available for research, development, test, and evaluation activities relating to humanitarian demining technologies (PE0603120D), to be administered by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

ROBB (AND WARNER) AMENDMENTS NOS. 4152–4153

(Ordered to lie on the table.)

Mr. ROBB (for himself and Mr. WARNER) submitted two amendments intended to be proposed by them to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4152

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

SEC. 1054. INFORMATION ON PROPOSED FUNDING FOR THE GUARD AND RESERVE COMPONENTS IN FUTURE-YEARS DEFENSE PROGRAMS.

(a) REQUIREMENT.—The Secretary of Defense shall specify in each future-years defense program submitted to Congress after the date of the enactment of this Act the estimated expenditures and proposed appropriations for the procurement of equipment and for military construction for each of the Guard and Reserve components.

(b) DEFINITION.—For purposes of this action, the term ''Guard and Reserve components'' means the following:

(1) The Army Reserve.

(2) The Army National Guard of the United States.

(3) The Naval Reserve.

(4) The Marine Corps Reserve.

(5) The Air Force Reserve.

(6) The Air National Guard of the United States.

AMENDMENT NO. 4153

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

(a) REQUIREMENT FOR SECRETARY OF INTERIOR TO TRANSFER CERTAIN SECTION 29 LANDS.—(1) Subject to paragraph (2), the Secretary of the Interior shall transfer to the Secretary of the Army administrative jurisdiction over the following lands located in section 29 of the National Park System at Arlington National Cemetery, Virginia:

(A) The lands known as the Arlington National Cemetery Interment Zone.

(B) All lands in the Robert E. Lee Memorial Preservation Zone, other than those lands in the Preservation Zone that the Secretary of the Interior determines must be retained because of the historical significance of such lands or for the maintenance of nearby lands or facilities.

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

(i) a summary of the document entitled ''Cultural Landscape and Archaeological Study, Section 29, Arlington House, The Robert E. Lee Memorial'';

(ii) a summary of the environmental analysis required with respect to the transfer under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(iii) the proposal of the Secretary and the Secretary of the Army setting forth the lands to be transferred and the manner in which the Secretary of the Army will develop such lands after transfer.

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

(3) The transfer of lands under paragraph (1) shall be carried out in accordance with the Interagency Agreement Between the Department of the Interior, the National Park Service, and the Department of the Army, dated February 22, 1995.

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

HELMS AMENDMENT NO. 4154

(Ordered to lie on the table.)

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

In section 1031(a), strike out ''The Secretary of Defense'' and insert in lieu thereof ''Subject to subsection (e), the Secretary of Defense''.

At the end of section 1031, add the following:

(e) LIMITATIONS.—(1) The Secretary may not obligate or expend funds to provide support under this section until 15 days after the date on which the Secretary submits to the committees referred to in paragraph (3) the certification described in paragraph (2).

(2) The certification referred to in paragraph (1) is a written certification of the following:

(A) That the provision of support under this section will not adversely affect the military preparedness of the United States Armed Forces.

(B) That the equipment and materiel provided as support will be used only by officials and employees of the Government of Mexico who have undergone a background check by the United States Government.

(C) That the Government of Mexico has certified to the Secretary that—

(i) the equipment and material provided as support will be used only by the officials and employees referred to in the subparagraph (B);

(ii) none of the equipment or materiel will be transferred (by sale, gift, or otherwise) to any person or entity not authorized by the United States to receive the equipment or materiel; and

(iii) the equipment and materiel will be used only for the purposes intended by the United States Government.

(D) That the Government of Mexico has implemented, to the satisfaction of the Secretary, a system that will provide an accounting and inventory of the equipment and materiel provided as support.

(E) That the departments, agencies, and instrumentalities of the Government of Mexico will grant United States Government personnel unrestricted access, on an unannounced basis, to any of the equipment or materiel provided as support, or to any of the records relating to such equipment or materiel.

(F) That the Government of Mexico will provide security with respect to the equipment and materiel provided as support that is equal to the security that the United States Government would provide with respect to such equipment and materiel.

(G) That the Government of Mexico will permit continuous supervision by United States Government personnel of the use by the Government of Mexico of the equipment and materiel provided as support.

(3) The committees referred to in this paragraph are the following:

(A) The Committees on Armed Services, Appropriations, and Foreign Relations of the Senate.

(B) The Committees on National Security, Appropriations, and International Relations of the House of Representatives.

THE SENATE CAMPAIGN FINANCE REFORM ACT OF 1996

HOLLINGS AMENDMENT NO. 4155

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill (S. 1219) to reform the financing of Federal elections, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. PROPOSED AMENDMENT TO THE CONSTITUTION RELATIVE TO CONTRIBUTIONS AND EXPENDITURES INTENDED TO AFFECT ELECTIONS FOR FEDERAL, STATE, AND LOCAL OFFICE.

The following article is proposed as an amendment to the Constitution, which, when ratified by three-fourths of the legislatures, shall be valid, to all intents and purposes, as part of the Constitution:

''ARTICLE—

''SECTION. 1. Congress shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to Federal office.

''SECTION. 2. Each State shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to State office.

''SECTION. 3. Each local government of general jurisdiction shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to office in that government. No State shall have power to limit the power established by this section.

''SECTION. 4. Congress shall have power to implement and enforce this article by appropriate legislation.''.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

LIEBERMAN (AND OTHERS) AMENDMENT NO. 4156

Mr. LIEBERMAN (for himself, Mr. COATS, Mr. ROBB, Mr. MCCAIN, Mr. NUNN, Mr. INHOFE, Mr. KEMPTHORNE, Mr. WARNER, Mrs. HUTCHISON, Mr. SANTORUM, Mr. MURKOWSKI, Mr. LEVIN, Mr. FORD, Mr. BOND, Mr. THURMOND, Mr. MOYNIHAN, and Mr. HOLLINGS) proposed an amendment to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4156

At the end of title X, add the following:

Subtitle G—Review of Armed Forces Force Structures

SEC. 1081. SHORT TITLE.

This subtitle may be cited as the ''Armed Forces Force Structures Review Act of 1996''.

SEC. 1082. FINDINGS.

Congress makes the following findings:

(1) Since the collapse of the Soviet Union in 1991, the United States has conducted two substantial assessments of the force structure of the Armed Forces necessary to meet United States defense requirements.

(2) The assessment by the Bush Administration (known as the ''Base Force'' assessment) and the assessment by the Clinton Administration (known as the ''Bottom-Up Review'') were intended to reassess the force

structure of the Armed Forces in light of the changing realities of the post-Cold War world.

(3) Both assessments served an important purpose in focusing attention on the need to reevaluate the military posture of the United States, but the pace of global change necessitates a new, comprehensive assessment of the defense strategy of the United States and the force structure of the Armed Forces required to meet the threats to the United States in the 21st century.

(4) The Bottom-Up Review has been criticized on several points, including—

(A) the assumptions underlying the strategy of planning to fight and win two nearly simultaneous major regional conflicts;

(B) the force levels recommended to carry out that strategy; and

(C) the funding proposed for such recommended force levels.

(5) In response to the recommendations of the Commission on Roles and Missions of the Armed Forces, the Secretary of Defense endorsed the concept of conducting a quadrennial review of the defense program at the beginning of each newly elected Presidential administration, and the Secretary intends to complete the first such review in 1997.

(6) The review is to involve a comprehensive examination of defense strategy, the force structure of the active, guard, and reserve components, force modernization plans, infrastructure, and other elements of the defense program and policies in order to determine and express the defense strategy of the United States and to establish a revised defense program through the year 2005.

(7) In order to ensure that the force structure of the Armed Forces is adequate to meet the challenges to the national security interests of the United States in the 21st century, to assist the Secretary of Defense in conducting the review referred to in paragraph (5), and to assess the appropriate force structure of the Armed Forces through the year 2010 and beyond (if practicable), it is important to provide for the conduct of an independent, non-partisan review of the force structure that is more comprehensive than prior assessments of the force structure, extends beyond the quadrennial defense review, and explores innovative and forward-thinking ways of meeting such challenges.

SEC. 1083. QUADRENNIAL DEFENSE REVIEW.

(a) REQUIREMENT IN 1997.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall complete in 1997 a review of the defense program of the United States intended to satisfy the requirements for a Quadrennial Defense Review as identified in the recommendations of the Commission on Roles and Missions of the Armed Forces. The review shall include a comprehensive examination of the defense strategy, force structure, force modernization plans, infrastructure, and other elements of the defense program and policies with a view toward determining and expressing the defense strategy of the United States and establishing a revised defense program through the year 2005.

(b) INVOLVEMENT OF NATIONAL DEFENSE PANEL.—(1) The Secretary shall apprise the National Defense Panel established under section 1084, on an on-going basis, of the work undertaken in the conduct of the review.

(2) Not later than March 14, 1997, the Chairman of the National Defense Panel shall submit to the Secretary the Panel's assessment of work undertaken in the conduct of the review as of that date and shall include in the assessment the recommendations of the Panel for improvements to the review, including recommendations for additional matters to be covered in the review.

(c) ASSESSMENTS OF REVIEW.—Upon completion of the review, the Chairman of the Joint Chiefs of Staff and the Chairman of the National Defense Panel shall each prepare and submit to the Secretary such chairman's assessment of the review in time for the inclusion of the assessment in its entirety in the report under subsection (d).

(d) REPORT.—Not later than May 15, 1997, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a comprehensive report on the review. The report shall include the following:

(1) The results of the review, including a comprehensive discussion of the defense strategy of the United States and the force structure best suited to implement the strategy.

(2) The threats examined for purposes of the review and the scenarios developed in the examination of such threats.

(3) The assumptions used in the review, including assumptions relating to the cooperation of allies and mission-sharing, levels of acceptable risk, warning times, and intensity and duration of conflict.

(4) The effect on the force structure of preparations for and participation in peace operations and military operations other than war.

(5) The effect on the force structure of the utilization by the Armed Forces of technologies anticipated to be available by the year 2005, including precision guided munitions, stealth, night vision, digitization, and communications, and the changes in doctrine and operational concepts that would result from the utilization of such technologies.

(6) The manpower and sustainment policies required under the defense strategy to support engagement in conflicts lasting more than 120 days.

(7) The anticipated roles and missions of the reserve components in the defense strategy and the strength, capabilities, and equipment necessary to assure that the reserve components can capably discharge such roles and missions.

(8) The appropriate ratio of combat forces to support forces (commonly referred to as the ''tooth-to-tail'' ratio) under the defense strategy, including, in particular, the appropriate number and size of headquarter units and Defense Agencies for that purpose.

(9) The air-lift and sea-lift capabilities required to support the defense strategy.

(10) The forward presence, pre-positioning, and other anticipatory deployments necessary under the defense strategy for conflict deterrence and adequate military response to anticipated conflicts.

(11) The extent to which resources must be shifted among two or more theaters under the defense strategy in the event of conflict in such theaters.

(12) The advisability of revisions to the Unified Command Plan as a result of the defense strategy.

SEC. 1084. NATIONAL DEFENSE PANEL.

(a) ESTABLISHMENT.—Not later than December 1, 1996, the Secretary of Defense shall establish a non-partisan, independent panel to be known as the National Defense Panel (in this section referred to as the ''Panel''). The Panel shall have the duties set forth in this section.

(b) MEMBERSHIP.—The Panel shall be composed of a chairman and eight other individuals appointed by the Secretary, in consultation with the Chairman and ranking member of the Committee on Armed Services of the Senate and the Chairman and ranking member of the Committee on National Security of the House of Representatives, from among individuals in the private sector who are recognized experts in matters relating to the national security of the United States.

(c) DUTIES.—The Panel shall—

(1) conduct and submit to the Secretary the assessment of the review under section 1083 that is required by subsection (b)(2) of that section;

(2) conduct and submit to the Secretary the comprehensive assessment of the review that is required by subsection (c) of that section upon completion of the review; and

(3) conduct the assessment of alternative force structures for the Armed Forces required under subsection (d).

(d) ALTERNATIVE FORCE STRUCTURE ASSESSMENT.—(1) The Panel shall submit to the Secretary an independent assessment of a variety of possible force structures of the Armed Forces through the year 2010 and beyond, including the force structure identified in the report on the review under section 1083(d). The purpose of the assessment is to develop proposals for an ''above the line'' force structure of the Armed Forces and to provide the Secretary and Congress recommendations regarding the optimal force structure to meet anticipated threats to the national security of the United States through the time covered by the assessment.

(2) In conducting the assessment, the Panel shall examine a variety of potential threats (including near-term threats and long-term threats) to the national security interests of the United States, including the following:

(A) Conventional threats across a spectrum of conflicts.

(B) The proliferation of weapons of mass destruction and the means of delivering such weapons, and the illicit transfer of technology relating to such weapons.

(C) The vulnerability of United States technology to non-traditional threats, including information warfare.

(D) Domestic and international terrorism.

(E) The emergence of a major challenger having military capabilities similar to those of the United States.

(F) Any other significant threat, or combination of threats, identified by the Panel.

(3) For purposes of the assessment, the Panel shall develop a variety of scenarios requiring a military response by the Armed Forces, including the following:

(A) Scenarios developed in light of the threats examined under paragraph (2).

(B) Scenarios developed in light of a continuum of conflicts ranging from a conflict of lesser magnitude than the conflict described in the Bottom-Up Review to a conflict of greater magnitude than the conflict so described.

(4) As part of the assessment, the Panel shall also—

(A) develop recommendations regarding a variety of force structures for the Armed Forces that permit the forward deployment of sufficient land- and sea-based forces to provide an effective deterrent to conflict and to permit a military response by the United States to the scenarios developed under paragraph (3);

(B) to the extent practicable, estimate the funding required by fiscal year, in constant fiscal year 1997 dollars, to organize, equip, and support the forces contemplated under the force structures assessed in the assessment; and

(C) comment on each of the matters also to be included by the Secretary in the report required by section 1083(d).

(e) REPORT.—(1) Not later than December 1, 1997, the Panel shall submit to the Secretary a report setting forth the activities, findings and recommendations of the Panel under subsection (d), including any recommendations for legislation that the Panel considers appropriate.

(2) Not later than December 15, 1997, the Secretary shall, after consultation with the Chairman of the Joint Chiefs of Staff, submit to the committees referred to in subsection (b)(1) a copy of the report under paragraph (1), together with the Secretary's comments on the report.

(f) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from the Department of Defense and any of its components and from any other Federal department and agency such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

(g) PERSONNEL MATTERS.—(1) Each member of the Panel shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Panel.

(2) The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Panel.

(3)(A) The chairman of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director, and a staff of not more than four additional individuals, if the Panel determines that an executive director and staff are necessary in order for the Panel to perform its duties effectively. The employment of an executive director shall be subject to confirmation by the Panel.

(B) The chairman may fix the compensation of the executive director without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege. The Secretary shall ensure that sufficient personnel are detailed to the Panel to enable the Panel to carry out its duties effectively.

(5) To the maximum extent practicable, the members and employees of the Panel shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a duty of the Panel, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

(h) ADMINISTRATIVE PROVISIONS.—(1) The Panel may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(2) The Secretary shall furnish the Panel any administrative and support services requested by the Panel.

(3) The Panel may accept, use, and dispose of gifts or donations of services or property.

(i) PAYMENT OF PANEL EXPENSES.—The compensation, travel expenses, and per diem allowances of members and employees of the Panel shall be paid out of funds available to the Department of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department. The other expenses of the Panel shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department.

(j) TERMINATION.—The Panel shall terminate 30 days after the date on which the Panel submits its report to the Secretary under subsection (e).

SEC. 1085. POSTPONEMENT OF DEADLINES.

In the event that the election of President of the United States in 1996 results in a change in administrations, each deadline set forth in this subtitle shall be postponed by 3 months.

SEC. 1086. DEFINITIONS.

In this subtitle:

(1) The term ''`above the line' force structure of the Armed Forces'' means a force structure (including numbers, strengths, and composition and major items of equipment) for the Armed Forces at the following unit levels:

(A) In the case of the Army, the division.

(B) In the case of the Navy, the battle group.

(C) In the case of the Air Force, the wing.

(D) In the case of the Marine Corps, the expeditionary force.

(E) In the case of special operations forces of the Army, Navy, or Air Force, the major operating unit.

(F) In the case of the strategic forces, the ballistic missile submarine fleet, the heavy bomber force, and the intercontinental ballistic missile force.

(2) The term ''Commission on Roles and Missions of the Armed Forces'' means the Commission on Roles and Missions of the Armed Forces established by subtitle E of title IX of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1738; 10 U.S.C. 111 note).

(3) The term ''military operation other than war'' means any operation other than war that requires the utilization of the military capabilities of the Armed Forces, including peace operations, humanitarian assistance operations and activities, counter-terrorism operations and activities, disaster relief activities, and counter-drug operations and activities.

(4) The term ''peace operations'' means military operations in support of diplomatic efforts to reach long-term political settlements of conflicts and includes peacekeeping operations and peace enforcement operations.

LIEBERMAN AMENDMENT NO. 4157

(Ordered to lie on the table.)

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

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

SEC. 237. CORPS SAM/MEADS PROGRAM.

(a) FUNDING.—Of the amount authorized to be appropriated under section 201(4)—

(1) $56,200,000 is available for the Corps surface-to-air missile (SAM)/Medium Extended Air Defense System (MEADS) program (PE63869C); and

(2) $515,711,000 is available for Other Theater Missile Defense programs, projects, and activities (PE63872C).

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

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

(1) An initial program estimate for the Corps SAM/MEADS program, including a tentative schedule of major milestones and an estimate of the total program cost through initial operational capability.

(2) A report on the options associated with the use of existing systems, technologies, and program management mechanisms to satisfy the requirement for the Corps surface-to-air missile, including an assessment of cost and schedule implications in relation to the program estimate submitted under paragraph (1).

(3) A certification that there will be no increase in overall United States funding commitment to the demonstration and validation phase of the Corps SAM/MEADS program as a result of the withdrawal of France from participation in the program.

JOHNSTON AMENDMENTS NOS. 4158–4163

(Ordered to lie on the table.)

Mr. JOHNSTON submitted six amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4158

On page 413, line 25, strike ''$2,000,000'' and insert ''$5,000,000''.

AMENDMENT NO. 4159

On page 410, before line 14, add the following:

''(c) STUDY ON PERMANENT AUTHORIZATION FOR GENERAL PLANT PROJECTS.—Not later than February 1. 1997, the Secretary of Energy shall report to the appropriate congressional committees on the need for, and desirability of, a permanent authorization formula for defense and civilian general plant projects in the Department of energy that includes periodic adjustments for inflation, including any legislative recommendations to enact such formula into permanent law. The report of the Secretary shall describe actions that would be taken by the Department to provide for cost control of general plant projects, taking into account the size and nature of such projects.''

AMENDMENT NO. 4160

On page 410, line 10, strike ''$2,000,000'' and insert ''$5,000,000''.

AMENDMENT NO. 4161

On page 410, line 5, strike ''$2,000,000'' and insert ''$5,000,000''.

AMENDMENT NO. 4162

On page 408, after line 17, add the following new section:

''SEC. . INTERNATIONAL NUCLEAR SAFETY.

''In addition to the funds authorized to be appropriated for international nuclear safety under section 3103(12), $51,000,000 shall be available for such purposes from the amounts authorized to be appropriated for other programs under sections 3101 and 3103.''

AMENDMENT NO. 4163.

On page 408, line 10, strike ''15,200,000'' and insert ''66,200,000''.

BUMPERS (AND PRYOR) AMENDMENT NO. 4164

(Ordered to lie on the table.)

Mr. BUMPERS (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

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

SEC. 2828. LAND CONVEYANCE, PINE BLUFF ARSENAL, ARKANSAS.

(A) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Economic Development Alliance of Jefferson County, Arkansas (in this section referred to as the ''Alliance''), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 1,500 acres and comprising a portion of the Pine Bluff Arsenal, Arkansas.

(b) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of property authorized under subsection (a) until the completion by the Secretary of any environmental restoration and remediation that is required with the respect to the property under applicable law.

(c) CONDITIONS OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the following conditions:

(1) That the Alliance agree not to carry out any activities on the property to be conveyed that interfere with the construction, operation, and decommissioning of the chemical demilitarization facility to be constructed at Pine Bluff Arsenal.

(2) That the property be used during the 25-year period beginning on the date of the conveyance only as the site of the facility known as the ''Bioplex'', and for activities related thereto.

(d) COSTS OF CONVEYANCE.—The Alliance shall be responsible for any costs of the Army associated with the conveyance of property under this section, including administrative costs, the costs of an environmental baseline survey with respect to the property, and the cost of any protection services required by the Secretary in order to secure operations of the chemical demilitarization facility from activities on the property after the conveyance.

(e) REVERSIONARY INTERESTS.—If the Secretary determines at any time during the 25-year period referred to in subsection (c)(2) that the property conveyed under this section is not being used in accordance with that subsection, all right, title, and interest in and to the property shall revert to the United States and the United States shall have immediate right of entry thereon.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Alliance.

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

KENNEDY AMENDMENTS NOS. 4165–4167

(Ordered to lie on the table.)

Mr. KENNEDY submitted three amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4165

At the end of subtitle F of title X, add the following:

SEC. 1072. SENSE OF THE SENATE ON DEPARTMENT OF DEFENSE SHARING OF EXPERIENCES WITH MILITARY CHILD CARE.

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

(1) The Department of Defense should be congratulated on the successful implementation of the Military Child Care Act 1989 (title XV of Public Law 101–189; 10 U.S.C. 113 note).

(2) The actions taken by the Department as a result of that Act have dramatically improved the availability, affordability, quality, and consistency of the child care services provided to members of the Armed Forces.

(3) Child care is important to the readiness of members of the Armed Forces because single parents and couples in military service must have access to affordable child care of good quality if they are to perform their jobs and respond effectively to long work hours or deployment.

(4) Child care is important to the retention of members of the Armed Forces in military service because the dissatisfaction of the families of such members with military life is a primary reason for the departure of such members from military service.

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

(1) the civilian and military child care communities, Federal, State, and local agencies, and businesses and communities involved in the provision of child care services could benefit from the development of partnerships to foster an exchange of ideas, information, and materials relating to their experiences with the the provision of such services and to encourage closer relationships between military installations and the communities that support them;

(2) such partnerships would be beneficial to all families by helping providers of child care services exchange ideas about innovative ways to address barriers to the effective provision of such services; and

(3) there are many ways that these partnerships can be developed, including—

(A) cooperation between the directors and curriculum specialists of military child development centers and civilian child development centers in assisting such centers in the accreditation process;

(B) use of family support staff to conduct parent and family workshops for new parents and parents with young children in family housing on military installations and in communities in the vicinity of such installations;

(C) internships in Department of Defense child care programs for civilian child care providers to broaden the base of good-quality child care services in communities in the vicinity of military installations; and

(D) attendance by civilian child care providers at Department child-care training classes on a space-available basis.

(c) REPORT.—Not later than June 30, 1997, the Secretary of Defense shall submit to Congress a report on the status of any initiatives undertaken this section, including recommendations for additional ways to improve the child care programs of the Department of Defense and to improve such programs so as to benefit civilian child care providers in communities in the vicinity of military installations.

AMENDMENT NO. 4166

At the end of subtitle F of title X, add the following

SEC. 1072. SENSE OF THE SENATE ON DEPARTMENT OF DEFENSE SHARING OF EXPERIENCES UNDER MILITARY YOUTH PROGRAMS.

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

(1) Programs of the Department of Defense for youth who are dependents of members of the Armed Forces have not received the same level of attention and resources as have child care programs of the Department since the passage of the Military Child Care Act of 1989 (title XV of Public Law 101–189; 10 U.S.C. 113 note).

(2) Older children deserve as much attention to their developmental needs as do younger children.

(3) The Department has started to direct more attention to programs for youths who are dependents of members of the Armed Forces by funding the implementation of 20 model community programs to address the needs of such youths.

(4) The lessons learned from such programs could apply to civilian youth programs as well.

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

(1) the Department of Defense, Federal, State, and local agencies, and businesses and communities involved in conducting youth programs could benefit from the development of partnerships to foster an exchange of ideas, information, and materials relating to such programs and to encourage closer relationships between military installations and the communities that support them;

(2) such partnerships could benefit all families by helping the providers of services for youths exchange ideas about innovative ways to address barriers to the effective provision of such services; and

(3) there are many ways that such partnerships could be developed, including—

(A) cooperation between the Department and Federal and State educational agencies in exploring the use of public school facilities for child care programs and youth programs that are mutually beneficial to the Department and civilian communities and complement programs of the Department carried out at its facilities; and

(B) improving youth programs that enable adolescents to relate to new peer groups when families of members of the Armed Forces are relocated.

(c) REPORT.—Not later than June 30, 1997, the Secretary of Defense shall submit to Congress a report on the status of any initiatives undertaken this section, including recommendations for additional ways to improve the youth programs of the Department of Defense and to improve such programs so as to benefit communities in the vicinity of military installations.

AMENDMENT NO. 4167

In section 301(5), strike out ''$9,863,942,000'' and insert in lieu thereof ''$9,867,442,000''.

GORTON AMENDMENT NO. 4168

(Ordered to lie on the table.)

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

At the end of title XXXI, add the following:

Subtitle E—Environmental Restoration at Defense Nuclear Facilities

SEC. 3171. SHORT TITLE.

This subtitle may be cited as the ''Defense Nuclear Facility Environmental Restoration Pilot Program Act of 1996''.

SEC. 3172. APPLICABILITY.

(a) IN GENERAL.—The provisions of this subtitle shall apply to the following defense nuclear facilities:

(1) Hanford.

(2) Any other defense nuclear facility if—

(A) the chief executive officer of the State in which the facility is located submits to

the Secretary a request that the facility be covered by the provisions of this subtitle; and

(B) the Secretary approves the request.

(b) LIMITATION.—The Secretary may not approve a request under subsection (a)(2) until 60 days after the date on which the Secretary notifies the congressional defense committees of the Secretary's receipt of the request.

SEC. 3173. DESIGNATION OF COVERED FACILITIES AS ENVIRONMENTAL CLEANUP DEMONSTRATION AREAS.

(a) DESIGNATION.—Each defense nuclear facility covered by this subtitle under section 3172(a) is hereby designated as an environmental cleanup demonstration area. The purpose of the designation is to establish each such facility as a demonstration area at which to utilize and evaluate new technologies to be used in environmental restoration and remediation at other defense nuclear facilities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal and State regulatory agencies, members of the surrounding communities, and other affected parties with respect to each defense nuclear facility covered by this subtitle should continue to—

(1) develop expedited and streamlined processes and systems for cleaning up such facility;

(2) eliminate unnecessary administrative complexity and unnecessary duplication of regulation with respect to the clean up of such facility;

(3) proceed expeditiously and cost-effectively with environmental restoration and remediation activities at such facility;

(4) consider future land use in selecting environmental clean up remedies at such facility; and

(5) identify and recommend to Congress changes in law needed to expedite the clean up of such facility.

SEC. 3174. SITE MANAGERS.

(a) APPOINTMENT.—(1)(A) The Secretary shall appoint a site manager for Hanford not later than 90 days after the date of the enactment of this Act.

(B) The Secretary shall develop a list of the criteria to be used in appointing a site manager for Hanford. The Secretary may consult with affected and knowledgeable parties in developing the list.

(2) The Secretary shall appoint the site manager for any other defense nuclear facility covered by this subtitle not later than 90 days after the date of the approval of the request with respect to the facility under section 3172(a)(2).

(3) An individual appointed as a site manager under this subsection shall, if not an employee of the Department at the time of the appointment, be an employee of the Department while serving as a site manager under this subtitle.

(b) DUTIES.—(1) Subject to paragraphs (2) and (3), in addition to other authorities provided for in this subtitle, the site manager for a defense nuclear facility shall have full authority to oversee and direct operations at the facility, including the authority to—

(A) enter into and modify contractual agreements to enhance environmental restoration and waste management at the facility;

(B) request that the Department headquarters submit to Congress a reprogramming package shifting among accounts funds available for the facility in order to facilitate the most efficient and timely environmental restoration and waste management at the facility, and, in the event that the Department headquarters does not act upon the request within 30 days of the date of the request, submit such request to the appropriate committees of Congress for review;

(C) negotiate amendments to environmental agreements applicable to the facility for the Department; and

(D) manage environmental management and programmatic personnel of the Department at the facility.

(2) A site manager shall negotiate amendments under paragraph (1)(C) with the concurrence of the Secretary.

(3) A site manager may not undertake or provide for any action under paragraph (1) that would result in an expenditure of funds for environmental restoration or waste management at the defense nuclear facility concerned in excess of the amount authorized to be expended for environmental restoration or waste management at the facility without the approval of such action by the Secretary.

(c) INFORMATION ON PROGRESS.—The Secretary shall regularly inform Congress of the progress made by site managers under this subtitle in achieving expedited environmental restoration and waste management at the defense nuclear facilities covered by this subtitle.

SEC. 3175. DEPARTMENT OF ENERGY ORDERS.

Effective 60 days after the appointment of a site manager for a defense nuclear facility under section 3174(a), an order relating to the execution of environmental restoration, waste management, technology development, or other site operation activities at the facility may be imposed at the facility if the Secretary makes a finding that the order—

(1) is essential to the protection of human health or the environment or to the conduct of critical administrative functions; and

(2) will not interfere with bringing the facility into compliance with environmental laws, including the terms of any environmental agreement.

SEC. 3176. DEMONSTRATIONS OF TECHNOLOGY FOR REMEDIATION OF DEFENSE NUCLEAR WASTE.

