The real property to be conveyed to the City under paragraph (1) shall include Black Horse Golf Course and Bayonet Golf Course and such portion of the Hayes Housing Facilities as the Secretary determines appropriate.

(b) **CONSIDERATION.**—As consideration for the conveyance of the real property and improvements under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the property to be conveyed.

(c) USE OF PROCEEDS.—(1) The Secretary shall deposit the funds paid by the City under subsection (b) in the accounts referred to in paragraph (2). The Secretary may allocate the funds deposited among the accounts.

(2) The accounts referred to in paragraph (1) are the following:

(A) The Defense Base Closure and Realignment Account 1990 established under section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(B) The Morale, Welfare, and Recreation Fund of the Department of the Army.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property (including improvements thereon) to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary and the City. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

(f) REPORT REQUIREMENTS.—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the plans, if any, of the Secretary for the conveyance of the real property described in subsection (a).

(2) If the report submitted under paragraph (1) indicates that the Secretary will convey the real property referred to in that paragraph, the Secretary shall, beginning 60 days after the date of the submittal of the report under paragraph (1) and every 60 days thereafter, submit to Congress a report describing the progress of the Secretary toward completing the conveyance. The requirement set forth in the preceding sentence shall cease on the date of the conveyance of the real property under subsection (a).

#### DOMENICI AMENDMENT NO. 2138

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, S. 1026, supra, as follows:

On page , strike lines through , and insert in lieu thereof and renumber accordingly:

(1) TRANSITIONAL COMPENSATION FOR DEPENDENTS OF MEMBERS OF THE ARMED FORCES SEPARATED FOR DEPENDENT ABUSE.—

(A) MANDATORY PROGRAM.—Subsection (a) of section 1058 of title 10, United States Code, is amended by striking out “may establish a program” and inserting in lieu thereof “shall establish a program.”

(B) PAYMENT TO DEPENDENTS OF MEMBERS NOT DISCHARGED.—Subsection (d) of such section is amended by striking out “of separation from active duty as” in the first sentence.

(C) SUBJECT TO APPROPRIATION.—The new authority granted by the amendment in (1)(A) shall be effective only to the extent and in such amounts as are provided, for that purpose, in advance in appropriations acts.

#### DOMENICI (AND BINGAMAN) AMENDMENT NO. 2139

(Ordered to lie on the table.)

Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill, S. 1026, supra, as follows:

On page 570, between lines 10 and 11, insert the following:

#### SEC. 3168. APPLICABILITY OF ATOMIC ENERGY COMMUNITY ACT OF 1955 TO LOS ALAMOS, NEW MEXICO.

(a) DATE OF TRANSFER OF UTILITIES.—Section 72 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2372) is amended by striking out “not later than five years after the date it is included within this Act” and inserting in lieu thereof “not later than June 30, 2001”.

(b) DATE OF TRANSFER OF MUNICIPAL INSTALLATIONS.—Section 83 of such Act (42 U.S.C. 2383) is amended by striking out “not later than five years after the date it is included within this Act” and inserting in lieu thereof “not later than June 30, 2001”.

(c) RECOMMENDATION FOR FURTHER ASSISTANCE PAYMENTS.—Section 91 of such Act (42 U.S.C. 2391) is amended—

(1) by striking out “, and the Los Alamos School Board;” and all that follows through “county of Los Alamos, New Mexico” and inserting in lieu thereof “; or not later than June 30, 1996, in the case of the Los Alamos School Board and the county of Los Alamos, New Mexico”; and

(2) by adding at the end the following new sentence: “If the recommendation under the preceding sentence regarding the Los Alamos School Board or the county of Los Alamos, New Mexico, indicates a need for further assistance for the school board or the county, as the case may be, after June 30, 1998, the recommendation shall include a report and plan describing the actions required to eliminate the need for further assistance for the school board or the county, including a proposal for legislative action to carry out the plan.”

