

(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

proposed by them to the bill, S. 1026, supra; as follows:

AMENDMENT NO. 2154

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

**SEC. 1008. FUNDING ADJUSTMENTS.**

(a) **PROCUREMENT.**—Notwithstanding section 102(a)(3), the total amount authorized to be appropriated for fiscal year 1996 for procurement for the Navy for shipbuilding and conversion is \$5,811,935,000.

(b) **OPERATION AND MAINTENANCE.**—Notwithstanding section 301, the total amount authorized to be appropriated for fiscal year 1996 for expenses, not otherwise provided for, for operation and maintenance for—

- (1) the Army is \$18,257,506,000;
- (2) the Navy is \$21,567,360,000;
- (3) the Marine Corps is \$2,413,711,000;
- (4) the Air Force is \$18,882,993,000;
- (5) Defense-wide activities is \$9,960,962,000;
- (6) the Naval Reserve is \$844,542,000; and
- (7) Medical Programs, Defense, is \$9,951,225,000.

(c) **PERSONNEL.**—Notwithstanding section 431, the total amount authorized to be appropriated for military personnel for fiscal year 1996 is \$69,015,863,000.

AMENDMENT NO. 2155

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

**SEC. 1008. FUNDING ADJUSTMENTS.**

(a) **UNDISTRIBUTED REDUCTION IN PROCUREMENT AND RDT&E AUTHORIZATIONS.**—Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for the Department of Defense for fiscal year 1996 for procurement and for research, development, test, and evaluation is the total amount authorized to be appropriated under titles I and II reduced by \$1,063,000,000.

(b) **OPERATION AND MAINTENANCE.**—Notwithstanding section 301, the total amount authorized to be appropriated for fiscal year 1996 for expenses, not otherwise provided for, for operation and maintenance for—

- (1) the Army is \$18,257,506,000;
- (2) the Navy is \$21,567,360,000;
- (3) the Marine Corps is \$2,413,711,000;
- (4) the Air Force is \$18,882,993,000;
- (5) Defense-wide activities is \$9,960,962,000;
- (6) the Naval Reserve is \$833,542,000; and
- (7) Medical Programs, Defense, is \$9,951,225,000.

(c) **PERSONNEL.**—Notwithstanding section 431, the total amount authorized to be appropriated for military personnel for fiscal year 1996 is \$69,015,863,000.

BINGAMAN (AND LIEBERMAN)

AMENDMENT NO. 2156

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself and Mr. LIEBERMAN) submitted two amendments intended to be proposed by them to the bill, S. 1026, supra; as follows:

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

**SEC. 1008. FUNDING ADJUSTMENTS.**

(a) **PROCUREMENT.**—(1) Notwithstanding section 101(2), the total amount authorized to be appropriated for fiscal year 1996 for procurement of missiles for the Army is \$834,430,000.

(2) Notwithstanding section 103(3), the total amount authorized to be appropriated for fiscal year 1996 for other procurement for the Air Force is \$6,516,001,000.

(b) **RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**—Notwithstanding section 201(4), the total amount authorized to be appropriated for fiscal year 1996 for research,

development, test, and evaluation for Defense-wide activities is \$9,623,148,000.

BINGAMAN (AND OTHERS)

AMENDMENT NO. 2157

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. FEINGOLD, and Mr. WELLSTONE) submitted amendments intended to be proposed by them to the bill, S. 1026, supra; as follows:

On page 515, between lines 2 and 3, insert the following:

**SEC. 2864. RENOVATION OF THE PENTAGON RESERVATION.**

The Secretary of Defense shall take such action as is necessary to reduce the total cost of the renovation of the Pentagon Reservation to not more than \$1,118,000,000.

BINGAMAN AMENDMENT NO. 2158

(Ordered to lie on the table.)

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

Beginning on page 384, strike out line 18 and all that follows through page 385, line 14.

BINGAMAN (AND DOMENICI)

AMENDMENT NO. 2159

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself and Mr. DOMENICI) 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.”.