(a) IN GENERAL.—The site manager for a defense nuclear facility under this subtitle shall promote the demonstration, verification, certification, and implementation of innovative environmental technologies for the remediation of defense nuclear waste at the facility.

(b) DEMONSTRATION PROGRAM.—To carry out subsection (a), each site manager shall establish a program at the defense nuclear facility concerned for testing environmental technologies for the remediation of defense nuclear waste at the facility. In establishing such a program, the site manager may—

(1) establish a simplified, standardized, and timely process for the testing and verification of environmental technologies;

(2) solicit and accept applications to test environmental technology suitable for environmental restoration and waste management activities at the facility, including prevention, control, characterization, treatment, and remediation of contamination;

(3) consult and cooperate with the heads of existing programs at the facility for the certification and verification of environmental technologies at the facility; and

(4) pay the costs of the demonstration of such technologies.

(c) FOLLOW-ON CONTRACTS.—(1) If the Secretary and a person demonstrating a technology under the program enter into a contract for remediation of nuclear waste at a defense nuclear facility covered by this subtitle, or at any other Department facility, as a follow-on to the demonstration of the technology, the Secretary shall ensure that the contract provides for the Secretary to recoup from the contractor the costs incurred by the Secretary pursuant to subsection (b)(4) for the demonstration.

(2) No contract between the Department and a contractor for the demonstration of technology under subsection (b) may provide for reimbursement of the costs of the contractor on a cost plus fee basis.

(d) SAFE HARBORS.—In the case of an environmental technology demonstrated, verified, certified, and implemented at a defense nuclear facility under a program established under subsection (b), the site manager of another defense nuclear facility may request the Secretary to waive or limit contractual or Department regulatory requirements that would otherwise apply in implementing the same environmental technology at such other facility.

SEC. 3177. REPORTS TO CONGRESS.

Not later than 120 days after the date of the appointment of a site manager under section 3174(a), the site manager shall submit to Congress and the Secretary a report describing the expectations of the site manager with respect to environmental restoration and waste management at the defense nuclear facility concerned by reason of the exercise of the authorities provided in this subtitle. The report shall describe the manner in which the exercise of such authorities is expected to improve environmental restoration and waste management at the facility and identify saving that are expected to accrue to the Department as a result of the exercise of such authorities.

SEC. 3178. TERMINATION.

The authorities provided for in this subtitle shall expire five years after the date of the enactment of this Act.

SEC. 3179. DEFINITIONS.

In this subtitle:

(1) The term ''Department'' means the Department of Energy.

(2) The term ''defense nuclear facility'' has the meaning given the term ''Department of Energy defense nuclear facility'' in section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g).

(3) The term ''Hanford'' means the defense nuclear facility located in southeastern Washington State known as the Hanford Reservation, Washington.

(4) The term ''Secretary'' means the Secretary of Energy.

KYL (AND BINGAMAN) AMENDMENT NO. 4169

(Ordered to lie on the table.)

Mr. KYL (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

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

SEC. 1043. PROHIBITION ON COLLECTION AND RELEASE OF DETAILED SATELLITE IMAGERY RELATING TO ISRAEL AND OTHER COUNTRIES AND AREAS.

(a) COLLECTION AND DISSEMINATION.—No department or agency of the Federal Government may license the collection or dissemination by any non-Federal entity of satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

(b) DECLASSIFICATION AND RELEASE.—No department or agency of the Federal Government may declassify or otherwise release satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

KYL AMENDMENTS NOS. 4170–4175

(Ordered to lie on the table.)

Mr. KYL submitted six amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4170

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

SEC. 237. REQUIREMENT THAT MULTILATERALIZATION OF THE ABM TREATY BE DONE ONLY THROUGH TREATY-MAKING POWER.

Any addition of a new signatory party to the ABM Treaty (in addition to the United States and the Russian Federation) constitutes an amendment to the treaty that can only be agreed to by the United States through the treaty-making power of the United States. No funds appropriated or otherwise available for any fiscal year may be obligated or expended for the purpose of implementing or making binding upon the United States the participation of any additional nation as a party to the ABM Treaty unless that nation is made a party to the treaty by an amendment to the Treaty that is made in the same manner as the manner by which a treaty is made.

AMENDMENT NO. 4171

Strike out section 231 and insert in lieu thereof the following new section:

SEC. 231. POLICY ON COMPLIANCE WITH THE ABM TREATY.

(a) POLICY CONCERNING SYSTEMS SUBJECT TO ABM TREATY.—Congress finds that, unless and until a missile defense system, system upgrade, or system component is flight tested in an ABM-qualifying flight test (as defined in subsection (c)), such system, system upgrade, or system component—

(1) has not, for purposes of the ABM Treaty, been tested in an ABM mode nor been given capabilities to counter strategic ballistic missiles; and

(2) therefore is not subject to any application, limitation, or obligation under the ABM Treaty.

(b) PROHIBITIONS.—(1) Funds appropriated to the Department of Defense may not be obligated or expended for the purpose of—

(A) prescribing, enforcing, or implementing any Executive order, regulation, or policy that would apply the ABM Treaty (or any limitation or obligation under such Treaty) to research, development, testing, or deployment of a theater missile defense system, a theater missile defense system upgrade, or a theater missile defense system component; or

(B) taking any other action to provide for the ABM Treaty (or any limitation or obligation under such Treaty) to be applied to research, development, testing, or deployment of a theater missile defense system, a theater missile defense system upgrade, or a theater missile defense system component.

(2) This subsection applies with respect to each missile defense system, missile defense system upgrade, or missile defense system component that is capable of countering modern theater ballistic missiles.

(3) This subsection shall cease to apply with respect to a missile defense system, missile defense system upgrade, or missile defense system component when that system, system upgrade, or system component has been flight tested in an ABM-qualifying flight test.

(c) AMB-QUALIFYING FLIGHT TEST DEFINED.—For purposes of this section, an AMB-qualifying flight test is a flight test against a ballistic missile which, in that flight test, exceeds—

(1) a range of 3,500 kilometers; or

(2) a velocity of 5 kilometers per second.

AMENDMENT NO. 4172

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

SEC. 237. DEPLOYMENT OF THEATER MISSILE DEFENSE SYSTEMS UNDER THE ABM TREATY.

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

(1) The threat posed to the national security of the United States, the Armed Forces, and our friends and allies by the proliferation of ballistic missiles is significant and growing both quantitatively and qualitatively.

(2) The deployment of theater missile defense systems will deny potential adversaries the option of threatening or attacking United States forces, coalition partners of the United States, or allies of the United States with ballistic missiles armed with weapons of mass destruction as a way of offsetting the operational and technical advantages of the United States Armed Forces and the armed forces of our coalition partners and allies.

(3) Although technology control regimes and other forms of international arms control agreements can contribute to nonproliferation, such measures are inadequate for dealing with missile proliferation and should not be viewed as alternatives to missile defense systems and other active and passive measures.

(4) The Department of Defense is currently considering for deployment as theater missile defense interceptors certain systems determined to comply with the ABM Treaty, including PAC3, THAAD, Navy Lower Tier, and Navy Upper Tier (also known as Navy Wide Area Defense).

(5) In the case of the ABM Treaty, as with all other arms control treaties to which the United States is signatory, each signatory bears the responsibility of ensuring that its actions comply with the treaty, and the manner of such compliance need not be a subject of negotiation between the signatories.

(b) SENSE OF SENATE.—It is the sense of the Senate that the theater missile defense systems currently considered for deployment by the Department of Defense comply with the ABM Treaty.

(c) DEPLOYMENT OF SYSTEMS.—The Secretary of Defense may proceed with the development, testing, and deployment of the theater missile defense systems currently considered for deployment by the Department of Defense.

AMENDMENT NO. 4173

At the end of subtitle D of title X add the following:

SEC. 1044. SENSE OF THE SENATE CONCERNING EXPORT CONTROLS.

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

(1) Export controls are a part of a comprehensive response to national security threats. United States exports should be restricted where those threats exist to national security, nonproliferation, and foreign policy interests of the United States.

(2) The export of certain commodities and technology may adversely affect the national security and foreign policy of the United States by making a significant contribution to the military potential of individual countries or by disseminating the capability to design, develop, test, produce, stockpile, or use weapons of mass destruction, missile delivery systems, and other significant military capabilities. Therefore, the administration of export controls should emphasize the control of these exports.

(3) The acquisition of sensitive commodities and technologies by those countries and end users whose actions or policies run counter to United States national security of foreign policy interests may enhance the military capabilities of those countries, particularly their ability to design, develop, test, produce, stockpile, use, and deliver nuclear, chemical, and biological weapons, missile delivery systems, and other significant military capabilities. This enhancement threatens the security of the United States and its allies. The availability to countries and end users of items that contribute to military capabilities or the proliferation of weapons of mass destruction is a fundamental concern of the United States and should be eliminated through deterrence, negotiations, and other appropriate means whenever possible.

(4) The national security of the United States depends not only on wise foreign policies and a strong defense, but also a vibrant national economy. To be truly effective, export controls should be applied uniformly by all suppliers.

(5) On November 5, 1995, President William J. Clinton extended Executive Order No. 12938 regarding ''Weapons of Mass Destruction'', and ''declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the proliferation of nuclear, biological, and chemical weapons and the means of delivering such weapons''.

(6) A successor regime to COCOM (the Coordinating Commission on Multilateral Controls) has not been established. Currently, each nation is determining independently which dual-use military items, if any, will be controlled for export.

(7) The United States should play a leading role in promoting transparency and responsibility with regard to the transfers of sensitive dual-use goods and technologies.

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

(1) establishing an international export control regime, empowered to control exports of dual-use technology, is critically important and should become a top priority for the United States; and

(2) the United States should strongly encourage its allies and friends to—

(A) adopt a commodity control list which governs the same or similar items as are controlled by the United States Commodity Control list;

(B) strengthen enforcement activities; and

(C) explore the use of unilateral export controls where the possibility exists that an export could contribute to proliferation.

AMENDMENT NO. 4174

At the end of title XXXIII, add the following:

SEC. 3303. ADDITIONAL DISPOSAL AUTHORITY.

(a) ADDITIONAL MATERIALS AUTHORIZED FOR DISPOSAL.—In addition to the quantities of materials authorized for disposal under subsection (a) of section 3302 as specified in the table in subsection (b) of that section, the President may dispose of the materials specified in the table in subsection (b) of this section in accordance with that section.

(b) TABLE.—The table in this subsection is as follows:

Additional Authorized Stockpile Disposal

Material for disposal	Quantity
Titanium Sponge	10,000 short tons.

AMENDMENT NO. 4175

On page 108, between lines 5 and 6, insert the following:

SEC. 368. PROHIBITION OF SALE OR RENTAL OF SEXUALLY EXPLICIT MATERIAL.

(a) IN GENERAL.—(1) Chapter 147 of title 10, United States Code, is amended by adding at the end the following:

''§ 2490b. Sale or rental of sexually explicit material prohibited

''(a) PROHIBITION OF SALE OR RENTAL.—The Secretary of Defense may not permit the sale or rental of sexually explicit written or videotaped material on property under the jurisdiction of the Department of Defense.

''(b) PROHIBITION OF OFFICIALLY PROVIDED SEXUALLY EXPLICIT MATERIAL.—A member of the Armed Forces or a civilian officer or employee of the Department of Defense acting in an official capacity for sale remuneration or rental may not provide sexually explicit material to another person.

''(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement this section.

''(d) DEFINITIONS.—In this section:

''(1) The term 'sexually explicit material' means an audio recording, a film or video recording, or a periodical with visual depictions, produced in any medium, the dominant theme of which depicts or describes nudity, including sexual or excretory activities or organs, in a lascivious way.

''(2) The term 'property under the jurisdiction of the Department of Defense' includes commissaries, all facilities operated by the Army and Air Force Exchange Service, the Navy Exchange Service Command, the Navy Resale and Services Support Office, Marine Corps exchanges, and ship stores.''.

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

''2490b. Sale or rental of sexually explicit material prohibited.''.

(b) EFFECTIVE DATE.—Subsection (a) of section 2490b of title 10, United States Code, as added by subsection (a) of this section, shall take effect 90 days after the date of enactment of this Act.

BOXER AMENDMENT NO. 4176

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, S. 1745, supra; as follows:

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

SEC. 368. REIMBURSEMENT UNDER AGREEMENT FOR INSTRUCTION OF CIVILIAN STUDENTS AT FOREIGH LANGUAGE INSTITUTE OF THE DEFENSE LANGUAGE INSTITUTE.

Section 559(a)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2776; 10 U.S.C. 4411 note) is amended by striking out ''on a cost-reimbursable, space-available basis'' and inserting in lieu thereof ''on a space-available basis and for such reimbursement (whether in whole or in part) as the Secretary considers appropriate''.

HARKIN (AND KERRY) AMENDMENT NO. 4177

(Ordered to lie on the table.)

Mr. HARKIN (for himself and Mr. KERRY) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4177

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

SEC. 1044. DEFENSE BURDENSHARING.

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

(1) Although the Cold War has ended, the United States continues to spend billions of dollars to promote regional security and to make preparations for regional contingencies.

(2) United States defense expenditures primarily promote United States national security interests; however, they also significantly contribute to the defense of our allies.

(3) In 1993, the gross domestic product of the United States equaled $6,300,000,000,000, while the gross domestic product of other NATO member countries totaled $7,200,000,000,000.

(4) Over the course of 1993, the United States spent 4.7 percent of its gross domestic product on defense, while other NATO members collectively spent 2.5 percent of their gross domestic product on defense.

(5) In addition to military spending, foreign assistance plays a vital role in the establishment and maintenance of stability in other nations and in implementing the United States national security strategy.

(6) This assistance has often prevented the outbreak of conflicts which otherwise would have required costly military interventions by the United States and our allies.

(7) From 1990–1993, the United States spent $59,000,000,000 in foreign assistance, a sum which represents an amount greater than any other nation in the world.

(8) In 1995, the United States spent over $10,000,000,000 to promote European security, while European NATO nations only contributed $2,000,000,000 toward this effort.

(9) With a smaller gross domestic product and a larger defense budget than its European NATO allies, the United States shoulders an unfair share of the burden of the common defense.

(10) Because of this unfair burden, the Congress previously voted to require United States allies to bear a greater share of the costs incurred for keeping United States military forces permanently assigned in their countries.

(11) As a result of this action, for example, Japan now pays over 75 percent of the non-personnel costs incurred by United States military forces permanently assigned there, while our European allies pay for less than 25 percent of these same costs. Japan signed a new Special Measures Agreement this year which will increase Japan's contribution toward the cost of stationing United States troops in Japan by approximately $30,000,000 a year over the next five years.

(12) These increased contributions help to rectify the imbalance in the burden shouldered by the United States for the common defense.

(13) The relative share of the burden of the common defense still falls too heavily on the United States, and our allies should dedicate more of their own resources to defending themselves.

(b) EFFORTS TO INCREASE ALLIED BURDENSHARING.—The President shall seek to have each nation that has cooperative military relations with the United States (including security agreements, basing arrangements, or mutual participation in multinational military organizations or operations) take one or more of the following actions:

(1) For any nation in which United States military personnel are assigned to permanent duty ashore, increase its financial contributions to the payment of the nonpersonnel costs incurred by the United States Government for stationing United States military personnel in that nation, with a goal of achieving the following percentages of such costs:

(A) By September 30, 1997, 37.5 percent.

(B) By September 30, 1998, 50 percent.

(C) By September 30, 1999, 62.5 percent.

(D) By September 30, 2000, 75 percent.

An increase in financial contributions by any nation under this paragraph may include the elimination of taxes, fees, or other charges levied on United States military personnel, equipment, or facilities stationed in that nation.

(2) Increase its annual budgetary outlays for national defense as a percentage of its gross domestic product by 10 percent or at least to a level commensurate to that of the United States by September 30, 1997.

(3) Increase its annual budgetary outlays for foreign assistance (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights) by 10 percent or at least to a level commensurate to that of the United States by September 30, 1997.

(4) Increase the amount of military assets (including personnel, equipment, logistics, support and other resources) that it contributes, or would be prepared to contribute, to multinational military activities worldwide, including United Nations or regional peace operations.

(c) AUTHORITIES TO ENCOURAGE ACTIONS BY UNITED STATES ALLIES.—In seeking the actions described in subsection (b) with respect to any nation, or in response to a failure by any nation to undertake one or more of such actions, the President may take any of the following measures:

(1) Reduce the end strength level of members of the Armed Forces assigned to permanent duty ashore in that nation.

(2) Impose on that nation taxes, fees, or other charges similar to those that such nation imposes on United States forces stationed in that nation.

(3) Reduce (through rescission, impoundment, or other appropriate procedures as authorized by law) the amount the United States contributes to the NATO Civil Budget, Military Budget, or Security Investment Program.

(4) Suspend, modify, or terminate any bilateral security agreement the United States has with that nation.

(5) Reduce (through rescission, impoundment or other appropriate procedures as authorized by law) any United States bilateral assistance appropriated for that nation.

(6) Take any other action the President determines to be appropriate as authorized by law.

(d) REPORT ON PROGRESS IN INCREASING ALLIED BURDENSHARING.—Not later than March 1, 1997, the Secretary of Defense shall submit to Congress a report on—

(1) steps taken by other nations to complete the actions described in subsection (b);

(2) all measures taken by the President, including those authorized in subsection (c), to achieve the actions described in subsection (b); and

(3) the budgetary savings to the United States that are expected to accrue as a result of the steps described under paragraph (1).

(e) REPORT ON NATIONAL SECURITY BASES FOR FORWARD DEPLOYMENT AND BURDENSHARING RELATIONSHIPS.—(1) In order to ensure the best allocation of budgetary resources, the President shall undertake a review of the status of elements of the United States Armed Forces that are permanently stationed outside the United States. The review shall include an assessment of the following:

(A) The alliance requirements that are to be found in agreements between the United States and other countries.

(B) The national security interests that support permanently stationing elements of

the United States Armed Forces outside the United States.

(C) The stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(D) The alternatives available to forward deployment (such as material prepositioning, enhanced airlift and sealift, or joint training operations) to meet such alliance requirements or national security interests, with such alternatives identified and described in detail.

(E) The costs and force structure configurations associated with such alternatives to forward deployment.

(F) The financial contributions that allies of the United States make to common defense efforts (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights).

(G) The contributions that allies of the United States make to meeting the stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(H) The annual expenditures of the United States and its allies on national defense, and the relative percentages of each nation's gross domestic product constituted by those expenditures.

(2) The President shall submit to Congress a report on the review under paragraph (1). The report shall be submitted not later than March 1, 1997, in classified and unclassified form.

HARKIN AMENDMENT NO. 4178

(Ordered to lie on the table.)

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

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

SEC. 315. PROHIBITION ON USE OF FUNDS TO PAY CONTRACTOR COSTS OF CERTAIN RESTRUCTURING.

None of the funds authorized to be appropriated for the Department of Defense by this Act may be obligated or expended to pay a contractor under a contract with the Department for any costs incurred by the contractor when it is made known to the Federal official having authority to obligate or expend such funds that such costs are restructuring costs associated with a business combination that were incurred on or after August 15, 1994.

NUNN AMENDMENTS NOS. 4179–4180

(Ordered to lie on the table.)

Mr. NUNN submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4179

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

SEC. 1044. REPORT ON NATO ENLARGEMENT.

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

(1) Since World War II the United States has spent trillions of dollars to enable our European allies to recover from the devastation of the war and, since 1949, to enhance the stability and security of the Euro-Atlantic area through the North Atlantic Treaty Organization (NATO).

(2) NATO has been the most successful collective security organization in history.

(3) The Preamble to the Washington Treaty (North Atlantic Treaty) provides that:

''The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments. They are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law. They seek to promote stability and well-being in the North Atlantic Area. They are resolved to unite their efforts for collective defense and for the preservation of peace and security.''.

(4) Article 5 of the North Atlantic Treaty provides for NATO member nations to treat an attack on one as an attack on all.

(5) NATO has enlarged its membership three times since its establishment in 1949.

(6) At its ministerial meeting on December 1, 1994, NATO decided to enlarge the Alliance as part of an evolutionary process, taking into account political and security developments in the whole of Europe. It was also decided at that time that enlargement would be decided on a case-by-case basis and that new members would be full members of the Alliance, enjoying the rights and assuming all obligations of membership.

(7) The September 1995 NATO study on enlarging the Alliance concluded that the ''coverage provided by Article 5, including its nuclear component, will apply to new members'', but that there ''is no a priori requirement for the stationing of nuclear weapons on the territory of new members.''.

(8) At its ministerial meeting on June 3, 1996, NATO made decisions in three key areas as follows:

(A) To create more deployable headquarters and more mobile forces to mount traditional missions of collective defense as well as to mount non-Article 5 operations.

(B) To preserve the transatlantic link.

(C) To develop a European Security and Defense Identity within the Alliance, including utilization of the approved Combined Joint Task Forces (CJTF) concept, to facilitate the use of separable but not separate military capabilities in operations led by the WEU.

(9) Enlargement of the Alliance has profound implications for all of its member nations, for the nations chosen for admission to the Alliance in the first tranche, for the nations not included in the first tranche, and for the relationship between the members of the Alliance and Russia.

(10) The Congressional Budget Office has studied five illustrative options to defend the so-called Visegrad nations (Poland, the Czech Republic, Slovakia, and Hungary) to determine the cost of such defense.

(11) The results of the Congressional Budget Office study, issued in March 1996, included conclusions that the cost of defending the Visegrad nations over the 15-year period from 1996 through 2010 would range from $61,000,000,000 to $125,000,000,000; and that of those totals the cost to the new members would range from $42,000,000,000 to $51,000,000,000, and the cost to NATO would range from $19,000,000,000 to $73,000,000,000, of which the United States would expect to pay between $5,000,000,000 and $19,000,000,000.

(12) The Congressional Budget Office study did not determine the cost of enlarging the Alliance to include Slovenia, Romania, Ukraine, the Baltic nations, or other nations that are participating in NATO's Partnership for Peace program.

(13) Enlarging the Alliance could be considered as changing the circumstances that constitute the basis for the Treaty on Conventional Forces in Europe.

(14) The discussion of NATO enlargement within the United States, in general, and the United States Congress, in particular, has not been as comprehensive, detailed, and informed as it should be, given the implications for the United States of enlargement decisions.

(b) REPORT.—Not later than the date on which the President submits the budget for fiscal year 1998 to Congress under section 1105 of title 31, United States Code, the President shall transmit a report on NATO enlargement to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives. The report shall contain a comprehensive discussion of the following:

(1) The costs, for prospective new NATO members, NATO, and the United States, that are associated with the illustrative options used by the Congressional Budget Office in the March 1996 study referred to in subsection (a)(10) as well as any other illustrative options that the President considers appropriate and relevant.

(2) The manner in which prospective new NATO members would be defended against attack, including any changes required in NATO's nuclear posture.

(3) Whether NATO enlargement can proceed prior to France's reintegration into NATO's command structure and Germany's participation in NATO-conducted crisis management and combat operations.

(4) Whether NATO enlargement can proceed prior to reorganization of NATO's military command structure and the maturation of policies to perform non-Article 5 operations.

(5) Whether an enlarged NATO will be able to function on a consensus basis.

(6) The extent to which prospective new NATO members have achieved interoperability of their military equipment, air defense systems, and command, control, and communications systems and conformity of military doctrine with those of NATO.

(7) The extent to which prospective new NATO members have established democratic institutions, free market economies, civilian control of their armed forces, including parliamentary oversight of military affairs and appointment of civilians to senior defense positions, and the rule of law.

(8) The extent to which prospective new NATO members are committed to protecting the rights of all their citizens, including national minorities, and respecting the territorial integrity of their neighbors.

(9) The extent to which prospective new NATO members are in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area.

(10) The bilateral assistance, including cost, provided by the United States to prospective new NATO members since the institution of the Partnership for Peace program.

(11) The impact on the political, economic, and security well-being of prospective new NATO members, with a particular emphasis on Ukraine, if they are not selected for inclusion in the first tranche of NATO enlargement.

(12) The relationship of prospective new NATO members to the European Union, with special emphasis on the accession of such nations to membership in the European Union and on the extent to which the European Union has opened its markets to prospective new NATO members.

(13) The impact of NATO enlargement on the CFE Treaty.

(14) The relationship of Russia with NATO, including Russia's participation in the Partnership for Peace program and NATO's strategic dialogue with Russia.

(15) The anticipated impact of NATO enlargement on Russian foreign and defense policies, including in particular the implementation of START I, the ratification of

START II, and the emphasis placed in defense planning on nuclear weapons.

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

(d) TREATIES DEFINED.—In this section:

(1) The terms ''CFE Treaty'' and ''Treaty on Conventional Armed Forces in Europe'' mean the treaty signed in Paris on November 19, 1990, by 22 members of the North Atlantic Treaty Organization and the former Warsaw Pact to establish limitations on conventional armed forces in Europe, and all annexes and memoranda pertaining thereto.

(2) The term ''START I Treaty'' means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms, signed at Moscow on July 31, 1991.

(3) The term ''START II Treaty'' means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, signed at Moscow on January 3, 1993, including the following protocols and memorandum of understanding, all such documents being integral parts of and collectively referred to as the ''START II Treaty'' (contained in Treaty Document 103–1):

(A) The Protocol on Procedures Governing Elimination of Heavy ICBMs and on Procedures Governing Conversion of Silo Launchers of Heavy ICBMs Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the ''Elimination and Conversion Protocol'').

(B) The Protocol on Exhibitions and Inspections of Heavy Bombers Relating to the Treaty Between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the ''Exhibitions and Inspections Protocol'').

(C) The Memorandum of Understanding on Warhead Attribution and Heavy Bomber Data Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the ''Memorandum on Attribution'').

AMENDMENT NO. 4180

At the end of division A, add the following:

TITLE XIII—NATIONAL MISSILE DEFENSE

SEC. 1301. SHORT TITLE.

This title may be cited as the ''National Missile Defense Act of 1996''.

SEC. 1302. FINDINGS.

(a) MISSILE DEFENSES AND ARMS CONTROL AGREEMENTS.—With respect to missile defenses and arms control agreements, Congress makes the following findings:

(1) Short-range theater ballistic missiles threaten United States Armed Forces engaged abroad. Therefore, the expeditious deployment of theater missile defenses to intercept ballistic missiles threatening the Armed Forces abroad is the highest priority among all ballistic missile defense programs.

(2) The United States is developing defensive systems to protect the United States against the emerging threat of limited strategic ballistic missile attacks. Ground-based defensive systems are attainable, are permitted by the ABM Treaty, are available sooner and are more affordable than space-based interceptors or space-based lasers, and can protect all of the United States from limited ballistic missile attack.

(3) Deterring limited ballistic missile attacks upon our national territory requires not only national missile defenses but arms control agreements and nonproliferation measures that can lower the threat and curb the spread of ballistic missile technology.

(4) The massive retaliatory capability of the United States deterred the Soviet Union, and any other nation, from launching an attack by intercontinental ballistic missiles throughout the Cold War. The Nuclear Posture Review conducted by the Department of Defense affirms the fundamental effectiveness of deterrence of large-scale nuclear attacks now and into the future. While the threat of intentional attack upon the United States has receded, the risk of an accidental or unauthorized attack by Russia or China remains, albeit remotely.

(5) United States arms control agreements (notably the START I Treaty and the START II Treaty, once implemented) will significantly reduce the threat to the United States from large-scale nuclear attack. The START I Treaty, when fully implemented, will reduce deployed strategic warheads by over 40 percent below 1990 levels. By the end of 1996, only Russia, among the states of the former Soviet Union, will deploy nuclear weapons. The START II Treaty, once implemented, will reduce strategic warheads deployed in Russia by 66 percent below their levels before the Start I Treaty.

(6) As strategic offensive weapons are reduced, the efficacy and affordability of defensive systems increases, strengthening the long-term prospects for deterrence based upon effective defenses in addition to deterrence based upon the threat of retaliation.

(7) Countries hostile to the United States (such as Iraq, Iran, North Korea, and Libya) have manifested an interest in developing both nuclear weapons and ballistic missiles capable of reaching the United States. In the absence of outside assistance, newly emerging threats from these countries may take as long as 15 years or more to mature, according to recent intelligence estimates. These countries could accelerate the development of long-range missiles if they receive external support.

(8) The Nuclear Non-Proliferation Treaty, the Missile Technology Control Regime, the Biological and Chemical Weapons Conventions, and continuing United States efforts to enforce export controls may prevent or delay external assistance needed by those countries to develop intercontinental ballistic missiles and weapons of mass destruction. Cooperation among our allies and the Russian Federation to limit exports of the relevant hardware and knowledge can help.

(9) The ABM Treaty has added to strategic stability by restraining the requirement on both sides for strategic weapons. At the summit in May 1995, the President of the United States and the President of Russia each reaffirmed his country's commitment to the ABM Treaty.

(10) Abrogating the ABM Treaty to deploy a noncompliant national missile defense system will not add to strategic stability if it impedes implementation of the START I or START II Treaties. Without the reductions to strategic weapons required by both treaties, the consequences and risks of unauthorized or accidental launches will increase.

(11) If the nuclear arsenal of the United States must be maintained at START I levels, significant unbudgeted costs will be incurred, encroaching on funds for ballistic missile defenses and all other defense requirements.

(12) Should the combination of arms control, nonproliferation efforts, and deterrence fail, the United States must be able to defend itself against limited ballistic missile attack.

(13) National missile defense systems consistent with the ABM Treaty are capable of defending against limited ballistic missile attack. Should a national missile defense system require modification of the ABM Treaty, the treaty establishes the means for the parties to amend the treaty, which the parties have used in the past.