(d) CONTRACT TO MAKE PAYMENTS.—Section 94 of such Act (42 U.S.C. 2394) is amended—

(1) by striking out “June 30, 1996” each place it appears in the proviso in the first sentence and inserting in lieu thereof “June 30, 1998”; and

(2) by striking out “July 1, 1996” in the second sentence and inserting in lieu thereof “July 1, 1998”.

#### PRYOR AMENDMENTS NOS. 2140– 2142

(Ordered to lie on the table.)

Mr. PRYOR submitted three amendments intended to be proposed by him to the bill, S. 1026, supra, as follows:

#### AMENDMENT NO. 2140

On page 371, below line 21, add the following:

#### SEC. 1062. REPORTS ON ARMS EXPORT CONTROL AND MILITARY ASSISTANCE.

(a) REPORTS BY SECRETARY OF STATE.—Not later than 180 days after the date of the enactment of this Act and every year thereafter until 1998, the Secretary of State shall submit to Congress a report setting forth—

(1) an organizational plan to include those firms on the Department of State licensing watchlists that—

(A) engage in the exportation of potentially sensitive or dual-use technologies; and

(B) have been identified or tracked by similar systems maintained by the Department of Defense, Department of Commerce, or the United States Customs Service; and

(2) further measures to be taken to strengthen United States export-control mechanisms.

(b) REPORTS BY INSPECTOR GENERAL.—(1) Not later than 180 days after the date of the enactment of this Act and 1 year thereafter, the Inspector General of the Department of State and the Foreign Service shall submit to Congress a report on the evaluation by the Inspector General of the effectiveness of the watch-list screening process at the De-

partment of State during the preceding year. The report shall be submitted in both a classified and unclassified version.

(2) Each report under paragraph (1) shall—

(A) set forth the number of licenses granted to parties on the watch-list;

(B) set forth the number of end-use checks performed by the Department;

(C) assess the screening process used by the Department in granting a license when an applicant is on a watch-list; and

(D) assess the extent to which the watch-list contains all relevant information and parties required by statute or regulation.

(c) ANNUAL MILITARY ASSISTANCE REPORT.—The Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by inserting after section 654 the following new section:

#### “SEC. 655 ANNUAL MILITARY ASSISTANCE REPORT.

“(a) IN GENERAL.—Not later than February 1 of 1996 and 1997, the President shall transmit to Congress an annual report for the fiscal year ending the previous September 30, showing the aggregate dollar value and quantity of defense articles (including excess defense articles) and defense services, and of military education and training, furnished by the United States to each foreign country and international organization, by category, specifying whether they were furnished by grant under chapter 2 or chapter 5 of part II of this Act or by sale under chapter 2 of the Arms Control Export-Control Act or authorized by commercial sale license under section 38 of that Act.

“(b) ADDITIONAL CONTENTS OF REPORTS.—Each report shall also include the total amount of military items of non-United States manufacture being imported into the United States. The report should contain the country of origin, the type of item being imported, and the total amount of items.”

#### AMENDMENT NO. 2141

On page 468, below line 24, add the following:

#### SEC. 2825. APPLICABILITY OF NATIONAL ENVIRONMENTAL POLICY ACT TO INTERIM LEASES OF PROPERTY AT INSTALLATIONS APPROVED FOR CLOSURE OR REALIGNMENT.

Section 2667(f) of title 10, United States Code, is amended by adding at the end the following:

“(4) Notwithstanding any other provision of law, a lease of property under this section shall not constitute a major Federal action for purposes of section 102(2) for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4322(2)) if the term of the lease is 10 years or less.”

#### AMENDMENT NO. 2142

On page 69, between lines 9 and 10, insert the following:

#### SEC. 242. TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.

(a) TESTING INDICATORS.—(1) The Secretary of Defense shall establish for each theater missile defense acquisition program a series of test and evaluation maturity indicators adequate to provide an assessment of the progress of the program at each of the program decision points referred to in paragraph (2). The Secretary shall ensure that the maturity indicators for a program reflect and incorporate the approved baseline of performance and schedule for the program.