(b) **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”.

BROWN AMENDMENTS NOS. 2160–2163

(Ordered to lie on the table.)

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

AMENDMENT NO. 2160

At the appropriate place, insert:

(a) **FINDINGS.**—

(1) The purpose of the General Agreement on Tariffs and Trade (hereafter in this amendment referred to as the “GATT”) and the World Trade Organization (hereafter in this amendment referred to as the “WTO”) is to enable member countries to conduct trade based upon free market principles, by limiting government intervention in the form of state subsidies, by limiting nontariff barriers, and by encouraging reciprocal reductions in tariffs among members;

(2) The GATT/WTO is based on the assumption that the import and export of goods are conducted by independent enterprises responding to profit incentives and market forces;

(3) The GATT/WTO requires that non-market economies implement significant reforms to change centralized and planned economic systems before becoming a full GATT/WTO member and the existence of a decentralized and a free market economy is considered a precondition to fair trade among GATT/WTO members;

(4) The People’s Republic of China (hereinafter referred to as “China”) and the Republic of China on Taiwan (hereinafter referred to as “Taiwan”) applied for membership in the GATT in 1986 and 1991, respectively, and Working Parties have been established by the GATT to review their applications;

(5) China insists that Taiwan’s membership in the GATT/WTO be granted only after China becomes a full member of the GATT/WTO.

(6) Taiwan has a free market economy that has existed for over three decades, and is currently the fourteenth largest trading nation in the world;

(7) Taiwan has a gross national product that is the world’s twentieth largest, its foreign exchange reserves are among the largest in the world and it has become that world’s seventh largest outbound investor;

(8) Taiwan has made substantive progress in agreeing to reduce upon GATT/WTO accession the tariff level of many products, and non-tariff barriers;

(9) Taiwan has also made significant progress in other aspects of international trade, such as in intellectual property protection and opening its financial services market;

(10) Despite some progress in reforming its economic system, China still retains legal and institutional practices that restrict free market competition and are incompatible with GATT/WTO principles;

(11) China still uses an intricate system of tariff and non-tariff administrative controls to implement its industrial and trade policies, and China’s tariffs on foreign goods, such as automobiles, can be as high as 150 percent, even though China has made commitments in the market access Memorandum of Understanding to reform significant parts of its import regime;

(12) China continues to use direct and indirect subsidies to promote exports;

(13) China often manipulates its exchange rate to impede balance of payments adjustments and gain unfair competitive advantages in trade;

(14) Taiwan's and China's accession to the GATT/WTO have important implications for the United States and the world trading system.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the United States should separate Taiwan's application for membership in the GATT/WTO from China's application for membership in those organizations;

(2) the United States should support Taiwan's earliest membership in the GATT/WTO;

(3) the United States should support the membership of the China in the GATT/WTO only if a sound bilateral commercial agreement is reached between the United States and China, and that China makes significant progress in making its economic system compatible with GATT/WTO principles;

(4) China's application for membership in the GATT/WTO should be reviewed strictly in accordance with the rules, guidelines, principles, precedents, and practices of the GATT.

#### AMENDMENT No. 2161

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

#### SEC. . CLARIFICATION OF RESTRICTIONS.

Subsection (e) of section 620E of the Foreign Assistance Act of 1961 (P.L. 87-195) is amended:

(1) by striking the words "No assistance" and inserting the words "No military assistance";

(2) by striking the words "in which assistance is to be furnished or military equipment or technology" and inserting the words "in which military assistance is to be furnished or military equipment or technology"; and

(3) by striking the words "the proposed United States assistance" and inserting the words "the proposed United States military assistance".