(14) While a single-site national missile defense system can defend all of the United States against limited ballistic missile attacks, the addition of a second site would substantially improve the effectiveness of a limited national missile defense system.

(15) Adding a second national missile defense site to the initial national missile defense system at the former Safeguard antiballistic missile defense site at Grand Forks, North Dakota, results in only a slight degradation of two-site effectiveness when compared to two optimally-sited national missile defense deployment locations.

(b) WEAPONS OF MASS DESTRUCTION OTHER THAN MISSILE-DELIVERED NUCLEAR WEAPONS.—With respect to threatened employment of weapons of mass destruction other than nuclear weapons delivered by long-range ballistic missiles against the United States, Congress makes the following findings:

(1) In addition to the threat of nuclear weapons delivered by long-range ballistic missiles, the United States faces other threatened uses of weapons of mass destruction, including chemical, biological, and radiological weapons, and other delivery means, including commercial or private aircraft, cruise missiles, international shipping containers delivered by land or sea, and domestic manufacture and delivery by private entities.

(2) Chemical weapons have already threatened United States citizens. The terrorist bomb used against the World Trade Center in New York City contained materials intended to generate lethal chemicals in addition to the explosive effect, but the materials failed to generate a toxic mixture.

(3) The explosive device used against the Murrah Federal Building in Oklahoma City was constructed of commonly available materials in the United States and delivered by rental truck.

(4) The Aum Shinrikyo sect in Japan manufactured lethal sarin gas and released it in Tokyo subways, causing numerous fatalities and thousands of casualties.

(5) Chechen rebels threatened to spread lethal radiation throughout Moscow and revealed to the media the location of a small radioactive source hidden in a Moscow park.

(6) Federal, State, and local governments are all poorly prepared to deal with threatened or actual use of chemical, biological, or radiological weapons against United States cities.

(7) Therefore, it is necessary for priorities to be established for dealing with the full spectrum of threatened use of weapons of mass destruction against the United States based on assessments of the likelihood of the occurrence of each particular threat, and for funding to be allocated in accordance with those priorities.

(c) DEVELOPMENT OF COMPLEX SYSTEMS.—With respect to the development of complex systems, Congress makes the following findings:

(1) The United States developed and deployed an antiballistic missile system known as Safeguard. The system was deactivated only months after achieving initial operating capability because of high cost and concern about limited effectiveness.

(2) Since 1983, the United States has expended more than $35,000,000,000 on the development of missile defenses, and most of that has been expended for the development of national missile defenses.

(3) There exists today no operational hardware that could be deployed to provide a national missile defense capability against

strategic ballistic missiles. Therefore, there exist no test data from which to assess the performance and cost of a deployed national missile defense system.

(4) Congress has traditionally insisted that major weapon systems be rigorously tested prior to full-rate production so that system performance is demonstrated and system cost estimates are better refined.

(5) Therefore, consistent with that tradition, it is appropriate that any national missile defense system developed for deployment be rigorously tested prior to a deployment decision in order to demonstrate successful performance and refine system costs.

SEC. 1303. NATIONAL MISSILE DEFENSE POLICY.

(a) RESEARCH AND DEVELOPMENT PROGRAM.—(1) The Secretary of Defense shall conduct a research and development program to develop an antiballistic missile system described in subsection (b) that could achieve initial operational capability by the end of 2003.

(2) A decision whether to deploy the antiballistic missile system shall be made by Congress during 2000 in accordance with this section.

(3) The Secretary shall ensure that the development and deployment of an antiballistic missile system under this section fully complies with the ABM Treaty and with all other treaty obligations.

(b) SYSTEM DESIGN.—The antiballistic missile system developed under subsection (a) shall—

(1) be designed to protect the United States against limited ballistic missile threats, including accidental or unauthorized launches or attacks by Third World countries;

(2) be developed for deployment at a single site; and

(3) include as the system components—

(A) fixed, ground-based, antiballistic missile battle management radars at the site;

(B) up to 100 ground-based interceptor missiles;

(C) as necessary, space-based adjuncts, including the Space Surveillance and Missile Tracking System, that are not prohibited by the ABM Treaty; and

(D) as necessary, Large Phased Array Radars (upgraded from other radars or newly constructed) that are located on the periphery of the United States, face outward, and are not prohibited by the ABM Treaty.

(c) DEPLOYMENT DECISION FACTORS.—The factors to be considered by Congress for a decision to deploy the antiballistic missile system are as follows:

(1) The projected threat of ballistic missile attack against the United States in 2000 and following years.

(2) The projected cost and effectiveness of the system, determined on the basis of the technology available in 2000 and the performance of the system as demonstrated in testing.

(3) The projected cost and effectiveness of the system if, at the time of the decision to deploy, development for deployment were to be continued for—

(A) one additional year,

(B) two additional years, and

(C) three additional years,

taking into consideration the projected availability of any synergistic systems that are under development in 2000.

(4) Arms control factors.

(5) The preparedness of the United States to defend the United States against the full range of threats of attack by weapons of mass destruction, and the relative priorities for funding of defenses against such threats.

(d) DEPLOYMENT RECOMMENDATION.—Not later than March 31, 2000, the President shall submit to Congress a report containing the President's recommendation regarding whether to deploy the antiballistic missile system developed under this section. In addition, the report shall include the following:

(1) A description of the system that could be deployed.

(2) A discussion of the basis for the President's recommendation in terms of the factors set forth in subsection (c).

(e) CONGRESSIONAL DECISION ON DEPLOYMENT.—(1) The report of the President under subsection (d) shall be referred to the Committee on Armed Services of the Senate upon receipt in the Senate and to the Committee on National Security of the House of Representatives upon receipt in that House.

(2) A joint resolution described in paragraph (1) of subsection (f) that is introduced within the 30-day period beginning on the date on which Congress receives the President's report shall be considered under the expedited procedures set forth in that subsection.

(f) EXPEDITED PROCEDURE.—(1) For the purposes of subsection (e)(2), ''joint resolution'' means only a joint resolution the matter after the resolving clause of which is as follows:

''Congress authorizes the Secretary of Defense to begin the deployment at the former Safeguard antiballistic missile site, Grand Forks, North Dakota, of an antiballistic missile system that—

''(1) is designed to protect the United States against limited ballistic missile threats, including accidental or unauthorized launches or attacks by Third World countries;

''(2) is developed for deployment at a single site; and

''(3) includes as the system components—

''(A) fixed, ground-based, antiballistic missile battle management radars at the site;

''(B) up to 100 ground-based interceptor missiles;

''(C) as necessary, space-based adjuncts, including the Space Surveillance and Missile Tracking System, that are not prohibited by the ABM Treaty; and

''(D) as necessary, Large Phased Array Radars (upgraded from other radars or newly constructed) that are located on the periphery of the United States, face outward, and are not prohibited by the ABM Treaty.''.

(2) A resolution described in paragraph (1) introduced in the House of Representatives shall be referred to the Committee on National Security of the House of Representatives. A resolution described in paragraph (1) introduced in the Senate shall be referred to the Committee on Armed Services of the Senate. Such a resolution may not be reported before the eighth day after its introduction.

(3) If the committee to which is referred a resolution described in paragraph (1) has not reported such resolution (or an identical resolution) at the end of 30 days after its introduction or at the end of the first day after there has been reported to the House involved a joint resolution described in paragraph (1), whichever is earlier, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(4) When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under paragraph (3)) from further consideration of, a resolution described in paragraph (1), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(5) If, before the passage by one House of a resolution of that House described in paragraph (1), that House receives from the other House a resolution described in paragraph (1), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee.

(B) With respect to a resolution described in paragraph (1) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(6) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

SEC. 1304. RELATIONSHIP OF ABM SYSTEM DEPLOYMENT AND ARMS CONTROL.

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

(1) Deployment of an antiballistic missile system in accordance with section 1303 is fully consistent with the rights of the parties to the ABM Treaty.

(2) Deployment of an antiballistic missile system in accordance with section 1303 would not threaten the deterrent capability of the Russian nuclear missile forces at force levels agreed to under the START I Treaty, at force levels permitted under the START II Treaty, or even at force levels below the agreed or permitted force levels.

(b) DISCUSSIONS WITH RUSSIA.—Congress urges the President to pursue discussions with Russia regarding—

(1) potential opportunities for cooperation on research and development of ballistic missile defense capabilities, including, for example—

(A) research and development of missile warning and tracking capabilities;

(B) research and development of intelligence and warning indications regarding Third World activities on ballistic missiles and weapons of mass destruction; and

(C) joint research and development of more effective theater missile defenses;

(2) amendments to the ABM Treaty, as necessary, that would permit development and deployment of more effective limited defenses of the two countries against long-range ballistic missile attacks; and

(3) establishment of conditions conducive to more effective national missile defense, such as rescinding the 1974 Protocol to the ABM Treaty and making conforming changes to the ABM Treaty in order to permit in each country a second ballistic missile defense site, optimally located, and up to 100 additional interceptor missiles at such site.

(c) ALTERNATIVE ACTION UNDER ABM TREATY.—If the President determines that, due to increasing threats of ballistic missile attack on the United States, it is necessary to expand the antiballistic missile system provided for under section 1303 beyond limits provided under the ABM Treaty and that discussions between the United States and Russia regarding cooperative liberalization of those limits is unsuccessful, the President shall consult with Congress on whether to exercise the right under Article XV of the ABM Treaty for a party to withdraw from the treaty.

SEC. 1305. DEVELOPMENT OF FOLLOW-ON NATIONAL MISSILE DEFENSE TECHNOLOGIES.

The Secretary of Defense, through the Ballistic Missile Defense Organization, shall maintain a robust program of research and development of national missile defense technologies while developing for deployment the antiballistic missile system provided for under section 1303. These research and development activities shall be conducted in full compliance with the ABM Treaty.

SEC. 1306. POLICY REGARDING REDUCTION OF THE THREAT TO THE UNITED STATES FROM WEAPONS OF MASS DESTRUCTION.

(a) MEASURES TO ADDRESS THREATS FROM WEAPONS OF MASS DESTRUCTION.—In order to defend against weapons of mass destruction by preventing the spread of fissile materials and other components of weapons of mass destruction, the President shall—

(1) enhance efforts, both unilaterally and in cooperation with other nations, to prevent terrorist organizations from obtaining and using weapons of mass destruction;

(2) expedite United States efforts to assist the Governments of Russia, Ukraine, Belarus, and Kazakhstan, as appropriate, in improving the safety, security, and accountability of fissile materials and nuclear warheads;

(3) undertake additional steps to prevent weapons of mass destruction and their components from being smuggled into the United States, through the use of improved security devices at United States ports of entry, increased numbers of Border Patrol agents, increased monitoring of international borders, and other appropriate measures;

(4) seek the widest possible international adherence to the Missile Technology Control Regime and pursue to the fullest other export control measures intended to deter and counter the spread of weapons of mass destruction and their components; and

(5) enhance conventional weapons systems to ensure that the United States possesses effective deterrent and counterforce capabilities against weapons of mass destruction and their delivery systems.

(b) MEASURES TO ADDRESS THREATS FROM ICBMS.—In order to reduce the threat to the United States from weapons of mass destruction delivered by intercontinental ballistic missiles, including accidental or unauthorized launches, the President shall—

(1) urge the Government and Parliament of Russia to ratify the START II Treaty as soon as possible, permitting its expeditious entry into force;

(2) pursue with the Government of Russia, after START II entry-into-force, a symmetrical program of early deactivation of strategic forces to be eliminated under START II; and

(3) work jointly with countries possessing intercontinental ballistic missiles to improve command and control technology (such as permissive actions links and other safety devices) and operations to the maximum extent practicable.

(c) PLAN TO REDUCE THREATS OF WEAPONS OF MASS DESTRUCTION.—The Secretary shall develop a comprehensive plan for reducing the threat to the United States of weapons of mass destruction. The Secretary shall develop the plan jointly with the Secretary of State, the Secretary of Energy, the Secretary of the Treasury, the Attorney General, and the Director of Central Intelligence. The plan shall implement the requirements of subsections (a) and (b).

SEC. 1307. JOINT PRESIDENTIAL-CONGRESSIONAL REVIEW AFTER DEPLOYMENT OF INITIAL ABM SYSTEM.

(a) REVIEW REQUIRED.—After the first national missile defense system deployed after the date of the enactment of this Act attains initial operational capability, the President and Congress shall jointly review the matters described in subsection (b) in order to determine priorities for future research and development, and possible deployment, of national missile defense technologies and for continued cooperation with Russia on arms control.

(b) MATTERS TO BE REVIEWED.—The review shall cover the following matters:

(1) The status of cooperation and discussions between the United States and Russia on matters described in section 1304(b) and on other matters of common interest for the national security of both countries.

(2) The projected threat of ballistic missile attack on the United States.

(3) Other projected threats of attacks on the United States with weapons of mass destruction.

(4) United States preparedness to respond to or defend against such threats.

(5) The status of research and development on national missile defense technologies referred to in section 1305.

SEC. 1308. REPORTING REQUIREMENT.

(a) REQUIREMENT.—Not later than March 15, 1997, the Secretary of Defense shall submit to Congress a report on the following plans:

(1) The Secretary's plan for the carrying out the national missile defense program in accordance with the requirements of this Act.

(2) The plan for reducing the threat to the United States of weapons of mass destruction prepared pursuant to section 1306(c).

(b) PLAN FOR NATIONAL MISSILE DEFENSE.—With respect to the Secretary's plan for the national missile defense program, the report shall include the following matters:

(1) The antiballistic missile system architecture, including—

(A) a detailed description of the system architecture selected for development; and

(B) a justification of the architecture selected and reasons for the rejection of the other candidate architectures.

(2) The Secretary's estimate of the amount of appropriations required for research, development, test, and evaluation, and for procurement, for each of fiscal years 1997 through 2003 in order to achieve an initial operational capability of the antiballistic missile system in 2003.

(3) A description of promising technologies to be pursued in accordance with the requirements of section 1305.

(4) A determination of the point, if any, at which any activity that is required to be carried out under this title would conflict with the terms of the ABM Treaty, together with a description of any such activity, the legal basis for the Secretary's determination, and an estimate of the time at which such point would be reached in order to meet an initial operating capability in the year 2003.

SEC. 1309. TREATIES DEFINED.

In this title:

(1) The term ''ABM Treaty'' means the Treaty between the United States and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972, and includes Protocols to that Treaty signed at Moscow on July 3, 1974, and all Agreed Statements and amendments to such Treaty in effect.

(2) The term ''START I Treaty'' means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms, signed at Moscow on July 31, 1991, including related annexes on agreed statements and definitions, protocols, and memorandum of understanding.

(3) The term ''START II Treaty'' means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, signed at Moscow on January 3, 1993, including the following protocols and memorandum of understanding, all such documents being integral parts of and collectively referred to as the ''START II Treaty'' (contained in Treaty Document 103–1):

(A) The Protocol on Procedures Governing Elimination of Heavy ICBMs and on Procedures Governing Conversion of Silo Launchers of Heavy ICBMs Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the ''Elimination and Conversion Protocol'').

(B) The Protocol on Exhibitions and Inspections of Heavy Bombers Relating to the Treaty Between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the ''Exhibitions and Inspections Protocol'').

(C) The Memorandum of Understanding on Warhead Attribution and Heavy Bomber Data Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the ''Memorandum on Attribution'').

(4) The term ''Missile Technology Control Regime'' has the meaning given such term in section 11B(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(c)).

NUNN (AND OTHERS) AMENDMENT NO. 4181

(Ordered to lie on the table.)

Mr. NUNN (for himself, Mr. LUGAR, and Mr. DOMENICI) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

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

TITLE XIII—DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Defense Against Weapons of Mass Destruction Act of 1996''.

SEC. 1302. FINDINGS.

Congress makes the following findings:

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

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

(3) Many of the states of the former Soviet Union retain the facilities, materials, and

technologies capable of producing additional quantities of weapons of mass destruction.

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

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

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

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

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

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

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

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

(12) There is a significant and growing threat of attack by weapons of mass destruction on targets that are not military targets in the usual sense of the term.

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

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

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

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

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

(18) Traditional arms control efforts assume large state efforts with detectable manufacturing programs and weapons production programs, but are ineffective in monitoring and controlling smaller, though potentially more dangerous, unconventional proliferation efforts.

(19) Conventional counterproliferation efforts would do little to detect or prevent the rapid development of a capability to suddenly manufacture several hundred chemical or biological weapons with nothing but commercial supplies and equipment.

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

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

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

(23) Exercises of the Federal, State, and local response to nuclear, radiological, biological, or chemical terrorism have revealed serious deficiencies in preparedness and severe problems of coordination.

(24) The development of, and allocation of responsibilities for, effective countermeasures to nuclear, radiological, biological, or chemical terrorism in the United States requires well-coordinated participation of many Federal agencies, and careful planning by the Federal Government and State and local governments.

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

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

(27) The United States lacks effective policy coordination regarding the threat posed by the proliferation of weapons of mass destruction.

SEC. 1303. DEFINITIONS.

In this title:

(1) The term ''weapon of mass destruction'' means any weapon or device that is intended, or has the capability, to cause death or serious bodily injury to a significant number of people through the release, dissemination, or impact of—

(A) toxic or poisonous chemicals or their precursors;

(B) a disease organism; or

(C) radiation or radioactivity.

(2) The term ''independent states of the former Soviet Union'' has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

(3) The term ''highly enriched uranium'' means uranium enriched to 20 percent or more in the isotope U–235.

Subtitle A—Domestic Preparedness

SEC. 1311. EMERGENCY RESPONSE ASSISTANCE PROGRAM.

(a) PROGRAM REQUIRED.—(1) The Secretary of Defense shall carry out a program to provide civilian personnel of Federal, State, and local agencies with training and expert advice regarding emergency responses to a use or threatened use of a weapon of mass destruction or related materials.

(2) The President may designate the head of an agency other than the Department of Defense to assume the responsibility for carrying out the program on or after October 1, 1999, and relieve the Secretary of Defense of that responsibility upon the assumption of the responsibility by the designated official.

(3) Hereafter in this section, the official responsible for carrying out the program is referred to as the ''lead official''.

(b) COORDINATION.—In carrying out the program, the lead official shall coordinate with each of the following officials who is not serving as the lead official:

(1) The Director of the Federal Emergency Management Agency.

(2) The Secretary of Energy.

(3) The Secretary of Defense.

(4) The heads of any other Federal, State, and local government agencies that have an expertise or responsibilities relevant to emergency responses described in subsection (a)(1).

(c) ELIGIBLE PARTICIPANTS.—The civilian personnel eligible to receive assistance under the program are civilian personnel of Federal, State, and local agencies who have emergency preparedness responsibilities.

(d) INVOLVEMENT OF OTHER FEDERAL AGENCIES.—(1) The lead official may use personnel and capabilities of Federal agencies outside the agency of the lead official to provide training and expert advice under the program.

(2)(A) Personnel used under paragraph (1) shall be personnel who have special skills relevant to the particular assistance that the personnel are to provide.

(B) Capabilities used under paragraph (1) shall be capabilities that are especially relevant to the particular assistance for which the capabilities are used.

(e) AVAILABLE ASSISTANCE.—Assistance available under this program shall include the following:

(1) Training in the use, operation, and maintenance of equipment for—

(A) detecting a chemical or biological agent or nuclear radiation;

(B) monitoring the presence of such an agent or radiation;

(C) protecting emergency personnel and the public; and

(D) decontamination.

(2) Establishment of a designated telephonic link (commonly referred to as a ''hot line'') to a designated source of relevant data and expert advice for the use of State or local officials responding to emergencies involving a weapon of mass destruction or related materials.

(3) Use of the National Guard and other reserve components for purposes authorized under this section that are specified by the lead official (with the concurrence of the Secretary of Defense if the Secretary is not the lead official).

(4) Loan of appropriate equipment.

(f) LIMITATIONS ON DEPARTMENT OF DEFENSE ASSISTANCE TO LAW ENFORCEMENT AGENCIES.—Assistance provided by the Department of Defense to law enforcement agencies under this section shall be provided under the authority of, and subject to the restrictions provided in, chapter 18 of title 10, United States Code.

(g) ADMINISTRATION OF DEPARTMENT OF DEFENSE ASSISTANCE.—The Secretary of Defense shall designate an official within the Department of Defense to serve as the executive agent of the Secretary for the coordination of the provision of Department of Defense assistance under this section.

(h) FUNDING.—(1) Of the total amount authorized to be appropriated under section 301, $35,000,000 is available for the program required under this section.

(2) Of the amount available for the program pursuant to paragraph (1), $10,500,000 is

available for use by the Secretary of Defense to assist the Surgeon General of the United States in the establishment of metropolitan emergency medical response teams (commonly referred to as ''Metropolitan Medical Strike Force Teams'') to provide medical services that are necessary or potentially necessary by reason of a use or threatened use of a weapon of mass destruction.

(3) The amount available for the program under paragraph (1) is in addition to any other amounts authorized to be appropriated for the program under section 301.

SEC. 1312. NUCLEAR, CHEMICAL, AND BIOLOGICAL EMERGENCY RESPONSE.

(a) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall designate an official within the Department of Defense as the executive agent for—

(1) the coordination of Department of Defense assistance to Federal, State, and local officials in responding to threats involving biological or chemical weapons or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of biological and chemical weapons and related materials and technologies; and

(2) the coordination of Department of Defense assistance to the Department of Energy in carrying out that department's responsibilities under subsection (b).

(b) DEPARTMENT OF ENERGY.—The Secretary of Energy shall designate an official within the Department of Energy as the executive agent for—

(1) the coordination of Department of Energy assistance to Federal, State, and local officials in responding to threats involving nuclear weapons or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of nuclear weapons and related materials and technologies; and

(2) the coordination of Department of Energy assistance to the Department of Defense in carrying out that department's responsibilities under subsection (a).

(c) FUNDING.—(1)(A) Of the total amount authorized to be appropriated under section 301, $15,000,000 is available for providing assistance described in subsection (a).

(B) The amount available under subparagraph (A) for providing assistance described in subsection (a) is in addition to any other amounts authorized to be appropriated under section 301 for that purpose.

(2)(A) Of the total amount authorized to be appropriated under title XXXI, $15,000,000 is available for providing assistance described in subsection (b).

(B) The amount available under subparagraph (A) for providing assistance is in addition to any other amounts authorized to be appropriated under title XXXI for that purpose.

SEC. 1313. MILITARY ASSISTANCE TO CIVILIAN LAW ENFORCEMENT OFFICIALS IN EMERGENCY SITUATIONS INVOLVING BIOLOGICAL OR CHEMICAL WEAPONS.

(a) ASSISTANCE AUTHORIZED.—(1) The chapter 18 of title 10, United States Code, is amended by adding at the end the following:

''§ 382. Emergency situations involving chemical or biological weapons of mass destruction

''(a) IN GENERAL.—The Secretary of Defense, upon the request of the Attorney General, may provide assistance in support of Department of Justice activities relating to the enforcement of section 175 or 2332c of title 18 during an emergency situation involving a biological or chemical weapon of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

''(1) the Secretary of Defense and the Attorney General jointly determine that an emergency situation exists; and

''(2) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

''(b) EMERGENCY SITUATIONS COVERED.—As used in this section, the term 'emergency situation involving a biological or chemical weapon of mass destruction' means a circumstance involving a biological or chemical weapon of mass destruction—

''(1) that poses a serious threat to the interests of the United States; and

''(2) in which—

''(A) civilian expertise and capabilities are not readily available to provide the required assistance to counter the threat immediately posed by the weapon involved;

''(B) special capabilities and expertise of the Department of Defense are necessary and critical to counter the threat posed by the weapon involved; and

''(C) enforcement of section 175 or 2332c of title 18 would be seriously impaired if the Department of Defense assistance were not provided.

''(c) FORMS OF ASSISTANCE.—The assistance referred to in subsection (a) includes the operation of equipment (including equipment made available under section 372 of this title) to monitor, contain, disable, or dispose of the weapon involved or elements of the weapon.

''(d) REGULATIONS.—(1) The Secretary of Defense and the Attorney General shall jointly issue regulations concerning the types of assistance that may be provided under this section. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this section.

''(2)(A) Except as provided in subparagraph (B), the regulations may not authorize the following actions:

''(i) Arrest.

''(ii) Any direct participation in conducting a search for or seizure of evidence related to a violation of section 175 or 2332c of title 18.

''(iii) Any direct participation in the collection of intelligence for law enforcement purposes.

''(B) The regulations may authorize an action described in subparagraph (A) to be taken under the following conditions:

''(i) The action is considered necessary for the immediate protection of human life, and civilian law enforcement officials are not capable of taking the action.

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

''(e) REIMBURSEMENTS.—The Secretary of Defense shall require reimbursement as a condition for providing assistance under this section to the extent required under section 377 of this title.

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

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

''(g) RELATIONSHIP TO OTHER AUTHORITY.—Nothing in this section shall be construed to restrict any executive branch authority regarding use of members of the armed forces or equipment of the Department of Defense that was in effect before the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997.''.

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

''382. Emergency situations involving chemical or biological weapons of mass destruction.''.

(b) CONFORMING AMENDMENT TO CONDITION FOR PROVIDING EQUIPMENT AND FACILITIES.—Section 372(b)(1) of title 10, United States Code, is amended by adding at the end the following: ''The requirement for a determination that an item is not reasonably available from another source does not apply to assistance provided under section 382 of this title pursuant to a request of the Attorney General for the assistance.''.

(c) CONFORMING AMENDMENTS RELATING TO AUTHORITY TO REQUEST ASSISTANCE.—(1)(A) Chapter 10 of title 18, United States Code, is amended by inserting after section 175 the following:

''§ 175a. Requests for military assistance to enforce prohibition in certain emergencies

''The Attorney General may request the Secretary of Defense to provide assistance under section 382 of title 10 in support of Department of Justice activities relating to the enforcement of section 175 of this title in an emergency situation involving a biological weapon of mass destruction. The authority to make such a request may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10.''.

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 175 the following:

''175a. Requests for military assistance to enforce prohibition in certain emergencies.''.

(2)(A) The chapter 133B of title 18, United States Code, that relates to terrorism is amended by inserting after section 2332c the following:

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

''The Attorney General may request the Secretary of Defense to provide assistance under section 382 of title 10 in support of Department of Justice activities relating to the enforcement of section 2332c of this title during an emergency situation involving a chemical weapon of mass destruction. The authority to make such a request may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10.''.

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

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

(d) CIVILIAN EXPERTISE.—The President shall take reasonable measures to reduce the reliance of civilian law enforcement officials on Department of Defense resources to counter the threat posed by the use or potential use of biological and chemical weapons

of mass destruction within the United States. The measures shall include—

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

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

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

(1) Not later than 90 days after the date of the enactment of this Act, a report describing the respective policy functions and operational roles of Federal agencies in countering the threat posed by the use or potential use of biological and chemical weapons of mass destruction within the United States.

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

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

(B) the costs of such actions.

(3) Not later than three years after such date, a report updating the information provided in the reports submitted pursuant to paragraphs (1) and (2), including the measures taken pursuant to subsection (d).

SEC. 1314. TESTING OF PREPAREDNESS FOR EMERGENCIES INVOLVING NUCLEAR, RADIOLOGICAL, CHEMICAL, AND BIOLOGICAL WEAPONS.

(a) EMERGENCIES INVOLVING CHEMICAL OR BIOLOGICAL WEAPONS.—(1) The Secretary of Defense shall develop and carry out a program for testing and improving the responses of Federal, State, and local agencies to emergencies involving biological weapons and related materials and emergencies involving chemical weapons and related materials.

(2) The program shall include exercises to be carried out during each of five successive fiscal years beginning with fiscal year 1997.

(3) In developing and carrying out the program, the Secretary shall coordinate with the Director of the Federal Bureau of Investigation, the Director of the Federal Emergency Management Agency, the Secretary of Energy, and the heads of any other Federal, State, and local government agencies that have an expertise or responsibilities relevant to emergencies described in paragraph (1).

(b) EMERGENCIES INVOLVING NUCLEAR AND RADIOLOGICAL WEAPONS.—(1) The Secretary of Energy shall develop and carry out a program for testing and improving the responses of Federal, State, and local agencies to emergencies involving nuclear and radiological weapons and related materials.

(2) The program shall include exercises to be carried out during each of five successive fiscal years beginning with fiscal year 1997.

(3) In developing and carrying out the program, the Secretary shall coordinate with the Director of the Federal Bureau of Investigation, the Director of the Federal Emergency Management Agency, the Secretary of Defense, and the heads of any other Federal, State, and local government agencies that have an expertise or responsibilities relevant to emergencies described in paragraph (1).

(c) ANNUAL REVISIONS OF PROGRAMS.—The official responsible for carrying out a program developed under subsection (a) or (b) shall revise the program not later than June 1 in each fiscal year covered by the program. The revisions shall include adjustments that the official determines necessary or appropriate on the basis of the lessons learned from the exercise or exercises carried out under the program in the fiscal year, including lessons learned regarding coordination problems and equipment deficiencies.

(d) OPTION TO TRANSFER RESPONSIBILITY.—(1) The President may designate the head of an agency outside the Department of Defense to assume the responsibility for carrying out the program developed under subsection (a) beginning on or after October 1, 1999, and relieve the Secretary of Defense of that responsibility upon the assumption of the responsibility by the designated official.

(2) The President may designate the head of an agency outside the Department of Energy to assume the responsibility for carrying out the program developed under subsection (b) beginning on or after October 1, 1999, and relieve the Secretary of Energy of that responsibility upon the assumption of the responsibility by the designated official.

(e) FUNDING.—(1) Of the total amount authorized to be appropriated under section 301, $15,000,000 is available for the development and execution of the programs required by this section, including the participation of State and local agencies in exercises carried out under the programs.