(2) The Secretary shall establish test and evaluation maturity indicators for each of the following program decision points:

(A) Critical design review.

(B) Long-lead low-rate initial production.

(C) Low-rate initial production.

(D) Long-lead full-rate production.

(E) Full-rate production.

(b) USE OF INDICATORS.—(1) For each theater missile defense acquisition program for which the Secretary establishes test and evaluation maturity indicators under subsection (a), the Director of Operational Test and Evaluation shall carry out an operational assessment of the program using the indicators at each of the program decision points referred to in paragraph (2) of that subsection.

(2) Each operational assessment under paragraph (1) shall be sufficient to permit the Director to form an opinion as to whether or not the program meets, at the decision point in question, the performance and schedule requirements specified in the approved baseline of performance and schedule for the program.

(3) The Director shall submit each operational assessment carried out under this subsection to the Secretary and to the congressional defense committees.

PRYOR (AND ROTH) AMENDMENT  
NO. 2143

(Ordered to lie on the table.)

Mr. PRYOR (for himself and Mr. ROTH) submitted an amendment to be proposed by them to the bill, S. 1026, supra, as follows:

On page 69, between lines 9 and 10, insert the following:

SEC. 242. SENSE OF SENATE ON THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) The Office of the Director of Operational Test and Evaluation of the Department of Defense was created by Congress to provide an independent validation and verification on the suitability and effectiveness of new weapons, and to ensure that the United States military departments acquire weapons that are proven in an operational environment before they are produced and used in combat.

(2) The office is currently making significant contributions to the process by which the Department of Defense acquires new weapons by providing vital insights on operational weapons tests to be used in this acquisition process.

(3) The office provides vital services to Congress in providing an independent certification on the performance of new weapons that have been operationally tested.

(4) A provision of H.R. 1530, an Act entitled "An Act 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"; agreed to by the House of Representatives on June 15, 1995, contains a provision that could substantially diminish the authority and responsibilities of the office and perhaps cause the elimination of the office and its functions.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the authority and responsibilities of the Office of the Director of Operational Test and Evaluation of the Department of Defense should not be diminished or eliminated; and

(2) the conferees on H.R. 1530, an Act entitled "An Act 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" should not propose to Congress a conference

report on that Act that would either diminish or eliminate the Office of the Director of Operational Test and Evaluation or its functions.

GLENN (AND OTHERS)  
AMENDMENT NO. 2144

(Ordered to lie on the table.)

Mr. GLENN (for himself, Mr. GRASSLEY, and Mr. ROTH) submitted an amendment to be proposed by them to the bill, S. 1026, supra, as follows:

Beginning on page 321, strike out line 15 and all that follows through page 325, line 18, and insert in lieu thereof the following:

"(b) CREDITS TO ACCOUNT.—(1) Under regulations prescribed by the Secretary of Defense, and upon a determination by the Secretary concerned of the availability and source of excess funds as described in subparagraph (A) or (B), the Secretary may transfer to the Defense Modernization Account during any fiscal year—

"(A) any amount of unexpired funds available to the Secretary for procurements that, as a result of economies, efficiencies, and other savings achieved in the procurements, are excess to the funding requirements of the procurements; and

"(B) any amount of unexpired funds available to the Secretary for support of installations and facilities that, as a result of economies, efficiencies, and other savings, are excess to the funding requirements for support of installations and facilities.

"(2) Funds referred to in paragraph (1) may not be transferred to the Defense Modernization Account by a Secretary concerned if—

"(A) the funds are necessary for programs, projects, and activities that, as determined by the Secretary, have a higher priority than the purposes for which the funds would be available if transferred to that account; or

"(B) the balance of funds in the account, after transfer of funds to the account would exceed \$1,000,000,000.