(4) by adding the following new paragraph: "(2) The prohibitions in this section do not apply to any assistance or transfer provided for the purposes of:

"(A) International narcotics control (including Chapter 8 of Part I of this Act) or any provision of law available for providing assistance for counternarcotics purposes;

"(B) Facilitating military-to-military contact, training (including Chapter 5 of Part II of this Act) and humanitarian and civic assistance projects;

"(C) Peacekeeping and other multilateral operations (including Chapter 6 of Part II of this Act relating to peacekeeping) or any provision of law available for providing assistance for peacekeeping purposes, except that lethal military equipment shall be provided on a lease or loan basis only and shall be returned upon completion of the operation for which it was provided;

"(D) Antiterrorism assistance (including Chapter 8 of Part II of this Act relating to antiterrorism assistance) or any provision of law available for antiterrorism assistance purposes;".

(5) by adding the following new subsections at the end—

"(f) STORAGE COSTS.—The President may release the Government of Pakistan of its contractual obligation to pay the United States Government for the storage costs of items purchased prior to October 1, 1990, but not delivered by the United States Government pursuant to subsection (e) and may reimburse the Government of Pakistan for any such amounts paid, on such terms and condi-

tions as the President may prescribe, provided that such payments have no budgetary impact.

"(g) INAPPLICABILITY OF RESTRICTIONS TO PREVIOUSLY OWNED ITEMS.—Section 620E(e) does not apply to broken, worn or unupgraded items or their equivalent which Pakistan paid for and took possession of prior to October 1, 1990 and which the Government of Pakistan sent to the United States for repair or upgrade. Such equipment or its equivalent may be returned to the Government of Pakistan provided that the President determines and so certifies to the appropriate congressional committees that such equipment or equivalent neither constitutes nor has received any significant qualitative upgrade since being transferred to the United States and that its total value does not exceed \$25 million.

"(h) BALLISTIC MISSILE SANCTIONS NOT AFFECTED.—Nothing contained herein shall affect sanctions required under any legislation concerning the transfer of ballistic missiles or ballistic missile technology."

#### AMENDMENT No. 2162

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

#### SEC. 2838. LEASE OF PROPERTY, FITZSIMONS ARMY MEDICAL CENTER, COLORADO.

(a) REQUIREMENT TO LEASE.—(1)(A) Notwithstanding any other provision of law and subject to paragraph (2), the Secretary of the Army shall lease to the City of Aurora, Colorado (in this section referred to as the "City"), the real property referred to in subparagraph (B). As part of the lease, the Secretary shall also lease to the City such facilities, equipment, and fixtures (including specialized equipment) as are associated with the property.

(B) The real property referred to in subparagraph (A) is a parcel of real property consisting of approximately acres located in Aurora, Colorado, which is known as the Fitzsimons Army Medical Center. The real property does not include that portion of the Fitzsimons Army Medical Center known as the Edgar J. McWhethy Army Reserve Center.

(2) The Secretary may make the lease otherwise required under paragraph (1) unless the real property referred to in that paragraph is approved for closure in 1995 under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(b) CONDITION OF LEASE.—The lease under subsection (a) shall be subject to the condition that the City sublease the property in accordance with subsection (f).

(c) TERM OF LEASE.—The term of a lease under subsection (a) shall expire on the later of—

(1) the date of the conveyance or other disposal of the real property covered by the lease pursuant to the Defense Base Closure and Realignment Act of 1990; or

(2) the date that is 5 years after the commencement of the lease.

(d) CONSIDERATION.—As consideration for the lease under subsection (a), the City shall provide such police protection services, fire protection services, maintenance services, and other municipal services for the real property concerned as the Secretary and the City jointly consider appropriate.

(e) ALTERATION AND IMPROVEMENT OF PROPERTY.—The City may make such alterations or improvements to the real property leased under subsection (a) as are necessary for the use of the property by the City, including the use of the property by the sublessees of the property under subsection (f).

(f) SUBLEASE.—(1)(A) The City shall sublease the portion of the real property de-

scribed in paragraph (2) to the Regents of the University of Colorado (in this section referred to as the "University") for the use and administration of such property by the University of Colorado Health Sciences Center (in this section referred to as the "Center") and the University of Colorado Hospital Authority (in this section referred to as the "Authority").

(B) The sublease under subparagraph (A) shall cover such portion of the real property leased to the City under subsection (a) as the City and the University jointly determine appropriate for the use and administration referred to in subparagraph (A).