(2) The amount available under paragraph (1) for the development and execution of programs referred to in that paragraph is in addition to any other amounts authorized to be appropriated under section 301 for such purposes.

Subtitle B—Interdiction of Weapons of Mass Destruction and Related Materials

SEC. 1321. UNITED STATES BORDER SECURITY.

(a) PROCUREMENT OF DETECTION EQUIPMENT.—(1) Of the amount authorized to be appropriated by section 301, $15,000,000 is available for the procurement of—

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

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

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

(2) The amount available under paragraph (1) for the procurement of items referred to in that paragraph is in addition to any other amounts authorized to be appropriated under section 301 for such purpose.

(b) AVAILABILITY OF EQUIPMENT TO COMMISSIONER OF CUSTOMS.—To the extent authorized under chapter 18 of title 10, United States Code, the Secretary of Defense may make equipment of the Department of Defense described in subsection (a), and related materials and technologies, available to the Commissioner of Customs for use in detecting and interdicting the movement of weapons of mass destruction into the United States.

SEC. 1322. NONPROLIFERATION AND COUNTERPROLIFERATION RESEARCH AND DEVELOPMENT.

(a) BIOLOGICAL AND CHEMICAL WEAPONS.—The Secretary of Defense shall be the lead official of the Federal Government for coordinating the research and development activities of the Federal Government on technical means for detecting the presence of, the illegal transportation of, the illegal production of, and the illegal use of materials and technologies that may be used to make a biological or chemical weapon and materials (including precursors) and technologies that are suitable for use in making such a weapon.

(b) NUCLEAR AND RADIOLOGICAL WEAPONS.—The Secretary of Energy shall be the lead official of the Federal Government for coordinating the research and development activities of the Federal Government on technical means for detecting the presence of, the illegal transportation of, the illegal production of, and the illegal use of materials and technologies that may be used to make a nuclear or radiological weapon and materials and technologies that are suitable for use in making a nuclear or radiological weapon.

(c) CONSULTATION REQUIREMENT.—In carrying out research and development activities under subsection (a) or (b), the Secretary of Defense or the Secretary of Energy, respectively, shall consult with each other and the following officials:

(1) The Director of Central Intelligence.

(2) The Director of the Federal Bureau of Investigation.

(3) The Commissioner of Customs.

(d) FUNDING.—(1)(A) There is authorized to be appropriated for fiscal year 1997 $10,000,000 for research and development coordinated by the Secretary of Defense under subsection (a).

(B) The amount authorized to be appropriated for research and development under subparagraph (A) is in addition any other amounts that are authorized to be appropriated under this Act for such research and development, including funds authorized to be appropriated for research and development relating to nonproliferation of weapons of mass destruction.

(2)(A) Of the total amount authorized to be appropriated under title XXXI, $19,000,000 is available for research and development coordinated by the Secretary of Energy under subsection (b).

(B) The amount available under subparagraph (B) is in addition to any other amount authorized to be appropriated under title XXXI for such research and development.

SEC. 1323. INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) is amended—

(1) in subsection (a)(1)(B), by striking out ''importation or exportation of,'' and inserting in lieu thereof ''importation, exportation, or attempted importation or exportation of,''; and

(2) in subsection (b)(3), by striking out ''importation from any country, or the exportation'' and inserting in lieu thereof ''importation or attempted importation from any country, or the exportation or attempted exportation''.

SEC. 1324. CRIMINAL PENALTIES.

It is the sense of Congress that—

(1) the sentencing guidelines prescribed by the United States Sentencing Commission for the offenses of importation, attempted importation, exportation, and attempted exportation of nuclear, biological, and chemical weapons materials constitute inadequate punishment for such offenses; and

(2) Congress urges the United States Sentencing Commission to revise the relevant sentencing guidelines to provide for increased penalties for offenses relating to importation, attempted importation, exportation, and attempted exportation of nuclear, biological, or chemical weapons or related materials or technologies under—

(A) section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410);

(B) sections 38 and 40 the Arms Export Control Act (22 U.S.C. 2778 and 2780);

(C) the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); and

(D) section 309(c) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 2156a(c).

SEC. 1325. INTERNATIONAL BORDER SECURITY.

(a) SECRETARY OF DEFENSE RESPONSIBILITY.—The Secretary of Defense, in consultation and cooperation with the Commissioner of Customs, shall carry out programs for assisting customs officials and border guard officials in the independent states of the former Soviet Union, the Baltic states, and other countries of Eastern Europe in preventing unauthorized transfer and transportation of nuclear, biological, and chemical weapons and related materials. Training, expert advice, maintenance of equipment, loan of equipment, and audits may be provided under or in connection with the programs.

(b) FUNDING.—(1) Of the total amount authorized to be appropriated by section 301, $15,000,000 is available for carrying out the programs referred to in subsection (a).

(2) The amount available under paragraph (1) for programs referred to in that paragraph is in addition to any other amounts authorized to be appropriated under section 301 for such programs.

Subtitle C—Control and Disposition of Weapons of Mass Destruction and Related Materials Threatening the United States

SEC. 1331. PROTECTION AND CONTROL OF MATERIALS CONSTITUTING A THREAT TO THE UNITED STATES.

(a) DEPARTMENT OF ENERGY PROGRAM.—Subject to subsection (c)(1), the Secretary of Energy may, under materials protection, control, and accounting assistance of the Department of Energy, provide assistance for securing from theft or other unauthorized disposition nuclear materials that are not so secured and are located at any site within the former Soviet Union where effective controls for securing such materials are not in place.

(b) DEPARTMENT OF DEFENSE PROGRAM.—Subject to subsection (c)(2), the Secretary of Defense may provide materials protection, control, and accounting assistance under the Cooperative Threat Reduction Programs of the Department of Defense for securing from theft or other unauthorized disposition, or for destroying, nuclear, radiological, biological, or chemical weapons (or related materials) that are not so secure and are located at any site within the former Soviet Union where effective controls for securing such weapons are not in place.

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

(B) The amount available under subparagraph (A) is in addition to any other funds that are authorized to be appropriated under title XXXI for materials protection, control, and accounting assistance of the Department of Energy.

(2)(A) Of the total amount authorized to be appropriated under section 301, $10,000,000 is available for the Cooperative Threat Reduction Programs of the Department of Defense for providing materials protection, control, and accounting assistance under subsection (b).

(B) The amount available under subparagraph (A) is in addition to any other funds that are authorized to be appropriated by section 301 for materials protection, control, and accounting assistance of the Department of Defense.

SEC. 1332. VERIFICATION OF DISMANTLEMENT AND CONVERSION OF WEAPONS AND MATERIALS.

(a) FUNDING FOR COOPERATIVE ACTIVITIES FOR DEVELOPMENT OF TECHNOLOGIES.—Of the total amount authorized to be appropriated under title XXXI, $10,000,000 is available for continuing and expediting cooperative activities with the Government of Russia to develop and deploy—

(1) technologies for improving verification of nuclear warhead dismantlement;

(2) technologies for converting plutonium from weapons into forms that—

(A) are better suited for long-term storage than are the forms from which converted;

(B) facilitate verification; and

(C) are suitable for nonweapons use; and

(3) technologies that promote openness in Russian production, storage, use, and final and interim disposition of weapon-usable fissible material, including at tritium/isotope production reactors, uranium enrichment plants, chemical separation plants, and fabrication facilities associated with naval and civil research reactors.

(b) WEAPONS-USABLE FISSILE MATERIALS TO BE COVERED BY COOPERATIVE THREAT REDUCTION PROGRAMS ON ELIMINATION OR TRANSPORTATION OF NUCLEAR WEAPONS.—Section 1201(b)(1) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 469; 22 U.S.C. 5955 note) is amended by inserting ‘‘, fissile material suitable for use in nuclear weapons,’’ after ‘‘other weapons’’.

SEC. 1333. ELIMINATION OF PLUTONIUM PRODUCTION.

(a) REPLACEMENT PROGRAM.—The Secretary of Defense, in consultation with the Secretary of Energy, shall develop a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium by modifying or replacing the reactor cores at Tomsk–7 and Krasnoyarsk–26 with reactor cores that are less suitable for the production of weapons-grade plutonium.

(b) PROGRAM REQUIREMENTS.—(1) The program shall be designed to achieve completion of the modifications or replacements of the reactor cores within three years after the modification or replacement activities under the program are begun.

(2) The plan for the program shall—

(A) specify—

(i) successive steps for the modification or replacement of the reactor cores; and

(ii) clearly defined milestones to be achieved; and

(B) include estimates of the costs of the program.

(c) SUBMISSION OF PROGRAM PLAN TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress—

(1) a plan for the program under subsection (a);

(2) an estimate of the United States funding that is necessary for carrying out the activities under the program for each fiscal year covered by the program; and

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

(d) FUNDING FOR INITIAL PHASE.—(1) Of the total amount authorized to be appropriated by section 301 other than for Cooperative Threat Reduction programs, $16,000,000 is available for the initial phase of the program under subsection (a).

(2) The amount available for the initial phase of the reactor modification or replacement program under paragraph (1) is in addition to amounts authorized to be appropriated for Cooperative Threat Reduction programs under section 301(20).

SEC. 1334. INDUSTRIAL PARTNERSHIP PROGRAMS TO DEMILITARIZE WEAPONS OF MASS DESTRUCTION PRODUCTION FACILITIES.

(a) DEPARTMENT OF ENERGY PROGRAM.—The Secretary of Energy shall expand the Industrial Partnership Program of the Department of Energy to include coverage of all of the independent states of the former Soviet Union.

(b) DEPARTMENT OF DEFENSE PROGRAM.—The Secretary of Defense shall establish a program to support the dismantlement or conversion of the biological and chemical weapons facilities in the independent states of the former Soviet Union to uses for nondefense purposes. The Secretary may carry out such program in conjunction with, or separately from, the organization designated as the Defense Enterprise Fund (formerly designated as the ‘‘Demilitarization Enterprise Fund’’ under section 1204 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 22 U.S.C. 5953)).

(c) FUNDING FOR DEPARTMENT OF DEFENSE PROGRAM.—(1)(A) Of the total amount authorized to be appropriated under section 301, $15,000,000 is available for the program under subsection (b).

(B) The amount available under subparagraph (A) for the industrial partnership program of the Department of Defense established pursuant to subsection (b) is in addition to the amount authorized to be appropriated for Cooperative Threat Reduction programs under section 301.

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

SEC. 1335. LAB-TO-LAB PROGRAM TO IMPROVE THE SAFETY AND SECURITY OF NUCLEAR MATERIALS.

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

(b) FUNDING.—(1) Of the total amount authorized to be appropriated under title XXXI, $20,000,000 is available for expanding the Lab-to-Lab program as authorized under subsection (a).

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

SEC. 1336. COOPERATIVE ACTIVITIES ON SECURITY OF HIGHLY ENRICHED URANIUM USED FOR PROPULSION OF RUSSIAN SHIPS.

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

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

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

(c) FUNDING.—(1) Of the total amount authorized to be appropriated by title XXXI, $6,000,000 is available for materials protection, control, and accounting program of the Department of Energy for the cooperative activities referred to in subsection (a).

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

SEC. 1337. MILITARY-TO-MILITARY RELATIONS.

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

(b) RELATIONSHIP TO OTHER FUNDING AUTHORITY.—The amount available for expanding military-to-military programs under subsection (a) is in addition to the amount authorized to be appropriated for Cooperative Threat Reduction programs under section 301.

SEC. 1338. TRANSFER AUTHORITY.

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

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

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

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

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

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

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

SEC. 1341. NATIONAL COORDINATOR ON NONPROLIFERATION.

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

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

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

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

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

(c) RELATIONSHIP TO CERTAIN SENIOR DIRECTORS OF NATIONAL SECURITY COUNCIL.—(1) The senior directors of the National Security Council report to the Coordinator regarding the following matters:

(A) Nonproliferation of weapons of mass destruction and related issues.

(B) Management of crises involving use or threatened use of weapons of mass destruction, and on management of the consequences of the use or threatened use of such a weapon.

(C) Terrorism, arms control, and organized crime issues that relate to the threat of proliferation of weapons of mass destruction.

(2) Nothing in paragraph (1) shall be construed to affect the reporting relationship between a senior director and the Assistant to the President for National Security Affairs or any other supervisor regarding matters other than matters described in paragraph (1).

(d) ALLOCATION OF FUNDS.—Of the total amount authorized to be appropriated under section 201, [$2,000,000] is available for carrying out research referred to in subsection (b)(3). Such amount is in addition to any other amounts authorized to be appropriated under section 201 for such purpose.

SEC. 1342. NATIONAL SECURITY COUNCIL COMMITTEE ON NONPROLIFERATION.

(a) ESTABLISHMENT.—The Committee on Nonproliferation (in this section referred to as the ''Committee'') is established as a committee of the National Security Council.

(b) MEMBERSHIP.—(1) The Committee shall be composed of the following:

(A) The Secretary of State.

(B) The Secretary of Defense.

(C) The Director of Central Intelligence.

(D) The Attorney General.

(E) The Secretary of Energy.

(F) The Administrator of the Federal Emergency Management Agency.

(G) The Secretary of the Treasury.

(H) The Secretary of Commerce.

(I) Such other members as the President may designate.

(2) The National Coordinator for Nonproliferation Matters shall chair the Committee on Nonproliferation.

(c) RESPONSIBILITIES.—The Committee has the following responsibilities:

(1) To review and coordinate Federal programs, policies, and directives relating to the proliferation of weapons of mass destruction and related materials and technologies, including matters relating to terrorism and international organized crime.

(2) To make recommendations to the President regarding the following:

(A) Integrated national policies for countering the threats posed by weapons of mass destruction.

(B) Options for integrating Federal agency budgets for countering such threats.

(C) Means to ensure that the Federal, State, and local governments have adequate capabilities to manage crises involving nuclear, radiological, biological, or chemical weapons or related materials or technologies, and to manage the consequences of a use of such a weapon or related materials or technologies, and that use of those capabilities is coordinated.

(D) Means to ensure appropriate cooperation on, and coordination of, the following:

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

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

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

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

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

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

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

SEC. 1343. COMPREHENSIVE PREPAREDNESS PROGRAM.

(a) PROGRAM REQUIRED.—The President, acting through the Committee on Nonproliferation established under section 1342, shall develop a comprehensive program for carrying out this title.

(b) CONTENT OF PROGRAM.—The program set forth in the report shall include specific plans as follows:

(1) Plans for countering proliferation of weapons of mass destruction and related materials and technologies.

(2) Plans for training and equipping Federal, State, and local officials for managing a crisis involving a use or threatened use of a weapon of mass destruction, including the consequences of the use of such a weapon.

(3) Plans for providing for regular sharing of information among intelligence, law enforcement, and customs agencies.

(4) Plans for training and equipping law enforcement units, customs services, and border security personnel to counter the smuggling of weapons of mass destruction and related materials and technologies.

(5) Plans for establishing appropriate centers for analyzing seized nuclear, radiological, biological, and chemical weapons, and related materials and technologies.

(6) Plans for establishing in the United States appropriate legal controls and authorities relating to the exporting of nuclear, radiological, biological, and chemical weapons, and related materials and technologies.

(7) Plans for encouraging and assisting governments of foreign countries to implement and enforce laws that set forth appropriate penalties for offenses regarding the smuggling of weapons of mass destruction and related materials and technologies.

(8) Plans for building the confidence of the United States and Russia in each other's controls over United States and Russian nuclear weapons and fissile materials, including plans for verifying the dismantlement of nuclear weapons.

(9) Plans for reducing United States and Russian stockpiles of excess plutonium, reflecting—

(A) consideration of the desirability and feasibility of a United States-Russian agreement governing fissile material disposition and the specific technologies and approaches to be used for disposition of excess plutonium; and

(B) an assessment of the options for United States cooperation with Russia in the disposition of Russian plutonium.

(10) Plans for studying the merits and costs of establishing a global network of means for detecting and responding to terroristic or other criminal use of biological agents against people or other forms of life in the United States or any foreign country.

(c) REPORT.—(1) At the same time that the President submits the budget for fiscal year 1998 to Congress pursuant to section 1105(a) of title 31, United States Code, the President shall submit to Congress a report that sets forth the comprehensive program developed under subsection (a).

(2) The report shall include the following:

(A) The specific plans for the program that are required under subsection (b).

(B) Estimates of the funds necessary for carrying out such plans in fiscal year 1998.

(3) The report shall be in an unclassified form. If there is a classified version of the report, the President shall submit the classified version at the same time.

SEC. 1344. TERMINATION.

After September 30, 1999, the President—

(1) is not required to maintain a National Coordinator for Nonproliferation Matters under section 1341; and

(2) may terminate the Committee on Nonproliferation established under section 1342.

Subtitle E—Miscellaneous

SEC. 1351. CONTRACTING POLICY.

It is the sense of Congress that the Secretary of Defense, the Secretary of Energy, the Secretary of the Treasury, and the Secretary of State—

(1) in the administration of funds available to such officials in accordance with this title, should (to the extent possible under law) contract directly with suppliers in independent states of the former Soviet Union to facilitate the purchase of goods and services necessary to carry out effectively the programs and authorities provided or referred to in subtitle C; and

(2) to do so should seek means, consistent with law, to utilize innovative contracting approaches to avoid delay and increase the effectiveness of such programs and of the exercise of such authorities.

SEC. 1352. TRANSFERS OF ALLOCATIONS AMONG COOPERATIVE THREAT REDUCTION PROGRAMS.

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

(1) The various Cooperative Threat Reduction programs are being carried out at different rates in the various countries covered by such programs.

(2) It is necessary to authorize transfers of funding allocations among the various programs in order to maximize the effectiveness of United States efforts under such programs.

(b) TRANSFERS AUTHORIZED.—Funds appropriated for the purposes set forth in subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 409) may be used for any such purpose without regard to the allocation set forth in that section and without regard to subsection (b) of such section.

SEC. 1353. ADDITIONAL CERTIFICATIONS.

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

(1) the Cooperative Threat Reduction programs and other United States programs that are derived from programs established under the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484; 22 U.S.C. 2901 et seq.) should be expanded by offering assistance under those programs to other independent states of the former Soviet Union in addition to Russia, Ukraine, Kazakstan, and Belarus; and

(2) the President should offer assistance to additional independent states of the former Soviet Union in each case in which the participation of such states would benefit national security interests of the United States by improving border controls and safeguards over materials and technology associated with weapons of mass destruction.

(b) EXTENSION OF COVERAGE.—Assistance under programs referred to in subsection (a) may, notwithstanding any other provision of law, be extended to include an independent state of the former Soviet Union if the President certifies to Congress that it is in the national interests of the United States to extend the assistance to that state.

SEC. 1354. PURCHASE OF LOW-ENRICHED URANIUM DERIVED FROM RUSSIAN HIGHLY ENRICHED URANIUM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the allies of the United States and other nations should participate in efforts to ensure that stockpiles of weapons-grade nuclear material are reduced.

(b) ACTIONS BY THE SECRETARY OF STATE.—Congress urges the Secretary of State to encourage, in consultation with the Secretary of Energy, other countries to purchase low-enriched uranium that is derived from highly enriched uranium extracted from Russian nuclear weapons.

SEC. 1355. PURCHASE, PACKAGING, AND TRANSPORTATION OF FISSILE MATERIALS AT RISK OF THEFT.

It is the sense of Congress that—

(1) the Secretary of Defense, the Secretary of Energy, the Secretary of the Treasury, and the Secretary of State should purchase, package, and transport to secure locations weapons-grade nuclear materials from a stockpile of such materials if such officials determine that—

(A) there is a significant risk of theft of such materials; and

(B) there is no reasonable and economically feasible alternative for securing such materials; and

(2) if it is necessary to do so in order to secure the materials, the materials should be imported into the United States, subject to the laws and regulations that are applicable to the importation of such materials into the United States.

SEC. 1356. REDUCTION IN AUTHORIZATIONS OF APPROPRIATIONS.

(a) NAVY RDT&E.—(1) The total amount authorized to be appropriated under section 201(2) is reduced by $150,000,000.

(2) The reduction in paragraph (1) shall be applied to reduce by $150,000,000 the amount authorized to be appropriated under section 201(2) for the Distributed Surveillance System.

(b) DEPARTMENT OF ENERGY.—(1) Notwithstanding any of the provisions of title XXXI, the total amount authorized to be appropriated for the Department of Energy for fiscal year 1997 under that title is reduced by $85,000,000.

(2) The reduction under paragraph (1) is not directed at any particular authorization of appropriations under title XXXI for any particular program, project, or activity.

GRASSLEY AMENDMENT NO. 4182

(Ordered to lie on the table.)

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

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

TITLE XIII—WTO REVIEW COMMISSION

SEC. 1301. SHORT TITLE.

This title may be cited as the ''WTO Dispute Settlement Review Commission Act''.

SEC. 1302. CONGRESSIONAL FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The United States joined the WTO as an original member with the goal of creating an improved global trading system and providing expanded economic opportunities for United States firms and workers, while preserving United States sovereignty.

(2) The American people must receive assurances that United States sovereignty will be protected, and United States interests will be advanced, within the global trading system which the WTO will oversee.

(3) The WTO's dispute settlement rules are meant to enhance the likelihood that governments will observe their WTO obligations, and thus help ensure that the United States will reap the full benefits of its participation in the WTO.

(4) United States support for the WTO depends on obtaining mutual trade benefits through the openness of foreign markets and the maintenance of effective United States and WTO remedies against unfair or otherwise harmful trade practices.

(5) Congress passed the Uruguay Round Agreements Act based on its understanding that effective trade remedies would not be eroded. These remedies are essential to continue the process of opening foreign markets to imports of goods and services and to prevent harm to American industry and agriculture.

(6) In particular, WTO dispute settlement panels and the Appellate Body should—

(A) operate with fairness and in an impartial manner;

(B) not add to the obligations, or diminish the rights, of WTO members under the Uruguay Round Agreements; and

(C) observe the terms of reference and any applicable WTO standard of review.

(b) PURPOSE.—It is the purpose of this title to provide for the establishment of the WTO Dispute Settlement Review Commission to achieve the objectives described in subsection (a)(6).

SEC. 1303. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the WTO Dispute Settlement Review Commission (hereafter in this title referred to as the ''Commission'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 5 members all of whom shall be judges of the Federal judicial circuits and shall be appointed by the President, after consultation with the Majority Leader and Minority Leader of the House of Representatives, the Majority Leader and Minority Leader of the Senate, the chairman and ranking member of the Committee on Ways and Means of the House of Representatives, and the chairman and ranking member of the Committee on Finance of the Senate.

(2) DATE.—The appointments of the initial members of the Commission shall be made no later than 90 days after the date of the enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

(1) IN GENERAL.—Members of the Commission shall each be appointed for a term of 5 years, except of the members first appointed, 3 members shall be appointed for terms of 3 years and the remaining 2 members shall be appointed for terms of 2 years.

(2) VACANCIES.—

(A) IN GENERAL.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment and shall be subject to the same conditions as the original appointment.

(B) UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(d) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) AFFIRMATIVE DETERMINATIONS.—An affirmative vote by a majority of the members of the Commission shall be required for any affirmative determination by the Commission under section 1304.

(h) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among its members.

SEC. 1304. DUTIES OF THE COMMISSION.

(a) REVIEW OF WTO DISPUTE SETTLEMENT REPORTS.—

(1) IN GENERAL.—The Commission shall review—

(A) all adverse reports of dispute settlement panels and the Appellate Body which are—

(i) adopted by the Dispute Settlement Body, and

(ii) the result of a proceeding initiated against the United States by a WTO member; and

(B) upon the request of the Trade Representative, any adverse report of a dispute settlement panel or the Appellate Body—

(i) which is adopted by the Dispute Settlement Body, and

(ii) in which the United States is a complaining party.

(2) SCOPE OF REVIEW.—With respect to any report the Commission reviews under paragraph (1), the Commission shall determine in connection with each adverse finding whether the panel or the Appellate Body, as the case may be—

(A) demonstrably exceeded its authority or its terms of reference;

(B) added to the obligations, or diminished the rights, of the United States under the Uruguay Round Agreement which is the subject of the report;

(C) acted arbitrarily or capriciously, engaged in misconduct, or demonstrably departed from the procedures specified for panels and the Appellate Body in the applicable Uruguay Round Agreement; and

(D) deviated from the applicable standard of review, including in antidumping cases, the standard of review set forth in Article 17.6 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.

(3) AFFIRMATIVE DETERMINATION.—The Commission shall make an affirmative determination under this paragraph with respect to the action of a panel or the Appellate Body, if the Commission determines that—

(A) any of the matters described in subparagraph (A), (B), (C), or (D) of paragraph (2) has occurred; and

(B) the action of the panel or the Appellate Body materially affected the outcome of the report of the panel or Appellate Body.

(b) DETERMINATION; REPORT.—

(1) DETERMINATION.—No later than 120 days after the date on which a report of a panel or the Appellate Body described in subsection (a)(1) is adopted by the Dispute Settlement Body, the Commission shall make a written determination with respect to the matters described in paragraphs (2) and (3) of subsection (a).

(2) REPORTS.—The Commission shall promptly report the determinations described in paragraph (1) to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Trade Representative.

SEC. 1305. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold a public hearing to solicit views concerning a report of a dispute settlement panel or the Appellate Body described in section 1304(a)(1), if the Commission considers such hearing to be necessary to carry out the purpose of this title. The Commission shall provide reasonable notice of a hearing held pursuant to this subsection.

(b) INFORMATION FROM INTERESTED PARTIES AND FEDERAL AGENCIES.—

(1) NOTICE OF PANEL OR APPELLATE BODY REPORT.—The Trade Representative shall advise the Commission no later than 5 business days after the date the Dispute Settlement Body adopts a report of a panel or the Appellate Body that is to be reviewed by the Commission under section 1304(a)(1).

(2) SUBMISSIONS AND REQUESTS FOR INFORMATION.—

(A) IN GENERAL.—The Commission shall promptly publish in the Federal Register notice of the advice received from the Trade Representative, along with notice of an opportunity for interested parties to submit written comments to the Commission. The Commission shall make comments submitted pursuant to the preceding sentence available to the public.

(B) INFORMATION FROM FEDERAL AGENCIES AND DEPARTMENTS.—The Commission may also secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this title. Upon the request of the Chairperson of the Commission, the head of such department or agency shall furnish the information requested to the Commission.

(3) ACCESS TO PANEL AND APPELLATE BODY DOCUMENTS.—

(A) IN GENERAL.—The Trade Representative shall make available to the Commission all submissions and relevant documents relating to a report of a panel or the Appellate Body described in section 1304(a)(1), including any information contained in such submissions identified by the provider of the information as proprietary information or information designated as confidential by a foreign government.

(B) PUBLIC ACCESS.—Any document which the Trade Representative submits to the Commission shall be available to the public, except information which is identified as proprietary or confidential.

(c) ASSISTANCE FROM FEDERAL AGENCIES; CONFIDENTIALITY.—

(1) ADMINISTRATIVE ASSISTANCE.—Any agency or department of the United States that is designated by the President shall provide administrative services, funds, facilities, staff, or other support services to the Commission to assist the Commission with the performance of the Commission's functions.

(2) CONFIDENTIALITY.—The Commission shall protect from disclosure any document or information submitted to it by a department or agency of the United States which the agency or department requests be kept confidential. The Commission shall not be considered to be an agency for purposes of section 552 of title 5, United States Code.

SEC. 1306. REVIEW OF DISPUTE SETTLEMENT PROCEDURES AND PARTICIPATION IN THE WTO.

(a) AFFIRMATIVE REPORT BY COMMISSION.—

(1) IN GENERAL.—If a joint resolution described in subsection (b)(1) is enacted into law pursuant to the provisions of subsection (c), the President should undertake negotiations to amend or modify the rules and procedures of the Uruguay Round Agreement to which such joint resolution relates.

(2) 3 AFFIRMATIVE REPORTS BY COMMISSION.—If a joint resolution described in subsection (b)(2) is enacted into law pursuant to the provisions of subsection (c), the approval of the Congress, provided for under section 101(a) of the Uruguay Round Agreements Act, of the WTO Agreement shall cease to be effective in accordance with the provisions of the joint resolution.

(b) JOINT RESOLUTIONS DESCRIBED.—

(1) IN GENERAL.—For purposes of subsection (a)(1), a joint resolution is described in this paragraph if it is a joint resolution of the 2 Houses of Congress and the matter after the resolving clause of such joint resolution is as follows: ''That the Congress calls upon the President to undertake negotiations to amend or modify the matter relating to _____ that is the subject of the affirmative report submitted to the Congress by the WTO Dispute Settlement Review Commission on ___'', the first blank space being filled with the specific provisions of the Uruguay Round Agreement with respect to which the President is to undertake negotiations and the second blank space being filled with the date that the affirmative report, which was made under section 1304(b) and which has given rise to the joint resolution, was submitted to the Congress by the Commission pursuant to section 1304(b).

(2) WITHDRAWAL RESOLUTION.—For purposes of subsection (a)(2), a joint resolution is described in this paragraph if it is a joint resolution of the 2 Houses of Congress and the matter after the resolving clause of such joint resolution is as follows: ''That, in light of the 3 affirmative reports submitted to the Congress by the WTO Dispute Settlement Review Commission during the preceding 5-year period, and the failure to remedy the problems identified in the reports through negotiations, it is no longer in the overall national interest of the United States to be a member of the WTO, and accordingly the Congress withdraws its approval, provided under section 101(a) of the Uruguay Round Agreements Act, of the WTO Agreement as defined in section 2(9) of that Act.''.