"(3) Amounts credited to the Defense Modernization Account shall remain available for transfer until the end of the third fiscal year that follows the fiscal year in which the amounts are credited to the account.

"(4) The period of availability of funds for expenditure provided for in sections 1551 and 1552 of title 31 shall not be extended by transfer into the Defense Modernization Account.

"(c) ATTRIBUTION OF FUNDS.—The funds transferred to the Defense Modernization Account by a military department, Defense Agency, or other element of the Department of Defense shall be available in accordance with subsections (f) and (g) only for that military department, Defense Agency, or element.

"(d) USE OF FUNDS.—Funds available from the Defense Modernization Account pursuant to subsection (f) or (g) may be used only for the following purposes:

"(1) For increasing, subject to subsection (e), the quantity of items and services procured under a procurement program in order to achieve a more efficient production or delivery rate.

"(2) For research, development, test and evaluation and procurement necessary for modernization of an existing system or of a system being procured under an ongoing procurement program.

"(e) LIMITATIONS.—(1) Funds from the Defense Modernization Account may not be used to increase the quantity of an item or services procured under a particular procurement program to the extent that doing so would—

"(A) result in procurement of a total quantity of items or services in excess of—

"(i) a specific limitation provided in law on the quantity of the items or services that may be procured; or

"(ii) the requirement for the items or services as approved by the Joint Requirements Oversight Council and reported to Congress by the Secretary of Defense; or

"(B) result in an obligation or expenditure of funds in excess of a specific limitation provided in law on the amount that may be obligated or expended, respectively, for the procurement program.

"(2) Funds from the Defense Modernization Account may not be used for a purpose or program for which Congress has not authorized appropriations.

"(3) Funds may not be transferred from the Defense Modernization Account in any year for the purpose of—

"(A) making any expenditure for which there is no corresponding obligation; or

"(B) making any expenditure that would satisfy an unliquidated or unrecorded obligation arising in a prior fiscal year.

"(f) TRANSFER OF FUNDS.—(1) Funds in the Defense Modernization Account may be transferred in any fiscal year to appropriations available for use for purposes set forth in subsection (d).

"(2) Before funds in the Defense Modernization Account are transferred under paragraph (1), the Secretary concerned shall transmit to the congressional defense committees a notification of the amount and purpose of the proposed transfer.

"(3) The total amount of the transfers from the Defense Modernization Account may not exceed \$500,000,000 in any fiscal year.

"(g) AVAILABILITY OF FUNDS FOR APPROPRIATION.—Funds in the Defense Modernization Account may be appropriated for purposes set forth in subsection (d) to the extent provided in Acts authorizing appropriations for the Defense of the Defense.

"(h) SECRETARY TO ACT THROUGH COMPTROLLER.—In exercising authority under this section, the Secretary of Defense shall act through the Under Secretary of Defense (Comptroller), who shall be authorized to implement this section through the issuance of any necessary regulations, policies, and procedures after consultation with the General Counsel and Inspector General of the Department of Defense.

"(i) QUARTERLY REPORT.—Not later than 15 days after the end of each calendar quarter, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth the amount and source of each credit to the Defense Modernization Account during the quarter and the amount and purpose of each transfer from the account during the quarter.

"(j) DEFINITIONS.—In this section:

"(1) The term 'Secretary concerned' includes the Secretary of Defense.

"(2) The term 'unexpired funds' means funds appropriated for a definite period that remain available for obligation.

"(3) The term 'congressional defense committees' means—

"(A) the Committees on Armed Services and Appropriations of the Senate; and

"(B) the Committees on National Security and Appropriations of the House of Representatives.

"(4) The term 'appropriate committees of Congress' means—

"(A) the congressional defense committees;

"(B) the Committee on Governmental Affairs of the Senate; and

"(C) the Committee on Government Reform and Oversight of the House of Representatives.