(2) As consideration for the sublease under paragraph (1), the University may not accept consideration in excess of \$1 per year.

(3) The sublease under paragraph (1) shall have the same term as the lease under subsection (a).

(g) SENSE OF SENATE ON CONVEYANCE OF PROPERTY.—It is the sense of the Senate that the conveyance pursuant to the Defense Base Closure and Realignment Act of 1990 of the property covered by the lease under subsection (a)—

(1) be to the City; and

(2) be subject to the following conditions:

(A) That the City convey, without consideration, such real property, facilities, equipment, and fixtures as the City and the University jointly determine appropriate for administration and use by the Center and the Authority for health care, biotechnology, and similar activities, for activities that promote and enhance educational opportunities, for the development of health care technology and the delivery of health care and related medical services, and for other economic development related to health sciences and biotechnology.

(B) That the City use the community and recreational facilities on the property for public purposes, including recreational purposes.

(C) That the City—

(i) convey steam-generating facilities on the real property to the University; or

(ii) provide steam from such facilities to the public users of the real property at rates that relate solely to the cost of generating the steam provided.

(h) ENVIRONMENTAL MATTERS.—(1) The Secretary may not enter into the lease authorized under subsection (a) until the Secretary issues a record of environmental consideration indicating that the lease falls within the categorical exclusions established by the Department of the Army pursuant to the National Environmental Policy Act (42 U.S.C. 4321 et seq.).

(2) As soon as practicable after the date of the enactment of this Act, the Secretary shall—

(A) prepare an environmental baseline survey for the purpose of issuing a finding of suitability to lease the property;

(B) issue a finding of suitability to lease with respect to the property; and

(C) after issuing the finding, enter into the lease.

(3)(A) The United States shall retain responsibility for the cost and any obligation of response for any release or threatened release of any hazardous substance (as defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14))) in existence on the property to be leased under subsection (a) before the effective date of the lease.

(B) The United States shall indemnify, defend, and hold harmless the City, the University, and their respective departments, employees, officers, agents, successors and assigns, from and against any and all liabilities (including strict liabilities), claims, demands, remedies, and causes of action,

whether administrative, legal or equitable, directly or indirectly arising in whole or in part under any Federal or State environmental statute or common law from the existence of any release or threatened release of any hazardous substance referred to in subparagraph (A).

(i) **ELIGIBILITY FOR FEDERAL FINANCIAL ASSISTANCE.**—Nothing in this section shall preclude an eligible applicant from receiving Federal grant funds for which it otherwise would be eligible pursuant to 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) or under any other Federal law.

(j) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be leased under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(k) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

#### AMENDMENT NO. 2163

At the appropriate place in the bill add the following

#### **SEC. . STUDY ON CHEMICAL WEAPONS STOCKPILE.**

(a) **STUDY.**—(1) The Secretary of Defense shall conduct a study to assess the risk associated with transportation of the unitary stockpile, neutralized or unneutralized, from one location to another within the continental United States. Also, the Secretary shall include a study of the assistance available to communities in the vicinity if the Department of Defense facilities co-located with continuing chemical stockpile and chemical demilitarization operations which facilities are subject to closure, realignment, or reutilization.

(2) The review shall include an analysis of—

(A) the results of the physical and chemical integrity report conducted by the Army on existing stockpile;

(B) a determination of the viability of transportation of any portion of the stockpile, to include drained agent from munitions and the munitions;

(C) the safety, cost-effectiveness, and public acceptability of transporting the stockpile, in its current configuration, or in alternative configurations;

(D) the economic effects of closure, realignment, or reutilization of the facilities referred to in paragraph (1) on the communities referred to in that paragraph; and

(E) the unique problems that such communities face with respect to the reuse of such facilities as a result of the operations referred to in paragraph (1).

(b) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study carried out under subsection (a).