(c) PROCEDURAL PROVISIONS.—

(1) IN GENERAL.—The requirements of this subsection are met if the joint resolution is enacted in accordance with this subsection, and—

(A) in the case of a joint resolution described in subsection (b)(1), the Congress adopts and transmits the joint resolution to the President before the end of the 90-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which the Congress receives an affirmative report from the Commission pursuant to section 1304(b)(2); or

(B) in the case of a joint resolution described in subsection (b)(2), the Commission has submitted 3 affirmative reports pursuant to section 1304(b)(2) during a 5-year period, and the Congress adopts and transmits the joint resolution to the President before the end of the 90-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which the Congress receives the third such affirmative report.

(2) PRESIDENTIAL VETO.—In any case in which the President vetoes the joint resolution, the requirements of this subsection are met if each House of Congress votes to override that veto on or before the later of the last day of the 90-day period referred to in subparagraph (A) or (B) of paragraph (1), whichever is applicable, or the last day of the 15-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which the Congress receives the veto message from the President.

(3) INTRODUCTION.—

(A) TIME.—A joint resolution to which this section applies may be introduced at any time on or after the date on which the Commission transmits to the Congress an affirmative report pursuant to section 1304(b)(2), and before the end of the 90-day period referred to in subparagraph (A) or (B) of paragraph (1), as the case may be.

(B) ANY MEMBER MAY INTRODUCE.—A joint resolution described in subsection (b) may be introduced in either House of the Congress by any Member of such House.

(4) EXPEDITED PROCEDURES.—

(A) GENERAL RULE.—Subject to the provisions of this subsection, the provisions of subsections (b), (d), (e), and (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192 (b), (d), (e), and (f)) apply to joint resolutions described in subsection (b) to the same extent as such provisions apply to resolutions under such section.

(B) REPORT OR DISCHARGE OF COMMITTEE.—If the committee of either House to which a joint resolution has been referred has not reported it by the close of the 45th day after its introduction (excluding any day described in section 154(b) of the Trade Act of 1974), such committee shall be automatically discharged from further consideration of the joint resolution and it shall be placed on the appropriate calendar.

(C) FINANCE AND WAYS AND MEANS COMMITTEES.—It is not in order for—

(i) the Senate to consider any joint resolution unless it has been reported by the Committee on Finance or the committee has been discharged under subparagraph (B); or

(ii) the House of Representatives to consider any joint resolution unless it has been reported by the Committee on Ways and Means or the committee has been discharged under subparagraph (B).

(D) SPECIAL RULE FOR HOUSE.—A motion in the House of Representatives to proceed to the consideration of a joint resolution may only be made on the second legislative day after the calendar day on which the Member

making the motion announces to the House his or her intention to do so.

(5) CONSIDERATION OF SECOND RESOLUTION NOT IN ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider a joint resolution (other than a joint resolution received from the other House), if that House has previously adopted a joint resolution under this section relating to the same matter.

(d) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

SEC. 1307. DEFINITIONS.

For purposes of this title:

(1) ADVERSE FINDING.—The term ''adverse finding'' means—

(A) in a panel or Appellate Body proceeding initiated against the United States, a finding by the panel or the Appellate Body that any law or regulation of, or application thereof by, the United States is inconsistent with the obligations of the United States under a Uruguay Round Agreement (or nullifies or impairs benefits accruing to a WTO member under such an Agreement); or

(B) in a panel or Appellate Body proceeding in which the United States is a complaining party, any finding by the panel or the Appellate Body that a measure of the party complained against is not inconsistent with that party's obligations under a Uruguay Round Agreement (or does not nullify or impair benefits accruing to the United States under such an Agreement).

(2) AFFIRMATIVE REPORT.—The term ''affirmative report'' means a report described in section 1304(b)(2) which contains affirmative determinations made by the Commission under paragraph (3) of section 1304(a).

(3) APPELLATE BODY.—The term ''Appellate Body'' means the Appellate Body established by the Dispute Settlement Body pursuant to Article 17.1 of the Dispute Settlement Understanding.

(4) DISPUTE SETTLEMENT BODY.—The term ''Dispute Settlement Body'' means the Dispute Settlement Body established pursuant to the Dispute Settlement Understanding.

(5) DISPUTE SETTLEMENT PANEL; PANEL.—The terms ''dispute settlement panel'' and ''panel'' mean a panel established pursuant to Article 6 of the Dispute Settlement Understanding.

(6) DISPUTE SETTLEMENT UNDERSTANDING.—The term ''Dispute Settlement Understanding'' means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 101(d)(16) of the Uruguay Round Agreements Act.

(7) TERMS OF REFERENCE.—The term ''terms of reference'' has the meaning given such term in the Dispute Settlement Understanding.

(8) TRADE REPRESENTATIVE.—The term ''Trade Representative'' means the United States Trade Representative.

(9) URUGUAY ROUND AGREEMENT.—The term ''Uruguay Round Agreement'' means any of the Agreements described in section 101(d) of the Uruguay Round Agreements Act.

(10) WORLD TRADE ORGANIZATION; WTO.—The terms ''World Trade Organization'' and ''WTO'' mean the organization established pursuant to the WTO Agreement.

(11) WTO AGREEMENT.—The term ''WTO Agreement'' means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

REID AMENDMENT NO. 4183

(Ordered to lie on the table.)

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

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

SEC. 3138. PAYMENT OF COSTS OF OPERATION AND MAINTENANCE OF INFRASTRUCTURE AT NEVADA TEST SITE.

Notwithstanding any other provision of law and effective as of September 30, 1997, the costs associated with operating and maintaining the infrastructure at the Nevada Test Site, Nevada, with respect to any activities carried out at the site by the Department of Defense shall be paid for by the Department of Energy from funds authorized to be appropriated to the Department of Energy for stockpile stewardship.

FEINSTEIN AMENDMENT NO. 4184

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill, S. 1745, supra; as follows:

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

SEC. 223. FUNDING FOR BASIC RESEARCH IN NUCLEAR SEISMIC MONITORING.

Of the amount authorized to be appropriated by section 201(3) and made available for arms control implementation for the Air Force (account PE0305145F), $6,500,000 shall be available for basic research in nuclear seismic monitoring.

KYL (AND BINGAMAN) AMENDMENTS NOS. 4185–4186

(Ordered to lie on the table.)

Mr. KYL (for himself and Mr. BINGAMAN) submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4185

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

SEC. 1043. PROHIBITION ON COLLECTION AND RELEASE OF DETAILED SATELLITE IMAGERY RELATING TO ISRAEL AND OTHER COUNTRIES AND AREAS.

(a) COLLECTION AND DISSEMINATION.—No department or agency of the Federal Government may license the collection or dissemination by any non-Federal entity of satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

(b) DECLASSIFICATION AND RELEASE.—No department or agency of the Federal Government may declassify or otherwise release satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

AMENDMENT NO. 4186

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

SEC. 1043. PROHIBITION ON COLLECTION AND RELEASE OF DETAILED SATELLITE IMAGERY RELATING TO ISRAEL AND OTHER COUNTRIES AND AREAS.

(a) COLLECTION AND DISSEMINATION.—No department or agency of the Federal Government may license the collection or dissemination by any non-Federal entity of satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

(b) DECLASSIFICATION AND RELEASE.— No department or agency of the Federal Government may declassify or otherwise release satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

KYL AMENDMENTS NOS. 4187–4188

(Ordered to lie on the table.)

Mr. KYL submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4187

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

SEC. 223, SURGICAL STRIKE VEHICLE FOR USE AGAINST HARDENED AND DEEPLY BURIED TARGETS.

Of the amount authorized to be appropriated by section 201(4) for counterproliferation support program, $3,000,000 shall be made available for research and development into the near-term development of a B52H system as a surgical strike vehicle for defeating hardened and deeply buried targets, including tunnels and deeply buried facilities for the production and storage of chemical, biological, and nuclear weapons and their delivery systems.

AMENDMENT NO. 4188

At the end of subtitle D of title X add the following:

SEC. 1044. SENSE OF THE SENATE CONCERNING EXPORT CONTROLS.

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

(1) Export controls are a part of a comprehensive response to national security threats. United States exports should be restricted where those threats exist to national security, nonproliferation, and foreign policy interests of the United States.

(2) The export of certain commodities and technology may adversely affect the national security and foreign policy of the United States by making a significant contribution to the military potential of individual countries or by disseminating the capability to design, develop, test, produce, stockpile, or use weapons of mass destruction, missile delivery systems, and other significant military capabilities. Therefore, the administration of export controls should emphasize the control of these exports.

(3) The acquisition of sensitive commodities and technologies by those countries and end users whose actions or policies run counter to United States national security or foreign policy interests may enhance the military capabilities of those countries, particularly their ability to design, develop, test, produce, stockpile, use, and deliver nuclear, chemical, and biological weapons, missile delivery systems, and other significant military capabilities. This enhancement threatens the security of the United States

and its allies. The availability to countries and end users of items that contribute to military capabilities or the proliferation of weapons of mass destruction is a fundamental concern of the United States and should be eliminated through deterrence, negotiations, and other appropriate means whenever possible.

(4) The national security of the United States depends not only on wise foreign policies and a strong defense, but also a vibrant national economy. To be truly effective, export controls should be applied uniformly by all suppliers.

(5) On November 5, 1995, President William J. Clinton extended Executive Order No. 12938 regarding ''Weapons of Mass Destruction'', and ''declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the proliferation of nuclear, biological, and chemical weapons and the means of delivering such weapons''.

(6) A successor regime to COCOM (the Coordinating Commission on Multilateral Controls) has not been established. Currently, each nation is determining independently which dual-use military items, if any, will be controlled for export.

(7) The United States should play a leading role in promoting transparency and responsibility with regard to the transfers of sensitive dual-use goods and technologies.

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

(1) establishing an international export control regime, empowered to control exports of dual-use technology, is critically important and should become a top priority for the United States; and

(2) the United States should strongly encourage its allies and friends to—

(A) adopt a commodity control list which governs the same or similar items as are controlled by the United States Commodity Control list;

(B) strengthen enforcement activities; and

(C) explore the use of unilateral export controls where the possibility exists that an export could contribute to proliferation.

THURMOND AMENDMENTS NOS. 4189–4190

(Ordered to lie on the table.)

Mr. THURMOND submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4189

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

SEC. 413. PERSONNEL MANAGEMENT RELATING TO ASSIGNMENT TO SERVICE IN THE SELECTIVE SERVICE SYSTEM.

Section 10 of the Military Selective Service Act (50 U.S.C. App. 460) is amended—

(1) in subsection (b)(2), by inserting '', subject to subsection (e),'' after ''to employ such number of civilians, and''; and

(2) by inserting after subsection (d) the following:

''(e)(1) The number of armed forces personnel assigned to the Selective Service System under subsection (b)(2) may not exceed 745, except in a time of war declared by Congress or national emergency declared by Congress or the President.

''(2) Members of the Selected Reserve assigned to the Selective Service System under subsection (b)(2) shall not be counted for purposes of any limitation on the authorized strength of Selected Reserve personnel of the reserve components under any law authorizing the end strength of such personnel.''.

AMENDMENT NO. 4190

At the end of title XI add the following:

Subtitle B—Defense Intelligence Personnel

SEC. 1131. SHORT TITLE.

This subtitle may be cited as the ''Department of Defense Civilian Intelligence Personnel Reform Act of 1996''.

SEC. 1132. CIVILIAN INTELLIGENCE PERSONNEL MANAGEMENT.

Section 1590 of title 10, United States Code, is amended to read as follows:

''§ 1590. Management of civilian intelligence personnel of the Department of Defense

''(a) GENERAL PERSONNEL MANAGEMENT AUTHORITY.—The Secretary of Defense may, without regard to the provisions of any other law relating to the appointment, number, classification, or compensation of employees—

''(1) establish—

''(A) as positions in the excepted service, such defense intelligence component positions (including Intelligence Senior Level positions) as the Secretary determines necessary to carry out the intelligence functions of the defense intelligence components; and

''(B) such Intelligence Senior Executive Service positions as the Secretary determines necessary to carry out functions referred to in subparagraph (B);

''(2) appoint individuals to such positions (after taking into consideration the availability of preference eligibles for appointment to such positions); and

''(3) fix the compensation of such individuals for service in such positions.

''(b) BASIC PAY.—(1)(A) Subject to subparagraph (B) and paragraph (2), the Secretary of Defense shall fix the rates of basic pay for positions established under subsection (a) in relation to the rates of basic pay provided in subpart D of part III of title 5 for positions subject to that subpart which have corresponding levels of duties and responsibilities.

''(B) Except as otherwise provided by law, no rate of basic pay fixed under subparagraph (A) for a position established under subsection (a) may exceed—

''(i) in the case of an Intelligence Senior Executive Service position, the maximum rate provided in section 5382 of title 5;

''(ii) in the case of an Intelligence Senior Level position, the maximum rate provided in section 5382 of title 5; and

''(iii) in the case of any other defense intelligence component position, the maximum rate provided in section 5306(e) of title 5.

''(2) The Secretary of Defense may, consistent with section 5341 of title 5, adopt such provisions of that title as provide for prevailing rate systems of basic pay and may apply those provisions to positions for civilian employees in or under which the Department of Defense may employ individuals described by section 5342(a)(2)(A) of such title.

''(c) ADDITIONAL COMPENSATION, INCENTIVES, AND ALLOWANCES.—(1) Employees in defense intelligence component positions may be paid additional compensation, including benefits, incentives, and allowances, in accordance with this subsection if, and to the extent, authorized in regulations prescribed by the Secretary of Defense.

''(2) Additional compensation under this subsection shall be consistent with, and not in excess of the levels authorized for, comparable positions authorized by title 5.

''(3)(A) Employees in defense intelligence component positions, if citizens or nationals of the United States, may be paid an allowance while stationed outside the continental United States or in Alaska.

''(B) Subject to subparagraph (C), allowances under subparagraph (A) shall be based on—

''(i) living costs substantially higher than in the District of Columbia;

''(ii) conditions of environment which differ substantially from conditions of environment in the continental United States and warrant an allowance as a recruitment incentive; or

''(iii) both of the factors described in clauses (i) and (ii).

''(C) An allowance under subparagraph (A) may not exceed an allowance authorized to be paid by section 5941(a) of title 5 for employees whose rates of basic pay are fixed by statute.

''(d) INTELLIGENCE SENIOR EXECUTIVE SERVICE.—(1) The Secretary of Defense may establish an Intelligence Senior Executive Service for defense intelligence component positions established pursuant to subsection (a) that are equivalent to Senior Executive Service positions.

''(2) The Secretary of Defense shall prescribe regulations for the Intelligence Senior Executive Service which are consistent with the requirements set forth in sections 3131, 3132(a)(2), 3396(c), 3592, 3595(a), 5384, and 6304 of title 5, subsections (a), (b), and (c) of section 7543 of such title (except that any hearing or appeal to which a member of the Intelligence Senior Executive Service is entitled shall be held or decided pursuant to the regulations), and subchapter II of chapter 43 of such title. To the extent that the Secretary determines it practicable to apply to members of, or applicants for, the Intelligence Senior Executive Service other provisions of title 5 that apply to members of, or applicants for, the Senior Executive Service, the Secretary shall also prescribe regulations to implement those sections with respect to the Intelligence Senior Executive Service.

''(e) AWARD OF RANK TO MEMBERS OF THE INTELLIGENCE SENIOR EXECUTIVE SERVICE.—The President, based on the recommendations of the Secretary of Defense, may award a rank referred to in section 4507 of title 5 to members of the Intelligence Senior Executive Service whose positions may be established pursuant to this section. The awarding of such rank shall be made in a manner consistent with the provisions of that section.

''(f) INTELLIGENCE SENIOR LEVEL POSITIONS.—The Secretary of Defense may, in accordance with regulations prescribed by the Secretary, designate as an Intelligence Senior Level position any defense intelligence component position that, as determined by the Secretary—

''(1) is classifiable above grade GS–15 of the General Schedule;

''(2) does not satisfy functional or program management criteria for being designated an Intelligence Senior Executive Service position; and

''(3) has no more than minimal supervisory responsibilities.

''(g) TIME LIMITED APPOINTMENTS.—(1) The Secretary of Defense may, in regulations, authorize appointing officials to make time limited appointments to defense intelligence component positions specified in the regulations.

''(2) An employee serving in a defense intelligence component position pursuant to a time limited appointment is not eligible for a permanent appointment to an Intelligence Senior Executive Service position (including a position in which serving) unless selected for the permanent appointment on a competitive basis.

''(3) In this subsection, the term 'time limited appointment' means an appointment for a period not to exceed two years. . . .

''(h) TERMINATION OF CIVILIAN INTELLIGENCE EMPLOYEES.—(1) Notwithstanding any other provision of law, the Secretary of Defense may terminate the employment of any employee in a defense intelligence component position if the Secretary—

''(A) considers such action to be in the interests of the United States; and

''(B) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security.

''(2) A decision by the Secretary of Defense to terminate the employment of an employee under this subsection is final and may not be appealed or reviewed outside the Department of Defense.

''(3) The Secretary of Defense shall promptly notify the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate whenever the Secretary terminates the employment of any employee under the authority of this subsection.

''(4) Any termination of employment under this subsection shall not affect the right of the employee involved to seek or accept employment with any other department or agency of the United States if that employee is declared eligible for such employment by the Director of the Office of Personnel Management.

''(5) The authority of the Secretary of Defense under this subsection may be delegated only to the Deputy Secretary of Defense and the head of a defense intelligence component (with respect to employees of that component). An action to terminate employment of such an employee by any such official may be appealed to the Secretary of Defense.

''(i) REDUCTIONS AND OTHER ADJUSTMENTS IN FORCE.—(1) The Secretary of Defense, in consultation with the Director of the Office of Personnel Management, shall prescribe regulations for the separation of employees in defense intelligence component positions, including members of the Intelligence Senior Executive Service and employees in Intelligence Senior Level positions, in a reduction in force or other adjustment in force. The regulations shall apply to such a reduction in force or other adjustment in force notwithstanding sections 3501(b) and 3502 of title 5.

''(2) The regulations shall give effect to—

''(A) tenure of employment;

''(B) military preference, subject to sections 3501(a)(3) and 3502(b) of title 5;

''(C) the veteran's preference under section 3502(b) of title 5;

''(D) performance; and

''(E) length of service computed in accordance with the second sentence of section 3502(a) of title 5.

''(2) The regulations relating to removal from the Intelligence Senior Executive Service in a reduction in force or other adjustment in force shall be consistent with section 3595(a) of title 5.

''(3) The regulations shall provide a right of appeal regarding a personnel action under the regulations. The appeal shall be determined within the Department of Defense. An appeal determined at the highest level provided in the regulations shall be final and not subject to review outside the Department of Defense. A personnel action covered by the regulations is not subject to any other provision of law that provides appellate rights or procedures.

''(j) APPLICABILITY OF MERIT SYSTEM PRINCIPLES.—Section 2301 of title 5 shall apply to the exercise of authority under this section.

''(k) COLLECTIVE BARGAINING AGREEMENTS.—Nothing in this section may be construed to impair the continued effectiveness of a collective bargaining agreement with respect to an agency or office that is a successor to an agency or office covered by the agreement before the succession.

''(l) NOTIFICATION OF CONGRESS.—At least 60 days before the effective date of regulations prescribed to carry out this section, the Secretary of Defense shall submit the regulations to the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate.

''(m) DEFINITIONS.—In this section:

''(1) The term 'defense intelligence component position' means a position of civilian employment as an intelligence officer or employee of a defense intelligence component.

''(2) The term 'defense intelligence component' means each of the following components of the Department of Defense:

''(A) The National Security Agency.

''(B) The Defense Intelligence Agency.

''(C) The Central Imagery Office.

''(D) Any component of a military department that performs intelligence functions and is designated as a defense intelligence component by the Secretary of Defense.

''(E) Any other component of the Department of Defense that performs intelligence functions and is designated as a defense intelligence component by the Secretary of Defense.

''(F) Any successor to a component listed in, or designated pursuant to, this paragraph.

''(3) The term 'Intelligence Senior Level position' means a defense intelligence component position designated as an Intelligence Senior Level position pursuant to subsection (f).

''(4) The term 'excepted service' has the meaning given such term in section 2103 of title 5.

''(5) The term 'preference eligible' has the meaning given such term in section 2108(3) of title 5.

''(6) The term 'Senior Executive Service position' has the meaning given such term in section 3132(a)(2) of title 5.

''(7) The term 'collective bargaining agreement' has the meaning given such term in section 7103(8) of title 5.''.

SEC. 1133. REPEALS.

(a) DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE.—Sections 1601, 1603, and 1604 of title 10, United States Code, are repealed.

(b) NATIONAL SECURITY AGENCY PERSONNEL MANAGEMENT AUTHORITIES.—(1) Sections 2 and 4 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) are repealed.

(2) Section 303 of the Internal Security Act of 1950 (50 U.S.C. 833) is repealed.

SEC. 1134. CLERICAL AMENDMENTS.

(a) AMENDED SECTION HEADING.—The item relating to section 1590 in the table of sections at the beginning of chapter 81 of title 10, United States Code, is amended to read as follows:

''1590. Management of civilian intelligence personnel of the Department of Defense.''.

(b) REPEALED SECTIONS.—The table of sections at the beginning of chapter 83 of title 10, United States Code, is amended by striking out the items relating to sections 1601, 1603, and 1604.

THURMOND (AND WARNER) AMENDMENT NO. 4191

(Ordered to lie on the table.)

Mr. THURMOND (for himself and Mr. WARNER) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

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

SEC. 523. PROHIBITION ON REORGANIZATION OF ARMY ROTC CADET COMMAND OR TERMINATION OF SENIOR ROTC UNITS PENDING REPORT ON ROTC.

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

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

(1) describe the selection process used to identify the Reserve Officer Training Corps units of the Army to be terminated;

(2) list the criteria used by the Army to select Reserve Officer Training Corps units for termination;

(3) set forth the specific ranking of each unit of the Reserve Officer Training Corps of the Army to be terminated as against all other such units;

(4) set forth the authorized and actual cadre staffing of each such unit to be termination for each fiscal year of the 10-fiscal year period ending with fiscal year 1996;

(5) set forth the production goals and performance evaluations of each Reserve Officer Training Corps unit of the Army on the closure list for each fiscal year of the 10-fiscal year period ending with fiscal year 1996;

(6) describe how cadets currently enrolled in the units referred to in paragraph (5) will be accommodated after the closure of such units;

(7) describe the incentives to enhance the Reserve Officer Training Corps program that are provided by each of the colleges on the closure list; and

(8) include the projected officer accession plan by source of commission for the active-duty Army, the Army Reserve, and the Army National Guard.

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

THURMOND AMENDMENT NO. 4192

(Ordered to lie on the table.)

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

At the end of section 1061 add the following:

(c) REPEAL OF 13-YEAR SPECIAL LIMIT ON TERM OF TRANSITIONAL JUDGE OF UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—(1) Subsection (d)(2) of section 1301 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1575; 10 U.S.C. 942 note) is amended by striking out ''to the judges who are first appointed to the two new positions of the court created as of October 1, 1990—'' and all that follows and inserting in lieu thereof ''to the judge who is first appointed to one of the two new positions of the court created as of October 1, 1990, as designated by the President at the time of appointment, the anniversary referred to in subparagraph (A) of that paragraph shall be treated as being the seventh anniversary and the number of years referred to in subparagraph (B) of that paragraph shall be treated as being seven.''.

(2) Subsection (e)(1) of such section is amended by striking out ''each judge'' and inserting in lieu thereof ''a judge''.

PELL (AND HELMS) AMENDMENT NO. 4193

(Ordered to lie on the table.)

Mr. PELL (for himself and Mr. HELMS) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

On page 268, strike lines 12 through 22.

KOHL AMENDMENT NO. 4194

(Ordered to lie on the table.)

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

After section 3, add the following:

SEC. 4. GENERAL LIMITATION.

Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for fiscal year 1997 under the provisions of this Act is $265,583,000,000.

CHAFEE AMENDMENT NO. 4195

(Ordered to lie on the table.)

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

At the end of section 348, add the following:

(c) REPORT ON COMPLIANCE WITH ANNEX V TO THE CONVENTION.—The Secretary of Defense shall include in each report on environmental compliance activities submitted to Congress under section 2706(b) of title 10, United States Code, the following information:

(1) A list of the ships types, if any, for which the Secretary of the Navy has made the determination referred to in paragraph (2)(C) of section 3(c) of the Act to Prevent Pollution from Ships, as amended by subsection (a)(2) of this section.

(2) A list of ship types which the Secretary of the Navy has determined can comply with Regulation 5 of Annex V to the Convention.

(3) A summary of the progress made by the Navy in implementing the requirements of paragraphs (2) and (3) such section 3(c), as so amended.

(4) A description of any emerging technologies offering the potential to achieve full compliance with Regulation 5 of Annex V to the Convention.

(d) PUBLICATION REGARDING SPECIAL AREA DISCHARGES.—Section 3(e)(4) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(e)(4)) is amended by striking out subparagraph (A) and inserting in lieu thereof the following:

''(A) The amount and nature of the discharges in special areas, not otherwise authorized under this title, during the preceding year from ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy.''.

THURMOND (AND NUNN) AMENDMENT NO. 4196

(Ordered to lie on the table.)

Mr. THURMOND (for himself and Mr. NUNN) submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1072. INCREASE IN PENALTIES FOR CERTAIN TRAFFIC OFFENSES ON MILITARY INSTALLATIONS.

Section 4 of the Act of June 1, 1948 (40 U.S.C. 318c) is amended to read as follows:

''SEC. 4. (a) Except as provided in subsection (b), whoever shall violate any rule or regulation promulgated pursuant to section 2 of this Act may be fined not more than $50 or imprisoned for not more than thirty days, or both.

''(b) Whoever shall violate any rule or regulation for the control of vehicular or pedestrian traffic on military installations that is promulgated by the Secretary of Defense, or the designee of the Secretary, under the authority delegated pursuant to section 2 of this Act may be fined an amount not to exceed the amount of a fine for a like or similar offense under the criminal or civil law of the State, territory, possession, or district where the military installation is located, or imprisoned for not more than thirty days, or both.''.

BYRD AMENDMENTS NOS. 4197–4198

(Ordered to lie on the table.)

Mr. BYRD submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4197

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

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

(a) AMENDMENTS TO TITLE 10.—(1) Section 2106(c) of title 10, United States Code, is amended by striking out ''while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve'' and inserting in lieu thereof ''performed on or after August 1, 1979, as a member of the Selected Reserve''.

(2) Section 2107(g) of such title is amended by striking out ''while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve'' and inserting in lieu thereof ''performed on or after August 1, 1979, as a member of the Selected Reserve''.

(3) Section 2107a(g) of such title is amended by inserting '', other than enlisted service performed after August 1, 1979, as a member of Selected Reserve'' after ''service as a cadet or with concurrent enlisted service''.

(b) AMENDMENT TO TITLE 37.—Section 205(d) of title 37, United States Code, is amended by striking out ''that service after July 31, 1990, that the officer performed while serving on active duty'' and inserting in lieu thereof ''for service that the officer performed on or after August 1, 1979.''.

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

AMENDMENT NO. 4198

At the end of title VII add the following:

SEC. 708. RESEARCH AND BENEFITS RELATING TO GULF WAR SERVICE.

(a) RESEARCH.—(1) The Secretary of Defense shall, by contract, grant, or other transaction, provide for scientific research to be carried out by entities independent of the Federal Government on possible causal relationships between the complex of illnesses and symptoms commonly known as ''Gulf War syndrome'' and the possible exposures of members of the Armed Forces to chemical warfare agents or other hazardous materials during Gulf War service.

(2) The Secretary shall prescribe the procedures for making awards under paragraph (1). The procedures shall—

(A) include a comprehensive, independent peer-review process for the evaluation of proposals for scientific research that are submitted to the Department of Defense; and

(B) provide for the final selection of proposals for award to be based on the scientific merit and program relevance of the proposed research.

(3) Of the amount authorized to be appropriated under section 301(19), $10,000,000 is available for research under paragraph (1).

(b) HEALTH CARE BENEFITS FOR AFFLICTED CHILDREN OF GULF WAR VETERANS.—(1) Under regulations prescribed by the Secretary of Defense, any child of a Gulf War veteran who has been born after August 2, 1990, and has a congenital defect or catastrophic illness not excluded from coverage under paragraph (2) is eligible for medical and dental care under chapter 55 of title 10, United States Code, for the congenital defect or catastrophic illness, and associated conditions, of the child.

(2) The administering Secretaries may exclude from coverage under this subsection—

(A) any congenital defect or catastrophic illness that, as determined by the Secretary of Defense to a reasonable degree of scientific certainty on the basis of scientific research, is not a defect or catastrophic illness that can result in a child from an exposure of a parent of the child to a chemical warfare agent or other hazardous material to which members of the Armed Forces might have been exposed during Gulf War service; and

(B) a particular congenital defect or catastrophic illness (and any associated condition) of a particular child if the onset of the defect or illness is determined to have preceded any possible exposure of the parent or parents of the child to a chemical warfare agent or other hazardous material during Gulf War service.

(3) No fee, deductible, or copayment requirement may be imposed or enforced for medical or dental care provided under chapter 55 of title 10, United States Code, in the case of a child who is eligible for such care under this subsection (even if the child would otherwise be subject to such a requirement on the basis of any eligibility for such care that the child also has under any provision of law other than this subsection).

(c) DEFINITIONS.—(1) In this section:

(A) The term ''Gulf War veteran'' means a veteran of Gulf War service.

(B) The term ''Gulf War service'' means service on active duty as a member of the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(C) The term ''Persian Gulf War'' has the meaning given that term in section 101(33) of title 38, United States Code.