"(k) INAPPLICABILITY TO COAST GUARD.—This section does not apply to the Coast Guard when it is not operating as a service in the Navy."

(2) The table of sections at the beginning of chapter 131 of such title is amended by adding at the end the following:

"2221. Defense Modernization Account."

(b) EFFECTIVE DATE.—Section 2221 of title 10, United States Code (as added by subsection (a)), shall take effect on October 1, 1995, and shall apply only to funds appropriated for fiscal years beginning on or after that date.

(c) EXPIRATION OF AUTHORITY AND ACCOUNT.—(1) The authority under section 2221(b) of title 10, United States Code (as added by subsection (a)), to transfer funds into the Defense Modernization Account shall terminate on October 1, 2003.

(2) Three years after the termination of transfer authority under paragraph (1), the Defense Modernization Account shall be closed and the remaining balance in the account shall be canceled and thereafter shall not be available for any purpose.

(3)(A) The Comptroller General of the United States shall conduct two reviews of the administration of the Defense Modernization Account. In each review, the Comptroller General shall assess the operations and benefits of the account.

(B) Not later than March 1, 2000, the Comptroller General shall—

(i) complete the first review; and

(ii) submit to the appropriate committees of Congress an initial report on the administration and benefits of the Defense Modernization Account.

(C) Not later than March 1, 2003, the Comptroller General shall—

(i) complete the second review; and

(ii) submit to the appropriate committees of Congress a final report on the administration and benefits of the Defense Modernization Account.

(D) Each report shall include any recommended legislation regarding the account that the Comptroller General considers appropriate.

(E) In this paragraph, the term "appropriate committees of Congress" has the meaning given such term in section 2221(j)(4) of title 10, United States Code, as added by subsection (a).

#### GLENN AMENDMENT NO. 2145

(Ordered to lie on the table.)

Mr. GLENN submitted an amendment to be proposed by him to the bill, S. 1026, supra, as follows:

On page 110, after line 19, insert the following:

#### SEC. 365. OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID PROGRAMS.

(a) GAO REPORT.—Not later than December 15, 1995, the Comptroller General of the United States shall provide to the Congressional Defense Committees a report on—

(1) Existing funding mechanisms available to cover the costs associated with the Overseas Humanitarian, Disaster, and Civic Assistance activities through funds provided to the Department of State or the Agency for International Development, and

(2) if such mechanisms do not exist, actions necessary to institute such mechanisms, including any changes in existing law or regulations.

On page 70, in line 25, strike "\$20,000,000" and insert in lieu thereof "\$60,000,000".

On page 70, after line 25, insert the following:

The amount authorized to be appropriated by section 301(5) is hereby reduced by \$40,000,000.

#### HEFLIN (AND SHELBY) AMENDMENT NO. 2146

(Ordered to lie on the table.)

Mr. HEFLIN (and Mr. SHELBY) submitted an amendment to be proposed by them to the bill, S. 1026, supra, as follows:

On page 16, line 20, strike out "\$1,120,115,000" and insert in lieu thereof "\$1,135,115,000".

On page 69, line 20, strike out "\$18,086,206,000" and insert in lieu thereof "\$18,071,206,000".

#### HEFLIN AMENDMENT NO. 2147

(Ordered to lie on the table.)

Mr. HEFLIN submitted an amendment intended to be proposed by him to the bill, S. 1026, supra, as follows:

On page 58, line 13, insert ", except that Minuteman boosters may not be part of a National Missile Defense Architecture" before the period at the end.

#### HEFLIN (AND SHELBY) AMENDMENTS NOS. 2148-2150

(Ordered to lie on the table.)

Mr. HEFLIN (for himself and Mr. SHELBY) submitted three amendments intended to be proposed by him to the bill, S. 1026, supra, as follows:

#### AMENDMENT NO. 2148

On page 69, between lines 9 and 10, insert the following:

#### SEC. 242. BALLISTIC MISSILE DEFENSE TECHNOLOGY CENTER.

(a) ESTABLISHMENT.—The Director of the Ballistic Missile Defense Organization shall establish a Ballistic Missile Defense Technology Center within the Space and Strategic Defense Command of the Army.