(a). The report shall include recommendations of the Secretary on methods for ensuring the expeditious and cost-effective transfer or lease of facilities referred to in paragraph (1) of subsection (a) to communities referred to in paragraph (1) for reuse by such communities."

#### ROBB AMENDMENT NO. 2164

(Ordered to lie on the table.)

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

On page 31, after line 22, insert the following:

#### **SEC. 133. COMBAT SURVIVOR EVADER LOCATOR COMMUNICATION SYSTEM.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The recent events involving the shooting down of an Air Force F-16 over Bosnia and the experience of its pilot in evading capture and escaping demonstrates a longstanding deficiency in United States combat rescue communications, namely, that the existing system lacks over-the-horizon, worldwide, two-way, secure, jam resistant, and low exploitation capabilities.

(2) The Joint Requirements Oversight Council of the Department of Defense approved the need for a communications system with such capabilities in JROCM-006-92 and validated the requirement for a new combat survivor evader locator (CSEL) system.

(3) After the Council's action, the requirements, costs, and operational effectiveness of candidate systems were sufficiently analyzed and refined across the Department of Defense.

(4) A program for a new combat survivor evader locator (CSEL) system has not been implemented, and no funding has been programmed for such a program.

(5) The longstanding deficiency referred to in paragraph (1) remains unresolved and, as a result, there remain risks to the lives of American pilots surviving the shooting down of their aircraft that would be avoidable with a combat survivor evader locator (CSEL) system having the capabilities described in paragraph (1).

(b) **PROGRAM REQUIRED.**—The Secretary of Defense shall carry out a program to acquire a satellite-based rescue communications system that—

(1) has the capabilities approved by the Joint Requirements Oversight Council as described in subsection (a) (2);

(2) achieves initial operational capability within approximately two years after the program commences;

(3) uses demonstrated commercial technologies;

(4) maximizes the return on the investment by supporting other Department of Defense requirements and other Federal Government requirements to the maximum extent practicable; and

(5) is directed and controlled by a joint agency of the Department of Defense.

(c) **REPORT.**—Not later than September 30, 1992, the Secretary of Defense shall submit to Congress a report on the actions taken to carry out subsection (b).

(d) **FUNDING.**—(1) Of the amount authorized to be appropriated under section 103(3), up to \$20,000,000 shall be available for carrying out subsection (b).

#### HARKIN (AND BOXER)

#### AMENDMENT NO. 2165

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

#### **SEC. . RESTRICTION ON REIMBURSEMENT OF COSTS.**

(a) None of the funds authorized to be appropriated in this Act for fiscal year 1996 may be obligated for payment on new contracts on which allowable costs charged to the government include payments for individual compensation (including bonuses and other incentives) at a rate in excess of \$250,000 per year.

#### HARKIN AMENDMENTS NOS. 2166–2168

(Ordered to lie on the table.)

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

#### AMENDMENT NO. 2166

On page 32, line 14, strike out "\$9,533,148,000" and insert in lieu thereof "\$9,503,148,000".

#### AMENDMENT NO. 2167

On page 16, line 17, strike out "\$1,396,451,000" and insert in lieu thereof "\$1,271,451,000".

#### AMENDMENT NO. 2168

On page 32, line 14, strike out "\$9,533,148,000" and insert in lieu thereof "\$9,463,148,000".

#### KYL AMENDMENTS NOS. 2169–2170

(Ordered to lie on the table.)

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

#### AMENDMENT NO. 2169

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

#### **SEC. 389. LIMITATION ON USE OF FUNDS FOR CO-OPERATIVE THREAT REDUCTION FOR RUSSIA.**

The funds available under section 301(18) for Cooperative Threat Reduction for Russia may not be obligated or expended for that purpose until 90 days after the date on which the President certifies to Congress the following:

(1) That Russia is in full compliance with the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, done at Washington, London, and Moscow on April 10, 1972.

(2) That the United States and Russia have completed a joint study evaluating the feasibility of the proposal of Russia to neutralize its chemical weapons.

(3) That none of the funds will be used for the purpose of supporting the development of offensive weapons.