(D) The term ''administering Secretaries'' has the meaning given that term in section 1072(3) of title 10, United States Code.

(E) The term ''child'' means a natural child.

(2) The Secretary of Defense shall prescribe in regulations a definition of the terms ''congenital defect'' and ''catastrophic illness'' for the purposes of this section.

FEINSTEIN AMENDMENTS NOS. 4199–4200

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to proposed by her to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4199

At the appropriate place, insert the following:

SEC. . CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.

Section 315(a)(8) of FECA (2 U.S.C. 441a(a)(8)) is amended to read as follows:

''(8) For the purposes of this subsection:

''(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions that are in any way earmarked or otherwise directed through an intermediary or

conduit to a candidate, shall be treated as contributions from the person to the candidate. If a contribution is made to a candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of the contribution to the Commission and the intended recipient.

''(B) Contributions made directly or indirectly by a person to or on behalf of a particular candidate through an intermediary or conduit, including contributions arranged to be made by an intermediary or conduit, shall be treated as contributions from the intermediary or conduit to the candidate if—

''(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the intermediary or conduit rather than the intended recipient; or

''(ii) the intermediary or conduit is—

''(I) a political committee with a connected organization, a political party, or an officer, employee, or agent of either;

''(II) a person whose activities are required to be reported under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267), the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.), or any successor Federal law requiring a person who is a lobbyist or foreign agent to report the activities of such person;

''(III) a person who is prohibited from making contributions under section 316 or a partnership; or

''(IV) an officer, employee, or agent of a person described in subclause (II) or (III) acting on behalf of such person.

''(C) The term 'contributions arranged to be made' includes—

''(i)(I) contributions delivered directly or indirectly to a particular candidate or the candidate's authorized committee or agent by the person who facilitated the contribution; and

''(II) contributions made directly or indirectly to a particular candidate or the candidate's authorized committee or agent that are provided at a fundraising event sponsored by an intermediary or conduit described in subparagraph (B);

(D) This paragraph shall not prohibit—

''(i) fundraising efforts for the benefit of a candidate that are conducted by another candidate or Federal officeholder; or

''(ii) the solicitation by an individual using the individual's resources and acting in the individual's own name of contributions from other persons in a manner not described in paragraphs (B) and (C).''.

AMENDMENT NO. 4200

At the appropriate place, insert the following:

SEC. . CANDIDATE EXPENDITURES FROM PERSONAL FUNDS.

Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

''(i)(1)(A) Not later than 15 days after a candidate qualifies for a primary election ballot under State law, the candidate shall file with the Commission, and each other candidate who has qualified for that ballot, a declaration stating whether the candidate intends to expend during the election cycle an amount exceeding $250,000 from—

''(i) the candidate's personal funds;

''(ii) the funds of the candidate's immediate family; and

''(iii) personal loans incurred by the candidate and the candidate's immediate family in connection with the candidate's election campaign.

''(B) The declaration required by subparagraph (A) shall be in such form and contain such information as the Commission may require by regulation.

''(2) Notwithstanding subsection (a), the limitations on contributions under subsection (a) shall be modified as provided under paragraph (3) with respect to other candidates for the same office who are not described in subparagraph (A), (B), or (C), if the candidate—

''(A) declares under paragraph (1) that the candidate intends to expend for the primary and general election funds described in such paragraph in an amount exceeding $250,000;

''(B) expends such funds in the primary and general election in an amount exceeding $250,000; or

''(C) fails to file the declaration required by paragraph (1).

''(3) For purposes of paragraph (2)—

''(A) if a candidate described in paragraph (2)(B) expends funds in an amount exceeding $250,000, the limitation under subsection (a)(1)(A) shall be increased to $2,000; and

''(B) if a candidate described in paragraph (2)(B) expends funds in an amount exceeding $250,000, the limitation under subsection (a)(1)(A) shall be increased to $5,000.

''(4) If—

''(A) the modifications under paragraph (3) apply for a convention or a primary election by reason of 1 or more candidates taking (or failing to take) any action described in subparagraph (A), (B), or (C) of paragraph (2); and

''(B) such candidates are not candidates in any subsequent election in the same election campaign, including the general election,

paragraph (3) shall cease to apply to the other candidates in such campaign.

''(5) No increase described in paragraph (3) shall apply under paragraph (2) to noneligible Senate candidates in any election if eligible Senate candidates are participating in the same election campaign.

''(6) A candidate who—

''(A) declares, pursuant to paragraph (1), that the candidate does not intend to expend funds described in paragraph (1) in excess of $250,000; and

''(B) subsequently changes such declaration or expends such funds in excess of that amount,

shall file an amended declaration with the Commission and notify all other candidates for the same office not later than 24 hours after changing such declaration or exceeding such limits, whichever first occurs, by sending a notice by certified mail, return receipt requested.''.

BRYAN AMENDMENTS NOS. 4201–4202

(Ordered to lie on the table.)

Mr. BRYAN submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4201

At the end of subtitle F of title X, add the following new section:

SEC. 1072. FEDERAL RETIREMENT PROVISIONS RELATING TO MEMBERS OF CONGRESS AND CONGRESSIONAL EMPLOYEES.

(a) SHORT TITLE.—This section may be cited as the ''Congressional Annuity Reform Act of 1996''.

(b) RELATING TO THE MAXIMUM ANNUITY ALLOWABLE PURSUANT TO COST-OF-LIVING ADJUSTMENTS.—Section 8340(g)(1) of title 5, United States Code, is amended—

(1) in subparagraph (A) by striking ''or'' after the semicolon;

(2) in subparagraph (B)—

(A) by striking ''employee or Member'' and inserting ''employee'';

(B) by striking ''employee or Member,'' and inserting ''employee,'';

(C) by striking ''employee's or Member's'' and inserting ''employee's''; and

(D) by striking the period at the end of subparagraph (B)(ii) and inserting ''; or''; and

(3) by adding at the end the following:

''(C) the final pay of the Member with respect to whom the annuity is paid.''.

(c) RELATING TO THE YEARS OF SERVICE AS A MEMBER OF CONGRESS AND CONGRESSIONAL EMPLOYEES FOR PURPOSES OF COMPUTING AN ANNUITY.—

(1) CSRS.—Section 8339 of title 5, United States Code, is amended—

(A) in subsection (a) by inserting ''or Member'' after ''employee'';

(B) by striking subsections (b) and (c); and

(C) in subsection (h)—

(i) in the first sentence by striking out ''subsections (a), (b)'' and inserting in lieu thereof ''subsections (a),''; and

(ii) in the second sentence by striking out ''subsections (c) and (f)'' and inserting in lieu thereof ''subsections (a) and (f)''.

(2) FERS.—Section 8415 of title 5, United States Code, is amended—

(A) by striking subsections (b) and (c);

(B) in subsections (a) and (g) by inserting ''or Member'' after ''employee'' each place it appears; and

(C) in subsection (g)(2) by striking out ''Congressional employee''.

(d) CONTRIBUTION RATES.—

(1) CSRS.—(A) Section 8334(a)(1) of title 5, United States Code, is amended—

(i) by striking out ''of an employee, 7½ percent of the basic pay of a Congressional employee,'' and inserting in lieu thereof ''of an employee, a Member,''; and

(ii) by striking out ''basic pay of a Member,'' and inserting in lieu thereof ''basic pay of''.

(B) The table under section 8334(c) of title 5, United States Code, is amended—

(i) in the item relating to Member or employee for Congressional employee service by striking out

''	7½.....	After December 31, 1969.''

and inserting in lieu thereof

''	7½.....	December 31, 1969 to (but not including) the effective date of the Congressional Annuity Reform Act of 1996.
''	7.....	On and after the effective date of the Congressional Annuity Reform Act of 1996.'';

and (ii) in the item relating to Member for Member service by striking out

''	8.....	After December 31, 1969.''

and inserting in lieu thereof

''	8.....	December 31, 1969 to (but not including) the effective date of the Congressional Annuity Reform Act of 1996.
''	7.....	On and after the effective date of the Congressional Annuity Reform Act of 1996.''.

(2) FERS.—Section 8422(a)(2) of title 5, United States Code, is amended—

(A) in subparagraph (A) by striking out ''employee (other than a law enforcement officer, firefighter, air traffic controller, or Congressional employee)'' and inserting in lieu thereof ''employee or Member (other than a law enforcement officer, firefighter, or air traffic controller)''; and

(B) in subparagraph (B)—

(i) by striking out ''a Member,''; and

(ii) by striking out ''air traffic controller, or Congressional employee,'' and inserting in lieu thereof ''or air traffic controller,''.

(e) ADMINISTRATIVE REGULATIONS.—The Office of Personnel Management, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, may prescribe regulations to carry out the provisions of this section and the amendments made by this section for applicable employees and Members of Congress.

(f) EFFECTIVE DATES.—

(1) SHORT TITLE.—Subsection (a) shall take effect on the date of the enactment of this Act.

(2) COLA ADJUSTMENTS.—The amendments made by subsection (b) shall take effect on the date of the enactment of this Act and shall apply with respect to annuities commencing on or after such date.

(3) YEARS OF SERVICE; ANNUITY COMPUTATION.—(A) The amendments made by subsection (c) shall take effect on the date of the enactment of this Act and shall apply only with regard to the computation of an annuity relating to—

(i) the service of a Member of Congress as a Member or as a Congressional employee performed after such date; and

(ii) the service of a Congressional employee as a Congressional employee performed after such date.

(B) An annuity shall be computed as though the amendments made under subsection (c) had not been enacted with regard to—

(i) the service of a Member of Congress as a Member or a Congressional employee or military service performed before the date of the enactment of this Act; and

(ii) the service of a Congressional employee as a Congressional employee or military service performed before the date of the enactment of this Act.

(4) CONTRIBUTION RATES.—The amendments made by subsection (d) shall take effect on the first day of the first applicable pay period beginning on or after the date of the enactment of this Act.

(5) REGULATIONS.—The provisions of subsection (e) shall take effect on the date of the enactment of this Act.

(6) ALTERNATIVE EFFECTIVE DATE RELATING TO MEMBERS OF CONGRESS.—If a court of competent jurisdiction makes a final determination that a provision of this subsection violates the 27th amendment of the United States Constitution, the effective date and application dates relating to Members of Congress shall be January 3, 1997.

AMENDMENT NO. 4202

At the end of subtitle F of title X, add the following new section:

SEC. 1072. CONGRESSIONAL, PRESIDENTIAL, AND JUDICIAL PENSION FORFEITURE.

(a) SHORT TITLE.—This section may be cited as the ''Congressional, Presidential, and Judicial Pension Forfeiture Act''.

(b) CONVICTION OF CERTAIN OFFENSES.—

(1) IN GENERAL.—Section 8312(a) of title 5, United States Code, is amended—

(A) by striking ''or'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; or'';

(C) by adding after paragraph (2) the following new paragraph:

''(3) is convicted of an offense named by subsection (d), to the extent provided by that subsection.'';

(D) by striking ''and'' at the end of subparagraph (A);

(E) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(F) by adding after subparagraph (B) the following new subparagraph:

''(C) with respect to the offenses named by subsection (d) of this section, to the period after the date of the conviction.''.

(2) IDENTIFICATION OF OFFENSES.—Section 8312 of title 5, United States Code, is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following new subsection:

''(d)(1) The offenses under paragraph (2) are the offenses to which subsection (a) of this section applies, but only if—

''(A) the individual is convicted of such offense committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

''(B) the individual was a Member of Congress (including the Vice President), a congressional employee, or a Federal justice or judge at the time of committing the offense; and

''(C) the offense is punishable by imprisonment for more than 1 year.

''(2) The offenses under this paragraph are as follows:

''(A) An offense within the purview of—

''(i) section 201 of title 18 (bribery of public officials and witnesses);

''(ii) section 203 of title 18 (compensation to Members of Congress, officers, and others in matters affecting the Government);

''(iii) section 204 of title 18 (practice in United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit by Members of Congress);

''(iv) section 219 of title 18 (officers and employees acting as agents of foreign principals);

''(v) section 286 of title 18 (conspiracy to defraud the Government with respect to claims);

''(vi) section 287 of title 18 (false, fictitious, or fraudulent claims);

''(vii) section 371 of title 18 (conspiracy to commit offense or to defraud the United States;

''(viii) section 597 of title 18 (expenditures to influence voting);

''(ix) section 599 of title 18 (promise of appointment by candidate);

''(x) section 602 of title 18 (solicitation of political contributions);

''(xi) section 606 of title 18 (intimidation to secure political contributions);

''(xii) section 607 of title 18 (place of solicitation);

''(xiii) section 641 of title 18 (public money, property or records); or

''(xiv) section 1001 of title 18 (statements or entries generally).

''(B) Perjury committed under the statutes of the United States in falsely denying the commission of an act which constitutes an offense within the purview of a statute named by subparagraph (A).

''(C) Subornation of perjury committed in connection with the false denial of another individual as specified by subparagraph (B).''.

(c) ABSENCE FROM THE UNITED STATES TO AVOID PROSECUTION.—

(1) IN GENERAL.—Section 8313 of title 5, United States Code, is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection:

''(b) An individual, or his survivor or beneficiary, may not be paid annuity or retired pay on the basis of the service of the individual which is creditable toward the annuity or retired pay, subject to the exceptions in section 8311(2) and (3) of this title, if the individual—

''(1) is under indictment, after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act, for an offense named by section 8312(d)(2) of this title, but only if such offense satisfies section 8312(d)(1)(C) of this title;

''(2) willfully remains outside the United States, or its territories and possessions including the Commonwealth of Puerto Rico, for more than 1 year with knowledge of the indictment or charges, as the case may be; and

''(3) is an individual described in section 8312(d)(1)(B).''.

(2) CONFORMING AMENDMENT.—Subsection (c) of section 8313 of title 5, United States Code (as redesignated under paragraph (1)(A)) is amended by inserting ''or (b)'' after ''subsection (a)''.

(d) REFUND OF CONTRIBUTIONS AND DEPOSITS.—Section 8316(b) of title 5, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(3) if the individual was convicted of an offense named by section 8312(d) of this title, for the period after the conviction of the violation.''.

(e) FORFEITURE OF PRESIDENTIAL ALLOWANCE.—Subsection (a) of the first section of the Act entitled ''An Act to provide retirement, clerical assistance, and free mailing privileges to former Presidents of the United States, and for other purposes'', approved August 25, 1958 (Public Law 85–745; 72 Stat. 838; 3 U.S.C. 102 note) is amended—

(1) by striking ''Each former President'' and inserting ''(1) Subject to paragraph (2), each former President''; and

(2) by inserting at the end the following new paragraph:

''(2) The allowance payable to an individual under paragraph (1) shall be forfeited if—

''(A) the individual is convicted of an offense described under section 8312(d)(2) of title 5, United States Code, committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

''(B) such individual committed such offense during the individual's term of office as President; and

''(C) the offense is punishable by imprisonment for more than 1 year.''.

GLENN (AND PELL) AMENDMENT NO. 4203

(Ordered to lie on the table.)

Mr. GLENN (for himself and Mr. PELL) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1072. STRENGTHENING CERTAIN SANCTIONS AGAINST NUCLEAR PROLIFERATION ACTIVITIES.

(a) IN GENERAL.—Section 2(b)(4) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(4)) is amended—

(1) by inserting after ''any country has willfully aided or abetted'' the following: '', or any person has knowingly aided or abetted,'';

(2) by striking ''or countries'' and inserting '', countries, person, or persons'';

(3) by inserting after ''United States exports to such country'' the following: ''or, in the case of any such person, give approval to guarantee, insure, or extend credit, or participate in the extension of credit in support of, exports to or by any such person for a 12-month period,'';

(4) by inserting ''(A)'' immediately after ''(4)'';

(5) by inserting after ''United States exports to such country'' the second place it appears the following '', except as provided in subparagraph (b),''; and

(6) by adding at the end the following:

''(B) In the case of any country or person aiding or abetting a non-nuclear-weapon state as described in subparagraph (A), the prohibition on financing by the Bank contained in the second sentence of that subparagraph shall not apply to the country or person, as the case may be, if the President determines and certifies in writing to the Congress that—

''(i) reliable information indicates that the country or person with respect to which the determination is made has ceased to aid or abet any non-nuclear-weapon state to acquire any nuclear explosive device or to acquire unsafeguarded special nuclear material; and

''(ii) the President has received reliable assurances from the country or person that such country or person will not, in the future, aid or abet any non-nuclear-weapon state in its efforts to acquire any nuclear explosive device or any unsafeguarded special nuclear material.

''(C) For purposes of subparagraphs (A) and (B)—

''(i) the term 'country' has the meaning given to 'foreign state' in section 1603(a) of title 28, United States Code;

''(ii) the term 'knowingly' is used within the meaning of the term 'knowing' in section 104 of the Foreign Corrupt Practices Act; and

''(iii) the term 'person' means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and any successor of any such entity.''.

(b) EFFECTIVE DATE.—(1) The amendments made by paragraphs (1) through (5) of subsection (a) shall apply to persons, and the amendment made by subsection (a)(6), shall apply to countries and persons, aiding or abetting non-nuclear weapon states on or after June 29, 1994.

(2) Nothing in this section or the amendments made by this section shall apply to obligations undertaken pursuant to guarantees, insurance, and the extension of credits (and participation in the extension of credits) made before the date of enactment of this Act.

HARKIN AMENDMENT NO. 4204

(Ordered to lie on the table.)

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

In section 305(a), strike out ''may be made available to'' and insert in lieu thereof ''shall be made available to''.

In section 305(b), strike out ''search and rescue missions'' and insert in lieu thereof ''associated with Civil Air Patrol Emergency Services operations, including search and rescue missions, disaster relief missions, and other missions.''.

SARBANES AMENDMENTS NOS. 4205–4206

(Ordered to lie on the table.)

Mr. SARBANES submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4205

At the end of subtitle F of title X, add the following:

SEC. 1072. NATIONAL MILITARY MUSEUM FOUNDATION FOR THE PRESERVATION OF MILITARY TECHNOLOGY AND MATERIEL.

(a) ESTABLISHMENT.—There is established a nonprofit corporation to be known as the National Military Museum Foundation for the Preservation of Military Technology and Materiel (in this section referred to as the ''Foundation''). The Foundation is not an agency or instrumentality of the United States.

(b) PURPOSES.—The Foundation shall have the following purposes:

(1) To encourage and facilitate the preservation of military materiel having historical or technological significance.

(2) To promote innovative solutions to the problems associated with the preservation of such military materiel.

(3) To facilitate research on and educational activities relating to military history.

(4) To promote voluntary partnerships between the Federal Government and the private sector for the preservation of such military materiel and of military history.

(5) To facilitate the display of such military materiel for the education and benefit of the public.

(6) To develop publications and other interpretive materials pertinent to the historical collections of the Armed Forces that will supplement similar publications and materials available from public, private, and corporate sources.

(7) To provide financial support for educational, interpretive, and conservation programs of the Armed Forces relating to such military materiel.

(8) To broaden public understanding of the role of the military in United States history.

(c) BOARD OF DIRECTORS.—(1) The Foundation shall have a Board of Directors (in this section referred to as the ''Board'') composed of nine individuals appointed by the Secretary of Defense from among individuals who are United States citizens.

(2) Of the individuals appointed under paragraph (1)—

(A) at least one shall have an expertise in historic preservation;

(B) at least one shall have an expertise in military history;

(C) at least one shall have an expertise in the administration of museums; and

(D) at least one shall have an expertise in military technology and materiel.

(3)(A) The Secretary shall designate one of the individuals first appointed to the Board under paragraph (1) as the chairperson of the Board. The individual so designated shall serve as chairperson for a term of 2 years.

(B) Upon the expiration of the term of chairperson of the individual designated as chairperson under subparagraph (A), or of the term of a chairperson elected under this subparagraph, the members of the Board shall elect a chairperson of the Board from among its members.

(4)(A) Subject to subparagraph (B), members appointed to the Board shall serve on the Board for a term of 4 years.

(B) If a member of the Board misses three consecutive meetings of the Board, the Board may remove the member from the Board for that reason.

(C) Any vacancy in the Board shall not affect its powers but shall be filled, not later than 60 days after the vacancy, in the same manner in which the original appointment was made.

(5) A majority of the members of the Board shall constitute a quorum.

(6) The Board shall meet at the call of the chairperson of the Board. The Board shall meet at least once a year.

(d) ORGANIZATIONAL MATTERS.—The members of the Board first appointed under subsection (c)(1) shall—

(1) adopt a constitution and bylaws for the Foundation;

(2) serve as incorporators of the Foundation; and

(3) take whatever other actions the Board determines appropriate in order to establish the Foundation as a nonprofit corporation.

(e) OFFICERS AND EMPLOYEES.—(1) The Foundation shall have an executive director appointed by the Board and such other officers as the Board may appoint. The executive director and the other officers of the Foundation shall be compensated at rates fixed by the Board and shall serve at the pleasure of the Board.

(2) Subject to the approval of the Board, the Foundation may employ such individuals, and at such rates of compensation, as the executive director determines appropriate.

(3) Subject to the approval of the Board, the Foundation may accept the services of volunteers in the performance of the functions of the Foundation.

(4) A person who is a full-time or part-time employee of the Federal Government may not serve as a full-time or part-time employee of the Foundation and shall not be considered for any purpose an employee of the Federal Government.

(f) POWERS AND RESPONSIBILITIES.—In order to carry out the purposes of this section, the Foundation is authorized to—

(1) accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation;

(2) enter into contracts with individuals, public or private organizations, professional societies, and government agencies for the purpose of carrying out the functions of the Foundation; and

(3) enter into such other contracts, leases, cooperative agreements, and other transactions at the executive director of the Foundation considers appropriate to carry out the activities of the Foundation.

(g) AUDITS.—(1) The first section of the Act entitled ''An Act to provide for the audit of accounts of private corporations established under Federal law,'' approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end the following:

''(78) The National Military Museum Foundation for the Preservation of Military Technology and Materiel.''.

(2) The amendment made by paragraph (1) shall take effect on the date that the chairperson of the Board notifies the Secretary of Defense of the incorporation of the Foundation under this section.

(h) REPORTS.—As soon as practicable after the end of each fiscal year of the Foundation, the Board shall submit to Congress and to the Secretary of Defense a report on the activities of the Foundation during the preceding fiscal year, including a full and complete statement of the receipts, expenditures, investment activities, and other financial activities of the Foundation during such fiscal year.

(i) INITIAL SUPPORT.—(1) In addition to any other amounts authorized to be appropriated by this Act, there is authorized to be appropriated for the Department of Defense $1,000,000 for the purpose of making a grant to the Foundation in order to assist the Foundation in defraying the costs of its activities. Such amount shall be available for such purpose until September 30, 1998.

(2) For each of fiscal years 1997 through 1999, the Secretary of Defense may provide, without reimbursement, personnel, facilities, and other administrative services of the Department to the Foundation.

AMENDMENT NO. 4206

At the end of title XXI, add the following:

SEC. 2105. PLAN FOR REPAIRS AND STABILIZATION OF THE HISTORIC DISTRICT AT THE FOREST GLEN ANNEX OF WALTER REED MEDICAL CENTER, MARYLAND.

Not later than 30 days after the date of the enactment of this Act, the Secretary of the

Army shall submit to the congressional defense committees a comprehensive plan for basic repairs and stabilization measures throughout the historic district at the Forest Glen Annex of Walter Reed Army Medical Center, Maryland, together with a reprogramming request for funds necessary to implement the plan.

SIMON AMENDMENTS NOS. 4207–4208

(Ordered to lie on the table.)

Mr. SIMON submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4207

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

SEC. 243. DESALTING TECHNOLOGIES.

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

(1) Access to scarce fresh water is likely to be a cause of future military conflicts in the Middle East and has a direct impact on stability and security in the region.

(2) The Middle East is an area of vital and strategic importance to the United States.

(3) The United States has played a military role in the Middle East, most recently in the Persian Gulf War, and may likely be called upon again to deter aggression in the region.

(4) United States troops have used desalting technologies to guarantee the availability of fresh water in past deployments in the Middle East.

(5) Adequate, efficient, and cheap access to high-quality fresh water will be vital to maintaining the readiness and sustainability of United States troops, and those of our allies.

(b) SENSE OF SENATE.—It is the sense of the Senate that, as improved access to fresh water will be an important factor in helping prevent future conflicts in the Middle East, the United States should, in cooperation with its allies, promote and invest in technologies to reduce the costs of converting saline water into fresh water.

(c) FUNDING FOR RESEARCH AND DEVELOPMENT.—Of the amounts authorized to be appropriated by this title, the Secretary shall place greater emphasis on making funds available for research and development into efficient and economical processes and methods for converting saline water into fresh water.

AMENDMENT NO. 4208

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

SEC. 237. TEMPORARY PROHIBITION ON USE OF CERTAIN FUNDS FOR RESEARCH AND DEVELOPMENT RELATING TO NATIONAL MISSILE DEFENSE.

Of the funds authorized to be appropriated by section 201(4) for the Ballistic Missile Defense Organization for the purpose of research and development relating to national missile defense systems, $300,000,000 may not be obligated or expended for such research and development until the later of—

(1) the date of the enactment of an Act entitled ''Defend America Act''; or

(2) the date of the enactment of this Act.

HELMS AMENDMENT NO. 4209

(Ordered to lie on the table.)

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

At the appropriate place, add the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) President Clinton has repeatedly voiced the need for increased protection and strengthening of moral values among our children, including using school uniforms, curfews, and educational television;

(2) pornography and smut of the most indecent and offensive nature is proliferating on the Internet and thereby spreading around the electronic world, including sites often visited by children;

(3) increasing numbers of electronic pornographers are participating in the transmission of pornography and other indecent material that is easily accessible to children;

(4) pornographers are now targeting children as potential customers;

(5) Congress enacted the Communications Decency Act of 1996 (referred to in this resolution as ''the Act'') to protect our youngest and most vulnerable generation from the morally corrupting influence of depravity on computer networks by, among other measures, prohibiting the knowing transmission of indecent material to recipients known to be minors;

(6) Congress specifically described indecent communications in the Act by using language upheld by the Supreme Court in FCC v. Pacifica Foundation, 438 U.S. 726 (1978);

(7) on February 8, 1996, when the Act was signed into law, the American Civil Liberties Union and others filed suit in the United States District Court for the Eastern District of Pennsylvania, seeking a preliminary injunction against enforcement of the Act on the specious and erroneous grounds that the Act violates the first and fifth amendments to the Constitution;

(8) on June 11, 1996, the District Court granted such injunction based on the unworthy pretext, by the American Civil Liberties Union and others, contrary to applicable Supreme Court precedents, that the Act is ''unconstitutional on its face'';

(9) section 561(b) of the Act provides for direct appeal to the Supreme Court, as a matter of right, should any part of the Act be held unconstitutional by a District Court;

(10) the Department of Justice has hesitated to appeal the District Court's injunction;

(10) the Clinton Administration's 1993 failure to defend aggressively Federal child pornography statutes in the case of United States v. Knox, 32 F.3d 733 (3rd Cir. 1994) compelled the Senate to resolve that the Administration defend the statute, which calls into question the Administration's resolve in this case; and

(11) the Senate finds it imperative that the Department of Justice vigorously defend the Act before the Supreme Court.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Justice should appeal directly to the Supreme Court the order of the District Court in ACLU v. Reno, No. 96–963 (E.D. Pa. June 11, 1996).

BINGAMAN AMENDMENTS NOS. 4210–4211

(Ordered to lie on the table.)

Mr. BINGAMAN submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4210

On page 398, after line 23, insert the following:

SEC. 2828. 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.

AMENDMENT NO. 4211

Strike out section 402 and insert in lieu thereof the following:

SEC. 402. REPEAL OF PERMANENT END STRENGTHS.

(a) REPEAL.—Section 691 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 39 of such title is amended by striking out the item relating to section 691.

FEINGOLD AMENDMENTS NOS. 4212–4213

(Ordered to lie on the table.)

Mr. FEINGOLD submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4212

At the end of subtitle B of title II, adds the following:

SEC. 223. COST-BENEFIT ANALYSIS OF F/A–18E/F AIRCRAFT PROGRAM.

(a) REPORT ON PROGRAM.—Not later than March 30, 1997, the Secretary of Defense shall submit to the congressional defense committees a report on the F/A–18E/F aircraft program.

(b) CONTENT OF REPORT.—The report shall contain the following:

(1) A review of the F/A–18E/F aircraft program.

(2) An analysis and estimate of the production costs of the program for the total number of aircraft realistically expected to be procured at each of three annual production rates as follows:

(A) 18 aircraft.

(B) 24 aircraft.

(C) 36 aircraft.

(3) A comparison of the costs and benefits of the program with the costs and benefits of the F/A–18C/D aircraft program taking into account the operational combat effectiveness of the aircraft.

(c) LIMITATION ON USE OF FUNDS PENDING TRANSMITTAL OF REPORT.—No funds authorized to be appropriated by this Act may be obligated or expended for the procurement of F/A–18E/F aircraft before the date that is 90 days after the date on which the congressional defense committees receive the report required under subsection (a).

AMENDMENT NO. 4213

Strike out section 902 and insert in lieu thereof the following:

SEC. 902. TERMINATION OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) TERNMINATION.—(1) The Uniformed Services University of the Health Sciences is terminated.

(2)(A) Chapter 104 of title 10, United States Code, is repealed.

(B) The table of chapters at the beginning of subtitle A of such title, and at the beginning of part III of such subtitle, are each amended by striking out the item relating to chapter 104.