(b) MISSION.—The missions of the Center are as follows:

(1) To maximize common application of ballistic missile defense component technology programs, target test programs, functional analysis and phenomenology investigations.

(2) To store data from the missile defense technology programs of the Armed Forces using computer facilities of the Missile Defense Data Center.

(c) TECHNOLOGY PROGRAM COORDINATION WITH CENTER.—The Secretary of Defense, acting through the Director of the Ballistic Missile Defense Organization, shall require the head of each element or activity of the Department of Defense beginning a new missile defense program referred to in subsection (b)(1) to first coordinate the program with the Ballistic Missile Defense Technology Center in order to prevent duplication of effort.

#### AMENDMENT NO. 2149

On page 16, line 20, strike out "\$1,120,115,000" and insert in lieu thereof "\$1,135,115,000".

#### AMENDMENT NO. 2150

On page 69, line 20, strike out "\$18,086,206,000" and insert in lieu thereof "\$18,071,206,000".

#### ROBB AMENDMENTS NOS. 2151-2152

(Ordered to lie on the table.)

Mr. ROBB submitted two amendments intended to be proposed by him to the bill, S. 1026, supra, as follows:

#### AMENDMENT NO. 2151

On page 331, between lines 19 and 20, insert the following:

"(3) If the total amount reported in accordance with paragraph (2) is less than

\$1,080,000,000, an additional separate listing described in paragraph (2) in a total amount equal to \$1,080,000,000".

#### AMENDMENT NO. 2152

On page 137, after line 24, insert the following:

#### SEC. 389. REPORT ON PRIVATE PERFORMANCE OF CERTAIN FUNCTIONS PERFORMED BY MILITARY AIRCRAFT.

(a) REPORT REQUIRED.—Not later than May 1, 1996, the Secretary of Defense shall submit to Congress a report on the feasibility, including the costs and benefits, of using private sources for satisfying, in whole or in part, the requirements of the Department of Defense for VIP transportation by air, airlift for other personnel and for cargo, in-flight refueling of aircraft, and performance of such other military aircraft functions as the Secretary considers appropriate to discuss in the report.

(b) CONTENT OF REPORT.—The report shall include a discussion of the following:

(1) Contracting for the performance of the functions referred to in subsection (a).

(2) Converting to private ownership and operation the Department of Defense VIP air fleets, personnel and cargo aircraft, and in-flight refueling aircraft, and other Department of Defense aircraft.

(3) The wartime requirements for the various VIP and transport fleets.

(4) The assumptions used in the cost-benefit analysis.

(5) The effect on military personnel and facilities of using private sources, as described in paragraphs (1) and (2), for the purposes described in subsection (a).

#### THE TREASURY POSTAL-SERVICE APPROPRIATIONS ACT

#### NICKLES (AND OTHERS) AMENDMENT NO. 2153

Mr. NICKLES (for himself, Mr. THURMOND, Mr. THOMAS, Mr. CRAIG, Mr. COATS, Mr. INHOFE, and Mr. KEMPTHORNE) proposed an amendment to the bill (H.R. 2020) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1996, and for other purposes, as follows:

At the end of the Committee amendment of Page 2, Line 14, add the following:

Sec. . No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. . The provision of section \_\_\_\_\_ shall not apply where the life of the mother would be endangered if the fetus were carried to term, or that the pregnancy is the result of an act of rape or incest.

#### THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

#### BINGAMAN (AND OTHERS) AMENDMENT NOS. 2154-2155

(Ordered to lie on the table.)

Mr. ROBB (for himself, Mr. LAUTENBERG, Mr. EXON, and Mr. KERREY) submitted two amendments intended to be