#### AMENDMENT NO. 2170

On page 346, between lines 7 and 8, insert the following:

(c) **ADDITIONAL LIMITATION ON USE OF FUNDS FOR COOPERATIVE THREAT REDUCTION.**—(1) Of the amount available under section 301(18) for Cooperative Threat Reduction for dismantlement and destruction of chemical weapons, \$104,000,000 may not be obligated or expended for that purpose until the President certifies to Congress the following:

(A) That the United States and Russia have completed a joint study evaluating the feasibility of the proposal of Russia to neutralize its chemical weapons.

(B) That Russia agrees to prepare a comprehensive plan to manage the dismantlement and destruction of the Russia chemical weapons stockpile.

(C) That Russia has resolved outstanding issues under the 1989 Wyoming Memorandum of Understanding and the 1990 Bilateral Destruction Agreement.

(3) In this section:

(A) The term "1989 Wyoming Memorandum of Understanding" means the Memorandum of Understanding between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on \_\_\_\_\_, 1989.

(B) The term "1990 Bilateral Destruction Agreement" means the Agreement between

the United States of America and the Union of Soviet Socialist Republics on destruction and nonproduction of chemical weapons and on measures to facilitate the multilateral convention on banning chemical weapons signed at \_\_\_\_\_ on \_\_\_\_\_, 1990.

FEINSTEIN AMENDMENTS NOS.  
2171-2172

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to the bill, S. 1026, supra; as follows:

AMENDMENT No. 2171

On page 486, below line 24, add the following:

**SEC. 2825. LOAN GUARANTEE PROGRAM FOR RE-DEVELOPMENT OF INSTALLATIONS APPROVED FOR CLOSURE OR REALIGNMENT.**

(a) PROGRAM.—Title II of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141 et seq.) is amended by adding at the end the following:

“LOAN GUARANTEE PROGRAM FOR REDEVELOPMENT OF CLOSED OR REALIGNED MILITARY INSTALLATIONS

“SEC. 205. (a)(1) Subject to the provisions of this section, the Secretary may guarantee a loan made to any private borrower or to a redevelopment authority if the proceeds of the loan are to be used by the borrower or redevelopment authority to demolish or remove existing facilities or to construct or improve facilities on real property located at a military installation approved for closure or realignment under a base closure law which real property is sold, leased, or otherwise transferred by the Secretary of Defense pursuant to such a law.

“(2) For purposes of paragraph (1), facilities at an installation include utilities and other infrastructure at the installation.

“(b)(1) The term of a loan guaranteed under this section may not exceed 20 years, except that the Secretary may provide for the guarantee of a loan the term of which is renewed or otherwise extended beyond 20 years if the Secretary considers the extension appropriate in order to facilitate the liquidation of the loan.

“(2) The Secretary may not guarantee a loan under this section if the Secretary determines that the rate of interest on the loan is excessive. In determining if the rate on a loan is excessive, the Secretary shall take into account the rates of interest charged on other loans guaranteed by the Federal Government that have similar terms and conditions.

“(3) The Secretary may not guarantee a loan under this section unless the Secretary determines that there is reasonable assurance of the repayment of the loan according to its terms.

“(4) The Secretary may not guarantee a loan under this section if the Secretary determines that the borrower or redevelopment authority seeking the guarantee has reasonable access to funds in the amount of the loan from alternative sources (including other funds of the borrower or redevelopment authority).

“(c)(1) The proceeds of a loan guaranteed under this section may not be used to purchase real property.

“(2) The proceeds of a loan guaranteed under this section may not be used for activities relating to the compliance of the real property or facilities concerned with Federal, State, or local requirements for the restoration or remediation of any environmental contamination on the real property or facilities concerned.

“(d)(1) Subject to paragraph (2), the amount of a guarantee on a loan that may be provided under this section may not exceed the amount equal to 90 percent of the outstanding principal and interest of the loan.

“(2) The total value of any loan guaranteed under this section may not exceed \$25,000,000.