(b) EFFECTIVE DATE.—The termination referred to in subsection (a), and the amendments made by such subsection, shall take effect on the date of the graduation from the Uniformed Services University of the Health Sciences of the last class of students that enrolled in such university on or before the date of the enactment of this Act.

BINGAMAN AMENDMENT NO. 4214

(Ordered to lie on the table.)

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

In section 402, strike out ''5'' in the last line and insert in lieu thereof ''100''.

LAUTENBERG AMENDMENT NO. 4215

(Ordered to lie on the table.)

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

Beginning on page 90, strike line 1 and all that follows through page 91, line 17.

JOHNSTON (AND BREAUX) AMENDMENT NO. 4216

(Ordered to lie on the table.)

Mr. JOHNSTON (for himself and Mr. BREAUX) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

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

SEC. 2828. LAND TRANSFER, VERNON RANGER DISTRICT, KISATCHIE NATIONAL FOREST, LOUISIANA.

(a) TRANSFER PURSUANT TO ADMINISTRATIVE AGREEMENT.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of the Army and the Secretary of Agriculture shall enter into an agreement providing for the transfer to the Secretary of the Army of administrative jurisdiction over such portion of land currently owned by the United States within the Vernon Ranger District of the Kisatchie National Forest, Louisiana, as the Secretary of the Army and the Secretary of Agriculture jointly determine appropriate for military training activities in connection with Fort Polk, Louisiana. The agreement shall allocate responsibility for land management and conservation activities with respect to the property transferred between the Secretary of the Army and the Secretary of Agriculture.

(2) The Secretary of the Army and the Secretary of Agriculture may jointly extend the deadline for entering into an agreement under paragraph (1). The deadline may be extended by not more than six months.

(b) ALTERNATIVE TRANSFER REQUIREMENT.—If the Secretary of the Army and the Secretary of Agriculture fail to enter into the agreement referred to in paragraph (1) of subsection (a) within the time provided for in that subsection, the Secretary of Agriculture shall, at the end of such time, transfer to the Secretary of the Army administrative jurisdiction over property consisting of approximately 84,825 acres of land currently owned by the United States and located in the Vernon Ranger District of the Kisatchie National Forest, Louisiana, as generally depicted on the map entitled ''Fort Polk Military Installation map'', dated June 1995.

(c) LIMITATION OF ACQUISITION OF PRIVATE PROPERTY.—The Secretary of the Army may acquire privately-owned land within the property transferred under this section only with the consent of the owner of the land.

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

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

(e) MAP AND LEGAL DESCRIPTION.—(1) As soon as practicable after the date of the transfer of property under this section, the Secretary of Agriculture shall—

(A) publish in the Federal Register a notice containing the legal description of the property transferred; and

(B) file a map and the legal description of the property with the Committee on Energy and Natural Resources, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Armed Services of the Senate and the Committee on Resources, the Committee on Agriculture, and the Committee on National Security of the House of Representatives.

(2) The maps and legal descriptions prepared under paragraph (1) shall have the same force and effect as if included in this subsection, except that the Secretary of Agriculture may correct clerical and typographical errors in the maps and legal descriptions.

(3) As soon as practicable after the date of the enactment of this Act, copies of the maps and legal descriptions prepared under paragraph (1) shall be available for public inspection in the following offices:

(A) The Office of the Secretary of Agriculture.

(B) Such offices of the United States Forest Service as the Secretary of Agriculture shall designate.

(C) The Office of the Commander of Fort Polk, Louisiana.

(D) The appropriate office in the Vernon Parish Court House, Louisiana.

(f) MANAGEMENT OF PROPERTY.—(1) If the transfer of property under this section occurs under subsection (a), the Secretary of the Army and the Secretary of Agriculture shall manage the property in accordance with the agreement entered into under that subsection.

(2)(A) If the transfer of property under this section occurs under subsection (b), the Secretary of the Army and the Secretary of Agriculture shall manage the property in accordance with the management plan under subparagraph (B) and the memorandum of understanding under subparagraph (C).

(B)(i) For purposes of managing the property under this paragraph, the Secretary of the Army shall, with the concurrence of the Secretary of Agriculture, develop a plan for the management of the property not later than two years after the transfer of the property. The Secretary of the Army shall provide for a period of public comment in developing the plan in order to ensure that the concerns of local citizens are taken into account in the development of the plan. The Secretary of the Army may utilize the property pending the completion of the plan.

(ii) The Secretary of the Army shall develop and implement the plan in compliance with applicable Federal law, including the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(iii) The plan shall provide for the management of the natural, cultural, and other resources of the property, including grazing, the management of wildlife and wildlife habitat, recreational uses (including hunting and fishing), and non-public uses of non-Federal lands within the property.

(C)(i) For purposes of managing the property under this paragraph, the Secretary of the Army and the Secretary of Agriculture shall enter into a memorandum of understanding in order to provide for—

(I) the implementation of the management plan developed under subparagraph (B); and

(II) the management by the Secretary of Agriculture of such areas of the property as the Secretary of the Army and the Secretary of Agriculture designate for use for non-military purposes.

(ii) The Secretary of the Army and the Secretary of Agriculture may amend the memorandum of understanding by mutual agreement.

(g) REVERSION.—If at any time after the transfer of property under this section the Secretary of the Army determines that the property, or any portion thereof, is no longer to be retained by the Army for possible use for military purposes, jurisdiction over the property, or such portion thereof, shall revert to the Secretary of Agriculture who shall manage the property, or portion thereof, as part of the Kisatchie National Forest.

MOSELEY-BRAUN AMENDMENT NO. 4217

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN submitted an amendment intended to be proposed by her to the bill, S. 1745, supra; as follows:

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

SEC. 636. PREVENTION OF CIRCUMVENTION OF COURT ORDER BY WAIVER OF RETIRED PAY TO ENHANCE CIVIL SERVICE RETIREMENT ANNUITY.

(a) CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM.—

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

''(4) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this subchapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.''.

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking ''Except as provided in paragraph (2)'' and inserting ''Except as provided in paragraphs (2) and (4)''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

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

''(5) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this chapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.''.

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking ''Except as provided in paragraph (2) or (3)'' and inserting ''Except as provided in paragraphs (2), (3), and (5)''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on January 1, 1997.

LAUTENBERG (AND OTHERS) AMENDMENT NO. 4218

(Ordered to lie on the table.)

Mr. LAUTENBERG (for himself, Mr. SIMON, Mrs. FEINSTEIN, and Mr. BUMPERS) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

At the end of title X, add the following;

SUBTITLE G—CIVILIAN MARKSMANSHIP

SEC. 1081. SHORT TITLE.

This subtitle may be cited as the ''Self Financing Civilian Marksmanship Program Act of 1996''.

SEC. 1082. PRIVATE SHOOTING COMPETITIONS AND FIREARM SAFETY PROGRAMS.

Nothing in this subtitle prohibits any private person from establishing a privately financed program to support shooting competitions or firearms safety programs.

SEC. 1083. REPEAL OF CHARTER LAW FOR THE CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND SAFETY.

(a) REPEAL OF CHARTER.—The Corporation for the Promotion of Rifle Practice and Firearms Safety Act (title XVI of Public Law 104–106; 110 Stat. 515; 36 U.S.C. 5501 et seq.), except for section 1624 of such Act (110 Stat. 522), is repealed.

(b) RELATED REPEALS.—Section 1624 of such Act (110 Stat. 522) is amended—

(1) in paragraphs (1) and (2) of subsection (a), by striking out ''and 4311'' and inserting in lieu thereof ''4311, 4312, and 4313'';

(2) by striking out subsection (b); and

(3) in subsection (c), by striking out ''on the earlier of—'' and all that follows and inserting in lieu thereof ''on October 1, 1996.''.

BURNS AMENDMENTS NOS. 4219–4220

(Ordered to lie on the table.)

Mr. BURNS submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4219

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

SEC. 368. MILITARY TRAFFIC MANAGEMENT COMMAND'S REENGINEERING PERSONNEL PROPERTY PILOT PROGRAM INITIATIVE.

(A) The Secretary of Defense will establish a military/industry working group to develop, within 60 days of enactment of this bill, an alternative pilot program to reengineer household goods moves.

(B) This working group shall be chaired by the Department of Defense and shall include equal representation of both military and industry not to exceed a combined total of 12 individuals. Industry representation within the working group shall be as follows:

(i) Small business shall comprise a percentage consistent with their participation within the industry;

(ii) There shall be at least one representative from each of the following industry groups: the American Movers Conference, the Household Goods Forwarders Association of America, the National Moving and Storage Association, and the Independent Movers Conference.

(C) The General Accounting Office shall conduct an independent analysis of this pilot program as well as the pilot program currently being proposed by DoD.

(D) GAO shall report back to the appropriate committees within 90 days of enactment of this bill on the impact of the following factors of both programs:

(i) quality of service to DoD;

(ii) cost savings to the government;

(iii) effect on industry infrastructure;

(iv) effect on small business; and,

(v) adoption of commercial contracting practices.

(E) The Secretary shall not proceed with the implementation of any aspect of any pilot program until the Congressional Committees of jurisdiction review and evaluate the GAO reports.

AMENDMENT NO. 4220

In section 2601(a)(1)(A), strike out ''$79,628,000'' and insert in lieu thereof ''$92,899,000''.

STEVENS AMENDMENTS NOS. 4221–4222

(Ordered to lie on the table.)

Mr. STEVENS submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4221

In the table in section 2401(a), strike out ''$18,000,000'' in the amount column in the item relating to Elmendorf Air Force Base, Alaska, and insert in lieu thereof ''$21,000,000''.

Strike out the amount set forth as the total amount at the end of the table in section 2401(a) and insert in lieu thereof ''$530,590,000''.

In section 2406(a), in the matter preceding paragraph (1), strike out ''$3,421,366,000'' and insert in lieu thereof ''$3,424,366,000''.

In section 2406(a)(1), strike out ''$364,487,000'' and insert in lieu thereof ''$367,487,000''.

AMENDMENT NO. 4222

At the end of title subtitle F of title X, add the following:

SEC. 1072. FACILITY FOR MILITARY DEPENDENT CHILDREN WITH DISABILITIES, LACKLAND AIR FORCE BASE, TEXAS.

(a) FUNDING.—Of the amounts authorized to be appropriated by this Act for the Department of the Air Force, $2,000,000 shall be available for the construction at Lackland Air Force Base, Texas, of a facility (and supporting infrastructure) to provide comprehensive care and rehabilitation services to children with disabilities who are dependents of members of the Armed Forces at the base.

(b) TRANSFER OF FUNDS.—Subject to subsection (c), the Secretary of the Air Force shall grant the funds available under subsection (a) to the Children's Association for Maximum Potential (CAMP) for use by the association to defray the costs of designing and constructing the facility referred to in subsection (a).

(c) LEASE OF FACILITY.—(1) The Secretary may not make a grant of funds under subsection (b) until the Secretary and the association enter into an agreement under which the Secretary leases to the association the facility to be constructed using the funds.

(2)(A) The term of the lease under paragraph (1) may not be less than 25 years.

(B) As consideration for the lease of the facility, the association shall assume responsibility for the operation and maintenance of the facility, including the costs of such operation and maintenance.

(3) The Secretary may require such additional terms and conditions in connection with the lease as the Secretary considers appropriate to protect the interests of the United States.

LEVIN AMENDMENTS NOS. 4223–4231

(Ordered to lie on the table.)

Mr. LEVIN submitted nine amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4223

At the end of title I add the following:

Subtitle E—Reserve Components

SEC. 141. RESERVE COMPONENT EQUIPMENT.

(a) APPLICABILITY OF MODERNIZATION PRIORITIES.—The selection of equipment to be procured for a reserve component with funds authorized to be appropriated under section 105 shall be made in accordance with the highest priorities established for the modernization of that reserve component.

(b) REPORTS.—(1) Not later than December 1, 1996, each officer referred to in paragraph (2) shall submit to the congressional defense committees an assessment of the modernization priorities established for the reserve component or reserve components for which that officer is responsible.

(2) The officers required to submit a report under paragraph (1) are as follows:

(A) The Chief of the National Guard Bureau.

(B) The Chief of Army Reserve.

(C) The Chief of Air Force Reserve.

(D) The Director of Naval Reserve.

(E) The Commanding General, Marine Forces Reserve.

AMENDMENT NO. 4224

At the end of subtitle F of title X add the following:

SEC. 1072. OPERATIONAL SUPPORT AIRLIFT AIRCRAFT.

(a) STATUS OF EXCESS AIRCRAFT.—Operational support airlift aircraft excess to the requirements of the Department of Defense shall be placed in an inactive status and stored at Davis-Monthan Air Force Base, Arizona, pending the completion of any study or analysis of the costs and benefits of disposing of or operating such aircraft that precedes a decision to dispose of or continue to operate such aircraft.

(b) OPERATIONAL SUPPORT AIRLIFT AIRCRAFT DEFINED.—In this section, the term ''operational support airlift aircraft'' has the meaning given such term in section 1086(f) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 458).

AMENDMENT NO. 4225

In section 103(1), strike out ''$7,003,528,000'' and insert in lieu thereof ''$6,958,028,000''.

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

SEC. 132. F–16 AIRCRAFT PROGRAM.

None of the funds authorized to be appropriated under section 103(1) may be obligated or expended for more than six new production F–16 aircraft.

AMENDMENT NO. 4226

In section 103(1), strike out ''$7,003,528,000'' and insert in lieu thereof ''$6,896,128,000''.

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

SEC. 132. F–16 AIRCRAFT PROGRAM.

None of the funds authorized to be appropriated under section 103(1) may be obligated or expended for more than four new production F–16 aircraft.

AMENDMENT NO. 4227

In section 101(1), strike out ''$1,508,515,000'' and insert in lieu thereof ''$1,388,515,000''.

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

SEC. 113. CONVERSION OF OH–58A/C HELICOPTERS.

None of the funds authorized to be appropriated under section 101(1) may be obligated or expended for conversion of OH–58A/C helicopters to the OH–58D configuration.

AMENDMENT NO. 4228

In section 101(1), strike out ''$1,508,515,000'' and insert in lieu thereof ''$1,388,515,000''.

In section 103(1), strike out ''$7,003,528,000'' and insert in lieu thereof ''$6,958,028,000''.

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

SEC. 113. CONVERSION OF OH–58A/C HELICOPTERS.

None of the funds authorized to be appropriated under section 101(1) may be obligated or expended for conversion of OH–58A/C helicopters to the OH–58D configuration.

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

SEC. 132. F–16 AIRCRAFT PROGRAM.

None of the funds authorized to be appropriated under section 103(1) may be obligated or expended for more than six new production F–16 aircraft.

AMENDMENT NO. 4229

Strike out section 233.

AMENDMENT NO. 4230

Beginning with the section heading for section 231, strike out all through section 232.

AMENDMENT NO. 4231

Beginning with the section heading for section 231, strike out all through section 232, and insert in lieu thereof the following:

SEC. 231. DEMARCATION OF THEATER MISSILE DEFENSE SYSTEMS FROM ANTI-BALLISTIC MISSILE SYSTEMS.

(a) REAFFIRMATION OF SENSE OF CONGRESS CONCERNING COMPLIANCE POLICY.—Congress reaffirms the expression of the sense of Congress concerning compliance policy that is set forth in subsection (b) of section 235 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 232).

(b) EXTENSION OF PROHIBITION ON FUNDING.—Subsection (c) of section 235 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 232) is amended by inserting ''or fiscal year 1997'' after ''fiscal year 1996''.

KENNEDY AMENDMENT NO. 4232

(Ordered to lie on the table.)

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

At the end of subtitle A of title X add the following:

SEC. . TRANSFERS FOR EDUCATION TECHNOLOGY PROGRAMS.

(a) EDUCATION PROGRAMS.—Of the total amount appropriated for the Department of Defense for fiscal year 1997 pursuant to the authorizations of appropriations contained in the Act, the Secretary of Defense shall transfer to the Secretary of Education $325,000,000, to carry out technology programs as follows:

(1) $5,000,000, to carry out Section 3122 of subpart 1 of part A of title III of the Improving America's Schools Act of 1994 (20 U.S.C. 6832), relating to Federal Leadership in National Programs for Technology in Education;

(2) $250,000,000, to carry out Section 3132 of subpart 2 of part A of title III of the Improving America's Schools Act of 1994 (20 U.S.C. 6842), relating to School Technology Resource Grants;

(3) $60,000,000, to carry out Section 3136 of subpart 2 of part A of title III of the Improving America's Schools Act of 1994 (20 U.S.C. 6846), relating to National Challenge Grants for Technology in Education; and

(4) $10,000,000, to carry out Section 3141 of subpart 3 of part A of title III of the Improving America's Schools Act of 1994 (20 U.S.C. 6861), relating to Regional Technical Support and Professional Development.

KENNEDY (AND PELL) AMENDMENT NO. 4233

(Ordered to lie on the table.)

Mr. KENNEDY (for himself and Mr. PELL) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

At the end of subtitle A of title X add the following:

SEC. . TRANSFERS FOR PELL GRANT MERIT BONUS.

(a) EDUCATION PROGRAMS.—Of the total amount appropriated for the Department of Defense for fiscal year 1997 pursuant to the authorizations of appropriations contained in this Act, the Secretary of Defense shall transfer to the Secretary of Education $250,000,000 to fund Pell grant merit bonus awards under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1970a), relating to Federal Pell Grants, as follows:

(1) Every secondary school student who has graduated in the top 20% of his or her high school class, is enrolled full time in the first year of an associate or baccalaureate degree program that is 2 years or longer at an eligible institution, and is eligible to receive a Pell grant, shall be entitled to a Pell Grant Merit Bonus Award in addition to such student's Pell grant in an amount equal to the grant for which the student is otherwise eligible, up to the cost of attendance at the institution at which the student is in attendance.

DODD AMENDMENT NO. 4234

(Ordered to lie on the table.)

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

At the appropriate place, insert the following:

TITLE XIII—FAMILY AND MEDICAL LEAVE

SEC. 1301. PARENTAL INVOLVEMENT LEAVE.

(a) LEAVE REQUIREMENT.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

''(3) ENTITLEMENT TO PARENTAL INVOLVEMENT LEAVE.—

''(A) IN GENERAL.—Subject to section 103(f), an eligible employee shall be entitled to a total of 4 hours of leave during any 30-day period, and a total of 24 hours of leave during any 12-month period, in addition to leave available under paragraph (1), to participate in or attend an activity that—

''(i) is sponsored by a school or community organization; and

''(ii) relates to a program of the school or organization that is attended by a son or daughter of the employee.

''(B) DEFINITIONS.—As used in this paragraph:

''(i) COMMUNITY ORGANIZATION.—The term 'community organization' means a private nonprofit organization that is representative of a community or a significant segment of a community and provides activities for individuals described in subparagraph (A) or (B) of section 101(12), such as a scouting or sports organization.

''(ii) SCHOOL.—The term 'school' means an elementary school or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility licensed under State law.''.

(b) SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: ''Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.''.

(c) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting before the period the following: '', or for leave provided under subsection (a)(3) for any part of the 24-hour period of such leave under such subsection''.

(d) NOTICE.—Section 102(e)(1) of such Act (29 U.S.C. 2612(e)(1) is amended by adding at the end the following: ''In any case in which an employee requests leave under subsection (a)93), the employee shall provide the employer with not less than 7 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subsection.''.

(e) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

''(f) CERTIFICATION FOR PARENTAL INVOLVEMENT LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.''.

SEC. 1302. PARENTAL INVOLVEMENT LEAVE FOR CIVIL SERVANTS.

(a) LEAVE REQUIREMENT.—Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

''(3)(A) Subject to section 6383(f), an employee shall be entitled to a total of 4 hours of leave during any 30-day period, and a total of 24 hours of leave during any 12-month period, in addition to leave available under paragraph (1), to participate in or attend an activity that—

''(i) is sponsored by a school or community organization; and

''(ii) relates to a program of the school or organization that is attended by a son or daughter of the employee.

''(B) As used in this paragraph:

''(i) The term 'community organization' means a private nonprofit organization that is representative of a community or a significant segment of a community and provides activities for individuals described in subparagraph (A) or (B) of section 6381(6), such as a scouting or sports organization.

''(ii) The term 'school' means an elementary school or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility licensed under State law.''.

(b) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: ''Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.''.

(c) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by inserting before '', except'' the following: '', or for leave provided under subsection (a)(3) any of the employee's accrued or accumulated annual leave under subchapter I for any part of the 24-hour period of such leave under such subsection''.

(d) NOTICE.—Section 6382(e)(1) of such title is amended by adding at the end the following: ''In any case in which an employee requests leave under subsection (a)(3), the employee shall provide the employing agency with not less than 7 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subsection.''.

(e) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

''(f) An employing agency may require that a request for leave under section 6382(a)(3) be

supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.''.

COHEN AMENDMENT NO. 4235

(Ordered to lie on the table.)

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

At the end of subtitle F of title X add the following:

SEC. 1072. INFORMATION TECHNOLOGY MANAGEMENT AMENDMENT.

(b)(2) The definition of ''national security system'' shall not be construed to include any system which involves storage, processing, or forwarding of classified information and is protected at all times by procedures established for the handling of classified information except to the extent that such system is covered by paragraphs (1) through (5) of subsection (a).

KYL AMENDMENT NO. 4236

(Ordered to lie on the table.)

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

On page ___, between lines ___ and ___, insert the following:

Subtitle ___—National Missile Defense

SEC. 261. SHORT TITLE.

This subtitle may be cited as the ''Defend America Act of 1996''.

SEC. 262. FINDINGS.

Congress makes the following findings:

(1) Although the United States possesses the technological means to develop and deploy defensive systems that would be highly effective in countering limited ballistic missile threats to its territory, the United States has not deployed such systems and currently has no policy to do so.

(2) The threat that is posed to the national security of the United States by the proliferation of ballistic missiles is significant and growing, both quantitatively and qualitatively.

(3) The trend in ballistic missile proliferation is toward longer range and increasingly sophisticated missiles.

(4) Several countries that are hostile to the United States (including North Korea, Iran, Libya, and Iraq) have demonstrated an interest in acquiring ballistic missiles capable of reaching the United States.

(5) The Intelligence Community of the United States has confirmed that North Korea is developing an intercontinental ballistic missile that will be capable of reaching Alaska or beyond once deployed.

(6) There are ways for determined countries to acquire missiles capable of threatening the United States with little warning by means other than indigenous development.

(7) Because of the dire consequences to the United States of not being prepared to defend itself against a rogue missile attack and the long-lead time associated with preparing an effective defense, it is prudent to commence a national missile defense deployment effort before new ballistic missile threats to the United States are unambiguously confirmed.

(8) The timely deployment by the United States of an effective national missile defense system will reduce the incentives for countries to develop or otherwise acquire intercontinental ballistic missiles, thereby inhibiting as well as countering the proliferation of missiles and weapons of mass destruction.

(9) Deployment by the United States of a national missile defense system will reduce concerns about the threat of an accidental or unauthorized ballistic missile attack on the United States.

(10) The offense-only approach to strategic deterrence presently followed by the United States and Russia is fundamentally adversarial and is not a suitable basis for stability in a world in which the United States and the states of the former Soviet Union are seeking to normalize relations and eliminate Cold War attitudes and arrangements.

(11) Pursuing a transition to a form of strategic deterrence based increasingly on defensive capabilities and strategies is in the interest of all countries seeking to preserve and enhance strategic stability.

(12) The deployment of a national missile defense system capable of defending the United States against limited ballistic missile attacks would (A) strengthen deterrence at the levels of forces agreed to by the United States and Russia under the START I Treaty, and (B) further strengthen deterrence if reductions below START I levels are implemented in the future.

(13) Article XIII of the ABM Treaty envisions ''possible changes in the strategic situation which have a bearing on the provisions of this treaty''.

(14) Articles XIII and XIV of the treaty establish means for the parties to amend the treaty, and the parties have in the past used those means to amend the treaty.

(15) Article XV of the treaty establishes the means for a party to withdraw from the treaty, upon six months notice ''if it decides that extraordinary events related to the subject matter of this treaty have jeopardized its supreme interests''.

(16) Previous discussions between the United States and Russia, based on Russian President Yeltsin's proposal for a Global Protection System, envisioned an agreement to amend the ABM Treaty to allow (among other measures) deployment of as many as four ground-based interceptor sites in addition to the one site permitted under the ABM Treaty and unrestricted exploitation of sensors based within the atmosphere and in space.

SEC. 263. NATIONAL MISSILE DEFENSE POLICY.

(a) It is the policy of the United States to deploy by the end of 2003 a National Missile Defense system that—

(1) is capable of providing a highly-effective defense of the territory of the United States against limited, unauthorized, or accidental ballistic missile attacks; and

(2) will be augmented over time to provide a layered defense against larger and more sophisticated ballistic missile threats as they emerge.

(b) It is the policy of the United States to seek a cooperative transition to a regime that does not feature an offense-only form of deterrence as the basis for strategic stability.

SEC. 264. NATIONAL MISSILE DEFENSE SYSTEM ARCHITECTURE.

(a) REQUIREMENT FOR DEVELOPMENT OF SYSTEM.—To implement the policy established in section 263(a), the Secretary of Defense shall develop for deployment an affordable and operationally effective National Missile Defense (NMD) system which shall achieve an initial operational capability (IOC) by the end of 2003.

(b) ELEMENTS OF THE NMD SYSTEM.—The system to be developed for deployment shall include the following elements:

(1) An interceptor system that optimizes defensive coverage of the continental United States, Alaska, and Hawaii against limited, accidental, or unauthorized ballistic missile attacks and includes one or a combination of the following:

(A) Ground-based interceptors.

(B) Sea-based interceptors.

(C) Space-based kinetic energy interceptors.

(D) Space-based directed energy systems.

(2) Fixed ground-based radars.

(3) Space-based sensors, including the Space and Missile Tracking System.

(4) Battle management, command, control, and communications (BM/C^3).

SEC. 265. IMPLEMENTATION OF NATIONAL MISSILE DEFENSE SYSTEM.

The Secretary of Defense shall—

(1) upon the enactment of this Act, promptly initiate required preparatory and planning actions that are necessary so as to be capable of meeting the initial operational capability (IOC) date specified in section 264(a);

(2) plan to conduct by the end of 1998 an integrated systems test which uses elements (including BM/C^3 elements) that are representative of, and traceable to, the national missile defense system architecture specified in section 264(b);

(3) prescribe and use streamlined acquisition policies and procedures to reduce the cost and increase the efficiency of developing the system specified in section 264(a); and

(4) develop an affordable national missile defense follow-on program that—

(A) leverages off of the national missile defense system specified in section 264(a), and

(B) augments that system, as the threat changes, to provide for a layered defense.

SEC. 266. REPORT ON PLAN FOR NATIONAL MISSILE DEFENSE SYSTEM DEVELOPMENT AND DEPLOYMENT.

Not later than March 15, 1997, the Secretary of Defense shall submit to Congress a report on the Secretary's plan for development and deployment of a national missile defense system pursuant to this subtitle. The report shall include the following matters:

(1) The Secretary's plan for carrying out this subtitle, including—

(A) a detailed description of the system architecture selected for development under section 264(b); and

(B) a discussion of the justification for the selection of that particular architecture.

(2) The Secretary's estimate of the amount of appropriations required for research, development, test, evaluation, and for procurement, for each of fiscal years 1997 through 2003 in order to achieve the initial operational capability date specified in section 264(a).

(3) A cost and operational effectiveness analysis of follow-on options to improve the effectiveness of such system.

(4) A determination of the point at which any activity that is required to be carried out under this subtitle would conflict with the terms of the ABM Treaty, together with a description of any such activity, the legal basis for the Secretary's determination, and an estimate of the time at which such point would be reached in order to meet the initial operational capability date specified in section 264(a).

SEC. 267. POLICY REGARDING THE ABM TREATY.

(a) ABM TREATY NEGOTIATIONS.—In light of the findings in section 262 and the policy established in section 263, Congress urges the President to pursue high-level discussions with the Russian Federation to achieve an agreement to amend the ABM Treaty to allow deployment of the national missile defense system being developed for deployment under section 264.

(b) REQUIREMENT FOR SENATE ADVICE AND CONSENT.—If an agreement described in subsection (a) is achieved in discussions described in that subsection, the President shall present that agreement to the Senate for its advice and consent. No funds appropriated or otherwise available for any fiscal

year may be obligated or expended to implement such an amendment to the ABM Treaty unless the amendment is made in the same manner as the manner by which a treaty is made.

(c) ACTION UPON FAILURE TO ACHIEVE NEGOTIATED CHANGES WITHIN ONE YEAR.—If an agreement described in subsection (a) is not achieved in discussions described in that subsection within one year after the date of the enactment of this Act, the President and Congress, in consultation with each other, shall consider exercising the option of withdrawing the United States from the ABM Treaty in accordance with the provisions of Article XV of that treaty.

SEC. 268. ABM TREATY DEFINED.

For purposes of this subtitle, the term ''ABM Treaty'' means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, and signed at Moscow on May 26, 1972, and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974.

SHELBY (AND HEFLIN) AMENDMENTS NOS. 4237–4240

(Ordered to lie on the table.)

Mr. SHELBY (for himself and Mr. HEFLIN) submitted four amendments intended to be proposed by them to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4237

In section 330, in the matter preceding paragraph (1), insert '', the Letterkenny Army Depot,'' after ''Sacramento Air Logistics Center''.

AMENDMENT NO. 4238

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

SEC. 125. PROCUREMENT OF MAIN FEED PUMP TURBINES FOR THE CONSTELLATION (CV–64).

(a) INCREASED AUTHORIZATION.—The amount authorized to be appropriated by section 102(4) is hereby increased by $4,200,000.