“(e) The Secretary may charge and collect from a lender issuing a loan guaranteed under this section a fee in such amount as the Secretary considers sufficient to cover the costs to the Secretary of the administration of the loan.

“(f) Loan guarantees may be made under this section only to the extent that appropriations of budget authority to cover their cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) are made in advance, or authority is otherwise provided in appropriations Acts. If such appropriation or other authority is provided, there may be established a financing account (as defined in section 502(7) of such Act (2 U.S.C. 661a(7)) which shall be available for payment of claims for payment on loan guarantees under this section and for all other cash flows to and from the Government as a result of guarantees made under this section.

“(g) In this section:

“(1) The term ‘base closure law’ means the following:

“(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

“(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

“(2) The term ‘redevelopment authority’ means the following:

“(A) In the case of military installations approved for closure or realignment under the Defense Authorization Amendments and Base Closure and Realignment Act, a redevelopment authority as such term is defined in section 209(10) of that Act.

“(B) In the case of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990, a redevelopment authority as such term is defined in section 2910(9) of that Act.”

(b) USE OF EXISTING APPROPRIATIONS.—Notwithstanding any other provision of law, funds appropriated before the date of the enactment of this Act pursuant to the Public Works and Economic Development Act of 1965 for economic development assistance programs of the Economic Development Administration of the Department of Commerce may be used for providing loan guarantees under the loan guarantee program for redevelopment of closed or realigned military installations established under section 205 of that Act, as added by subsection (a).

AMENDMENT No. 2172

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

**SEC. 2838 LAND CONVEYANCE, NAVAL COMMUNICATIONS STATION, STOCKTON, CALIFORNIA.**

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may, upon the concurrence of the Administrator of General Services, convey to the Port of Stockton (In this section referred to as the “Port”), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 1,450 acres at the Naval Communications Station, Stockton, California.

(b) INTERIM LEASE.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements

thereon, to the Port under terms and conditions satisfactory to the Secretary.

(c) CONSIDERATION.—If the Secretary determines that the property can be utilized for port development and is located in an area with high unemployment or in need of economic redevelopment, the Secretary may convey the property for no consideration. If the Secretary determines that it would not be in the public interest to convey the property for no consideration, then the Port, if the Port still desires to acquire the property, shall, as consideration for the conveyance, pay to the United States an amount equal to fair market value of the property to be conveyed, as determined by the Secretary.

(d) FEDERAL LEASE OF CONVEYED PROPERTY.—Notwithstanding any other provision of law, as a condition for transfer of this property under subparagraph (a), the Secretary may require that the Port agree to lease all or a part of the property currently under federal use at the time of conveyance to the United States for use by the Department of Defense or any other federal agency under the same terms and conditions now presently in force. Such terms and conditions will continue to include payment (to the Port) for maintenance of facilities leased to the Federal Government. Such maintenance of the Federal premises shall be to the reasonable satisfaction of the United States, or as required by all applicable Federal, State and local laws and ordinances.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by Port.

(f) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or the lease under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

FEINSTEIN (AND JOHNSTON)  
AMENDMENT NO. 2173

(Ordered to lie on the table.)

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

On page 115, strike out line 4 and all that follows through page 116, line 13.

FEINSTEIN AMENDMENT NO. 2174

(Ordered to lie on the table.)

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

Beginning on page 115, strike out line 4 and all that follows through page 116, line 13, and insert in lieu thereof the following:

**SEC. 382. LIMITATION ON CONTRACTING WITH SAME CONTRACTOR FOR CONSTRUCTION OF ADDITIONAL NEW SHIPS.**

The Secretary of the Navy may not enter into a contract, or exercise a contract option, for the construction of any additional ship by a contractor unless the Secretary has submitted to Congress, at least 60 days before entering into the contract or exercising the option, one of the following certifications:

(1) A certification—  
(A) that—

(i) no ship being procured from that contractor under an existing contract is estimated by the Secretary (as of the date of the certification) to cost more than the maximum price originally established for the ship under the existing contract; or