(b) AUTHORITY TO PROCURE.—Of the amount authorized to be appropriated by section 102(4), as increased by subsection (a), $4,200,000 shall be available for the procurement of main feed pump turbines for the Constellation (CV–64).

AMENDMENT NO. 4239

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

SEC. 237. DESIGNATION OF THE ARMY AS LEAD SERVICE IN THE NATIONAL MISSILE DEFENSE JOINT PROGRAM OFFICE FOR INITIAL DEPLOYMENT PHASE OF NATIONAL MISSILE DEFENSE PROGRAM.

The Director of the Ballistic Missile Defense Organization shall designate the Army as the lead service in the National Missile Defense Joint Program Office for the initial deployment phase of the national missile defense program.

AMENDMENT NO. 4240

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

SEC. 223. DEPRESSED ALTITUDE GUIDED GUN ROUND.

Of the amount authorized to be appropriated under section 201(1), $5,400,000 is available for continued development and target intercept testing of the depressed altitude guided gun round.

THURMOND AMENDMENTS NOS. 4241–4243

(Ordered to lie on the table.)

Mr. THURMOND submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4241

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

SEC. 3138. DISPOSAL OF CERTAIN ASSETS OF THE DEPARTMENT OF ENERGY.

(a) PROGRAM.—(1) In order to maximize the use of Department of Energy assets and to reduce costs related to asset management at the facilities and laboratories of the Department, the Secretary of Energy shall carry out a program to dispose of assets of the Department that the Secretary determines to be unnecessary for the discharge of the functions of the Department. The Secretary shall carry out the program so as to result in net receipts to the United States by September 30, 2002, of not less than $110,000,000.

(2) Not later than October 1 of each of 1997 through 2001, the Secretary shall submit to Congress an inventory of the assets of the Department that the Secretary proposes to dispose of under the program.

(3)(A) Notwithstanding any other law and subject to subparagraphs (B) and (C), the Secretary shall deposit the proceeds of the disposition of assets under the program in the General Fund of the Treasury. If the President so designates, amounts deposited in the General Fund under this subparagraph shall be included in the budget baseline required by the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be counted for purposes of section 252 of that Act (2 U.S.C. 902).

(B) The Secretary shall exclude from deposit under subparagraph (A) an amount of the proceeds of a disposal under the program equal to the amount, if any, of appropriated funds expended in carrying out the disposal. Amounts excluded under this subparagraph shall be credited to the account from which the appropriated funds concerned were derived and merged with and available to the same and extent and for the same purposes as such appropriated funds.

(C) After making any deposit required under subparagraph (B) using the proceeds of disposal under the program, the Secretary may, instead of making the deposit of the remaining portion of such proceeds otherwise required under subparagraph (A), utilize all or a portion of such remaining portion for the decontamination or other clean-up of facilities, equipment, and materiel of the Department.

(b) PILOT PROGRAM.—(1) The Secretary shall carry out a pilot program in each fiscal year through fiscal year 2002 under which the Secretary disposes of assets of the Department that the Secretary determines to be unnecessary for the discharge of the functions of the Department so as to result in proceeds to the Department sufficient to cover the costs of carrying out the program under subsection (a).

(2) Not later than 90 days after the beginning of a fiscal year in which the Secretary carries out a pilot program under paragraph (1), the Secretary shall submit to Congress a list and description of the assets of the Department that the Secretary proposes to dispose of under the pilot program.

(c) DEFINITIONS.—(1) For the purposes of this section, the term ''assets of the Department'' means assets under the control of the Department to Energy, including chemicals and industrial gases, radiation sources, industrial, scientific, and commercial equipment tools and machinery, fuels, and precious and base metals.

(2) The term does not include real property, uranium, assets of any Federal Power Administration, oil in the Strategic Petroleum Reserve, and products from the Naval Petroleum Reserves and the Naval Shale Reserves.

(d) REPEAL OF REQUIREMENT FOR TRANSFER AND DISPOSAL OF EXCESS STRATEGIC AND CRITICAL MATERIALS OF DOE.—Section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) is amended by striking out subsections (a)(10) and (c).

AMENDMENT NO. 4242

In section 216, strike out the section heading and insert in lieu thereof the following:

SEC. 216. TIER III MINUS UNMANNED AERIAL VEHICLE.

PRESSLER (AND DASCHLE) AMENDMENT NO. 4243

(Ordered to lie on the table.)

Mr. PRESSLER (for himself and Mr. DASCHLE) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

On page 311, between lines 9 and 10, insert the following:

SEC. 1072. SENSE OF CONGRESS ON NAMING ONE OF THE NEW ATTACK SUBMARINES THE "SOUTH DAKOTA".

It is the sense of the Congress that the Secretary of the Navy should name one of the new attack submarines of the Navy the ''South Dakota''.

THURMOND (AND NUNN) AMENDMENT NO. 4244

(Ordered to lie on the table.)

Mr. THURMOND (for himself and Mr. NUNN) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

After section 3, add the following:

SEC. 4. GENERAL LIMITATION.

Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for fiscal year 1997 for the national defense function under the provisions of this Act is $265,583,000,000.

THURMOND AMENDMENT NO. 4245

(Ordered to lie on the table.)

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

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

SEC. 124. ADDITIONAL EXCEPTION FROM COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

Section 133 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211) is amended—

(1) in subsection (a), by striking out ''subsection (b)'' and inserting in lieu thereof ''subsections (b) and (c)''; and

(2) by striking out subsection (c) and inserting in lieu thereof the following:

''(c) COSTS NOT INCLUDED.—The previous obligations of $745,700,000 for the SSN–23, SSN–24, and SSN–25 submarines, out of funds appropriated for fiscal years 1990, 1991, and 1992, that were subsequently canceled (as a result of a cancellation of such submarines) shall not be taken into account in the application of the limitation in subsection (a).''.

WARNER AMENDMENT NO. 4246

(Ordered to lie on the table.)

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

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

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

Section 193(a) of the Armament Retooling and Manufacturing Support Initiative Act of 1992 (subtitle H of title I of Public Law 102–484; 10 U.S.C. 2501 note) is amended by striking out ''During fiscal years 1993 through 1996, the Secretary'' and inserting in lieu thereof ''The Secretary''.

BROWN AMENDMENT NO. 4247

(Ordered to lie on the table.)

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

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

SEC. 113. STUDY REGARDING NEUTRALIZATION OF THE CHEMICAL WEAPONS STOCKPILE.

(a) STUDY.—(1) The Secretary of Defense shall conduct a study to determine the cost of incineration of the current chemical munitions stockpile by building incinerators at each existing facility compared to the proposed cost of dismantling those same munitions, neutralizing them at each storage site and transporting the neutralized remains and all munitions parts to a centrally located incinerator within the United States for incineration.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of the Congress a report on the study carried out under subsection (a).

THURMOND AMENDMENT NO. 4248

(Ordered to lie on the table.)

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

Strike out section 2812, relating to the disposition of proceeds of certain commissary stores and nonappropriated fund instrumentalities.

KYL (AND BINGAMAN) AMENDMENT NO. 4249

(Ordered to lie on the table.)

Mr. KYL (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

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

SEC. 1043. PROHIBITION OF COLLECTION AND RELEASE OF DETAILED SATELLITE IMAGERY RELATING TO ISRAEL AND OTHER COUNTRIES AND AREAS.

(a) COLLECTION AND DISSEMINATION.—No department or agency of the Federal Government may license the collection or dissemination by any non-Federal entity of satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

(b) DECLASSIFICATION AND RELEASE.—No department or agency of the Federal Government may declassify or otherwise release satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

THURMOND AMENDMENT NO. 4250

(Ordered to lie on the table.)

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

In section 201(2), strike out ''$9,041,534,000'' and insert in lieu thereof ''8,893,234,000''.

In section 301(1) strike out ''18,147,623,000'' and insert in lieu therefore ''$18,295,923,000''.

COHEN (AND LOTT) AMENDMENT NO. 4251

(Ordered to lie on the table.)

Mr. COHEN (for himself and Mr. LOTT) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

Strike out section 124 and insert in lieu thereof the following:

SEC. 124. ARLEIGH BURKE CLASS DESTROYER PROGRAM.

(a) FUNDING.—(1) Subject to paragraph (3), funds authorized to be appropriated by section 102(a)(3) may be made available for contracts entered into in fiscal year 1996 under subsection (b)(1) of section 135 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211) for construction for the third of the three Arleigh Burke class destroyers covered by that subsection. Such funds are in addition to amounts made available for such contracts by the second sentence of subsection (a) of that section.

(2) Subject to paragraph (3), funds authorized to be appropriated by section 102(a)(3) may be made available for contracts entered into in fiscal year 1997 under subsection (b)(2) of such section 135 for construction (including advance procurement) for the Arleigh Burke class destroyers covered by such subsection (b)(2).

(3) The aggregate amount of funds available under paragraphs (1) and (2) for contracts referred to in such paragraphs may not exceed $3,483,030,000.

(4) Within the amount authorized to be appropriated by section 102(a)(3), $750,000,000 is authorized to be appropriated for advance procurement for construction for the Arleigh Burke class destroyers authorized by subsection (b).

(b) AUTHORITY FOR MULTIYEAR PROCUREMENT OF TWELVE VESSELS.—The Secretary of the Navy is authorized, pursuant to section 2306b of title 10, United States Code, to enter into multiyear contracts for the procurement of a total of 12 Arleigh Burke class destroyers at a procurement rate of three ships in each of fiscal years, 1998, 1999, 2000, and 2001 in accordance with this subsection and subsections (a)(4) and (c), subject to the availability of appropriations for such destroyers. A contract for construction of one or more vessels that is entered into in accordance with this subsection shall include a clause that limits the liability of the Government to the contractor for any termination of the contract.

CHAFEE AMENDMENT NO. 4252

(Ordered to lie on the table.)

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

At the end of section 348, add the following:

(c) REPORT ON COMPLIANCE WITH ANNEX V TO THE CONVENTION.—The Secretary of Defense shall include in each report on environmental compliance activities submitted to Congress under section 2706(c) of title 10, United States Code, the following information:

(1) A list of the ships types, if any, for which the Secretary of the Navy has made the determination referred to in paragraph (2)(C) of section 3(c) of the Act to Prevent Pollution from Ships, as amended by subsection (a)(2) of this section.

(2) A list of ship types which the Secretary of the Navy has determined can comply with Regulation 5 of Annex V to the Convention.

(3) A summary of the progress made by the Navy in implementing the requirements of paragraphs (2) and (3) such section 3(c), as so amended.

(4) A description of any emerging technologies offering the potential to achieve full compliance with Regulation 5 of Annex V to the Convention.

(d) PUBLICATON REGARDING SPECIAL AREA DISCHARGES.—Section 3(e)(4) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(e)(4)) is amended by striking out subparagraph (A) and inserting in lieu thereof the following:

''(A) The amount and nature of the discharges in special areas, not otherwise authorized under this title, during the preceding year from ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy.''.

THURMOND AMENDMENT NO. 4253

(Ordered to lie on the table.)

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

In section 201(2), strike out ''$9,041,534,000'' and insert in lieu thereof ''$8,893,234,000''.

In section 301(1) strike out ''18,147,623,000'' and insert in lieu thereof ''$18,295,923,000''.

THURMOND (AND NUNN) AMENDMENT NO. 4254

(Ordered to lie on the table.)

Mr. THURMOND (for himself and Mr. NUNN) submitted an amendment intended to be proposed an amendment to the bill, S. 1745, supra; as follows:

Mr. THURMOND (for himself and Mr. NUNN) submitted an amendment intended to be proposed an amendment to the bill, S. 1745, supra; as follows:

On page 219, line 11, insert '', for the Secretary's consideration,'' after ''of Defense''.

On page 223, strike out lines 1 and 2 and insert in lieu thereof the following:

''(a) ESTABLISHMENT.—The National Imagery and Mapping Agency is a combat support agency of the Department of Defense and has significant national missions.

On page 223, strike out line 17 and all that follows through page 224, line 2 and insert in lieu thereof the following:

''(3) If an officer of the armed forces is appointed to the position of Director under this subsection, the position is a position of importance and responsibility for purposes of section 601 of this title and carries the grade of lieutenant general, or, in the case of an officer of the Navy, vice admiral.

THURMOND AMENDMENTS NOS. 4255–4256

(Ordered to lie on the table.)

Mr. THURMOND submitted two amendments intended to be proposed by him to the bills, S. 1745, supra; as follows:

AMENDMENT NO. 4255

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

SEC. . AUTHORITY FOR AGREEMENTS WITH INDIAN TRIBES FOR SERVICES UNDER ENVIRONMENTAL RESTORATION PROGRAM.

Section 2701(d) of title 10, United States Code, is amended—

(1) in the first sentence of paragraph (1), by striking out '', or with any State or local government agency,'' and inserting in lieu thereof '', with any State or local government agency, or with any Indian tribe,''; and

(2) by adding at the end the following:

''(3) DEFINITION.—In this subsection, the term 'Indian tribe' has the meaning given such term in section 101(36) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(36)).''.

AMENDMENT NO. 4256

In section 3136(a), in the matter preceding paragraph (1), strike out ''section 3102'' and insert in lieu thereof ''section 3102(b)''.

In section 3136(a)(1), strike out ''$43,000,000'' and insert in lieu thereof ''$65,700,000''.

In section 3136(a)(2), strike out ''$15,000,000'' and insert in lieu thereof ''$80,000,000''.

In section 3136(a)(2), strike out ''stainless steel'' and insert in lieu thereof ''non-aluminum clad''.

LOTT AMENDMENTS NOS. 4257–4258

(Ordered to lie on the table.)

Mr. LOTT submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4257

At the end of subtitle E of the title X add the following:

SEC. 1054. REPORT ON FACILITIES USED FOR TESTING LAUNCH VEHICLE ENGINES.

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the National Aeronautics and Space Administration, shall submit to Congress a report on the facilities used for testing launch vehicle engines.

(b) CONTENT OF REPORT.—The report shall contain an analysis of the duplication between Air Force and National Aeronautics and Space Administration hydrogen rocket test facilities and the potential benefits of further coordinating activities at such facilities.

AMENDMENT NO. 4258

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

SEC. 506. GRADE OF CHIEF OF NAVAL RESEARCH.

Section 5022(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following:

''(2) Unless appointed to higher grade under another provision of law, an officer, while serving in the Office of Naval Research as Chief of Naval Research, has the rank of rear admiral (upper half).''.

THURMOND AMENDMENT NO. 4259

(Ordered to lie on the table.)

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

Beginning on page 127, strike out line 20 and all that follows through page 129, line 10, and insert in lieu thereof the following:

''(2)(A) Not more than 25 officers of any one armed force may be serving on active duty concurrently pursuant to orders to active duty issued under this section.

''(B) In the administration of subparagraph (A), the following officers shall not be counted:

''(i) A chaplain who is assigned to duty as a chaplain for the period of active duty to which ordered.

''(ii) A health care professional (as characterized by the Secretary concerned) who is assigned to duty as a health care professional for the period of the active duty to which ordered.

''(iii) Any officer assigned to duty with the American Battle Monuments Commission for the period of active duty to which ordered.''.

(b) OFFICERS RETIRED ON SELECTIVE EARLY RETIREMENT BASIS.—Such section is amended by adding at the end the following:

''(e) The following officers may not be ordered to active duty under this section:

''(1) An officer who retired under section 638 of this title.

''(2) An officer who—

''(A) after having been notified that the officer was to be considered for early retirement under section 638 of this title by a board convened under section 611(b) of this title and before being considered by that board, requested retirement under section 3911, 6323, or 8911 of this title; and

''(B) was retired pursuant to that request.''.

(c) LIMITATION OF PERIOD OF RECALL SERVICE.—Such section, as amended by subsection (b), is further amended by adding at the end the following:

''(f) A member ordered to active duty under subsection (a) may not serve on active duty pursuant to orders under such subsection for more than 12 months within the 24 months following the first day of the active duty to which ordered under this section.''.

ROBB AMENDMENT NO. 4260

(Ordered to lie on the table.)

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

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

SEC. 1054. INFORMATION ON PROPOSED FUNDING FOR THE GUARD AND RESERVE COMPONENTS IN FUTURE-YEARS DEFENSE PROGRAMS.

(a) REQUIREMENT.—The Secretary of Defense shall specify in each future-years defense program submitted to Congress after the date of the enactment of this Act the estimated expenditures and proposed appropriations for the procurement of equipment and for military construction for each of the Guard and Reserve components.

(b) DEFINITION.—For purposes of this section, the term ''Guard and Reserve components'' means the following:

(1) The Army Reserve.

(2) The Army National Guard of the United States.

(3) The Naval Reserve.

(4) The Marine Corps Reserve.

(5) The Air Force Reserve.

(6) The Air National Guard of the United States.

MCCAIN (AND OTHERS) AMENDMENT NO. 4261

(Ordered to lie on the table.)

Mr. MCCAIN (for himself, Mr. HATCH, Mr. BENNETT, and Mr. NUNN) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

Strike out section 366 and insert in lieu thereof the following new section:

SEC. 366. DEPARTMENT OF DEFENSE SUPPORT FOR SPORTING EVENTS

(a) SECURITY AND SAFETY ASSISTANCE.—At the request of a Federal, State, or local government agency responsible for providing law enforcement services, security services, or safety services, the Secretary of Defense may authorize the commander of a military installation or other facility of the Department of Defense or the commander of a specified or unified combatant command to provide assistance for the World Cup Soccer Games, the Goodwill Games, the Olympics, and any other civilian sporting event in support of essential security and safety at such event, but only if the Attorney General certifies that such assistance is necessary to meet essential security and safety needs.

(b) OTHER ASSISTANCE.—the Secretary may authorize a commander referred to in subsection (a) to provide assistance for a sporting event referred to in that subsection in support of other needs relating to such event, but only—

(1) to the extent that such needs cannot reasonably be met by a source other than the Department;

(2) to the extent that the provision of such assistance does not adversely affect the military preparedness of the Armed Forces; and

(3) if the organization requesting such assistance agrees to reimburse the Department for amounts expended by the Department in providing the assistance in accordance with the provisions of section 377 of title 10, United States Code, and other applicable provisions of law.

(c) INAPPLICABILITY TO CERTAIN EVENTS.—Subsections (a) and (b) do not apply to the following sporting events:

(1) Sporting events for which funds have been appropriated before the date of the enactment of this Act.

(2) The Special Olympics.

(3) The Paralympics.

(d) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the provision of assistance under this section as the Secretary considers necessary and appropriate to protect the interests of the United States.

(e) REPORT ON ASSISTANCE.—Not later than January 30 of each year following a year in which the Secretary provides assistance under this section, the Secretary shall submit to the congressional defense committees a report on the assistance provided. The report shall set forth—

(1) a description of the assistance provided;

(2) the amount expended by the Department in providing the assistance;

(3) if the assistance was provided under subsection (a), the certification of the Attorney General with respect to the assistance under that subsection; and

(4) if the assistance was provided under subsection (b)—

(A) an explanation why the assistance could not reasonably be met by a source other than the Department; and

(B) the amount the Department was reimbursed under that subsection.

(f) RELATIONSHIP TO OTHER LAWS.—Assistance provided under this section shall be subject to the provisions of sections 375 and 376 of title 10, United States Code.

DOMENICI AMENDMENT NO. 4262

(Ordered to lie on the table.)

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

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

SEC. 237. SCORPIUS SPACE LAUNCH TECHNOLOGY PROGRAM.

Of the amount authorized to be appropriated under section 201(4) for the Ballistic Missile Defense Organization for Support Technologies/Follow-On Technologies (PE 63173C), up to $7,500,000 is available for the Scorpius space launch technology program.

GLENN (AND ABRAHAM) AMENDMENT NO. 4263

(Ordered to lie on the table.)

Mr. GLENN (for himself and Mr. ABRAHAM) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

In section 1022(a), strike out ''. Such transfers'' and insert in lieu thereof '', if the Secretary determines that the tugboats are not needed for transfer, donation, or other disposal under title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.). A transfer made under the preceding sentence''.

WELLSTONE AMENDMENTS NOS. 4264–4265

(Ordered to lie on the table.)

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

AMENDMENT NO. 4264

At the end of subtitle A of title X add the following:

SEC. . TRANSFERS FOR EDUCATION AND EMPLOYMENT ASSISTANCE PROGRAMS.

(a) EDUCATION PROGRAMS.—Of the total amount authorized to be appropriated for the Department of Defense for fiscal year 1997 pursuant to the authorizations of appropriations contained in this Act, the Secretary of Defense authorized to transfer to the Secretary of Education—

(1) $577,000,000, to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a), relating to Federal Pell Grants;

(2) $158,000,000, to carry out part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087aa et seq.), relating to Federal Perkins Loans; and

(3) $71,000,000, to carry out part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.), relating to Federal Direct Student Loans.

(b) EMPLOYMENT ASSISTANCE PROGRAMS.—Of the total amount appropriated for the Department of Defense for fiscal year 1997 pursuant to the authorizations of appropriations contained in this Act, the Secretary of Defense shall transfer to the Secretary of Labor—

(1) $193,000,000, to provide employment and training assistance to dislocated workers under title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.);

(2) $246,000,000, to carry out summer youth employment and training programs under part B of title II of the Job Training Partnership Act (29 U.S.C. 1630 et seq.);

(3) $25,000,000, to carry out School-to-Work Opportunities programs under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 2101 et seq.); and

(4) $40,000,000, to carry out activities, including activities provided through one-stop centers, under the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

AMENDMENT NO. 4265

At the end of title VII add the following:

SEC. 708. PREVENTIVE HEALTH CARE SCREENING FOR COLON AND PROSTATE CANCER.

(a) MEMBERS AND FORMER MEMBERS.—(1) Section 1074d of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by inserting ''(1)'' before ''Female''; and

(ii) by adding at the end the following new paragraph:

''(2) Male members and former members of the uniformed services entitled to medical care under section 1074 or 1974a of this title shall also be entitled to preventive health care screening for colon or prostate cancer at such intervals and using such screening methods as the administering Secretaries consider appropriate.''; and

(B) in subsection (b), by adding at the end the following new paragraph:

''(8) Colon cancer screening, at the intervals and using the screening methods prescribed under subsection (a)(2).''.

(2)(A) The heading of such section is amended to read as follows:

''§ 1074d. Primary and preventive health care services

(B) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

''1074d. Primary and preventive health care services.''.

(b) DEPENDENTS.—(1) Section 1077(a) of such title is amended by adding at the end the following new paragraph:

''(14) Preventive health care screening for colon or prostate cancer, at the intervals and using the screening methods prescribed under section 1074d(a)(2) of this title.''.

(2) Section 1079(a)(2) of such title is amended—

(A) in the matter preceding subparagraph (A), by inserting ''the schedule and method of colon and prostate cancer screenings,'' after ''pap smears and mammograms,''; and

(B) in subparagraph (B), by inserting ''or colon and prostate cancer screenings'' after ''pap smears and mammograms''.

WELLSTONE (AND HARKIN) AMENDMENT NO. 4266

(Ordered to lie on the table.)

Mr. WELLSTONE (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

After section 3, insert the following:

SEC. 4. GENERAL LIMITATION.

(a) LIMITATION.—Notwithstanding any other provision of this Act, the total amount authorized to be appropriated by this Act may not exceed the amount requested by the President for fiscal year 1997 for the national security activities of the Department of Defense and the Department of Energy in the budget submitted to Congress by the President for that fiscal year under section 1105 of title 31, United States Code.

(b) ALLOCATION OF REDUCTIONS.—The Secretary of Defense shall allocate reductions in authorizations of appropriations that are necessary as a result of the application of the limitation set forth in subsection (a) so as not to jeopardize the military readiness of the Armed Forces or the quality of life of Armed Forces personnel.

(c) EXCESS AUTHORIZATIONS TO BE USED FOR DEFICIT REDUCTION.—The reduction under subsection (a) of the total amount that, except for that subsection, would otherwise be authorized to be appropriated for fiscal year 1997 by this Act shall be applied to reduce the budget deficit for fiscal year 1997.

FEINSTEIN (AND OTHERS) AMENDMENT NO. 4267

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself, Mr. KYL, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1072. SALE OF CHEMICALS USED TO MANUFACTURE CONTROLLED SUBSTANCES BY FEDERAL DEPARTMENTS OR AGENCIES.

A Federal department or agency may not sell from the stocks of the department or agency any chemical which, as determined by the Administrator of the Drug Enforcement Agency, could be used in the manufacture of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802) unless the Administrator certifies in writing to the head of the department or agency that there is no reasonable cause to believe that the sale of the chemical would result in the illegal manufacture of a controlled substance.

FEINSTEIN AMENDMENT NO. 4268

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill, S. 1745, supra; as follows:

At the end of subtitle F of title X, add the following:

SEC. REVISION OF CERTAIN AUTHORITIES RELATING TO THE CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY.

(a) USE OF PROCEEDS OF SALES FOR BREAST CANCER RESEARCH.—(1) Section 1614 of the Corporation for the Promotion of Rifle Practice and Firearms Safety Act (title XVI of Public Law 104–106; 110 Stat. 517; 36 U.S.C. 5504) is amended—

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

(B) by inserting after subsection (c) the following new subsection (d):

''(d) USE OF PROCEEDS OF SALES.—Proceeds from the sale of rifles, ammunition, targets, repair parts and accoutrements, and other supplies and appliances under this subsection shall be deposited in the Defense Health Program account and available for breast cancer research. Amounts so deposited shall be available for that purpose without fiscal year limitation.''.

(2) Section 1618(a)(3) of that Act (110 Stat. 520; 36 U.S.C. 5508(a)(3)) is amended by striking out '', including the proceeds'' and all that follows through ''supplies and appliances,''.

(b) TRANSFER OF FUNDS FOR BREAST CANCER RESEARCH.—Notwithstanding section 1621(a) of the Corporation for the Promotion of Rifle Practice and Firearms Safety Act (title XVI of Public Law 104–106; 110 Stat. 521; 36 U.S.C. 5521(a)), funds to be transferred to the Corporation for the Promotion of Rifle Practice and Firearms Safety in accordance with that section shall be transferred instead to the Defense Health Program and available only for breast cancer research. Funds so transferred shall be available for that purpose without fiscal year limitation.

(c) DETERMINATION OF FAIR MARKET VALUE OF ITEMS SOLD.—Section 1614(b) of the Corporation for the Promotion of Rifle Practice and Firearms Safety Act (title XVI of Public Law 104–106; 110 Stat. 517; 36 U.S.C. 5504(b)) is amended by adding at the end the following:

''(3) In determining the fair market value of rifles, ammunition, targets, repair parts

and accoutrements, and other supplies and appliances sold under this subsection, the Corporation shall use the average price for such items at a variety of retail gun stores nationwide.''.

SMITH AMENDMENT NO. 4269

(Ordered to lie on the table.)

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

At the appropriate place, insert:

SEC. . SENSE OF THE SENATE CONCERNING USS LCS 102.

It is the sense of the Senate that the Secretary of Navy should use existing authorities in law to seek the expeditious return of the former USS LCS 102 from the Government of Thailand in order for the ship to be transferred to the United States Shipbuilding Museum in Quincy, Massachusetts.

WARNER AMENDMENT NO. 4270

(Ordered to lie on the table.)

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

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

SEC. 223. CYCLONE CLASS CRAFT SELF-DEFENSE.

(a) STUDY REQUIRED.—Not later than March 31, 1997, the Secretary of Defense shall—

(1) carry out a study of vessel self-defense options for the Cyclone class patrol craft; and

(2) submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the study.

(b) SOCOM INVOLVEMENT.—The Secretary shall carry out the study through the Commander of the Special Operations Command.

(c) SPECIFIC SYSTEM TO BE EVALUATED.—The study under subsection (a) shall include an evaluation of the BARAK ship self-defense missile system.

(d) FUNDING.—Of the amount authorized to be appropriated by section 104, $2,000,000 is available for carrying out this section.

HATFIELD (AND WYDEN) AMENDMENT NO. 4271

(Ordered to lie on the table.)

Mr. HATFIELD (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

Insert at the appropriate place the following:

SEC. . OPPORTUNITY FOR REVIEW AND COMMENT BY STATE OF OREGON ON CERTAIN REMEDIAL ACTIONS AT HANFORD RESERVATION.

(a) Except as provided in subsection (b), the Site Manager of the Hanford Reservation (''Site Manager'') shall provide to the State of Oregon all written information required to be provided to the State of Washington on any matter covered by the Hanford Tri-Party Agreement.

(1) Any such information provided to the State of Washington shall be provided to the State of Oregon when it is provided to the State of Washington or as soon as practical thereafter.

(2) Except as provided in subsection (b), whenever an opportunity for review and comment is provided to the State of Washington on matters covered by the Hanford Tri-Party Agreement, the Site Manager shall also provide an opportunity for review and comment to the State of Oregon.

(b) Nothing in this section: (1) Requires the Site Manager to share enforcement sensitive information or information related to the negotiation, dispute resolution or State cost recovery provisions of the Hanford Tri-Party Agreement; (2) requires the Site Manager to provide confidential budget or procurement information under terms other than those provided in the Tri-Party Agreement for the transmission of such information to the State of Washington; (3) authorizes the State of Oregon to participate in enforcement, dispute resolution or negotiation actions conducted under provisions of the Hanford Tri-Party Agreement; (4) shall delay implementation of remedial or environmental management activities at the Hanford Reservation; or (5) obligates the Department of Energy to provide additional funds to the State of Oregon.

Insert at the appropriate place the following:

SEC. . SENSE OF THE SENATE ON HANFORD MEMORANDUM OF UNDERSTANDING

It is the sense of the Senate that the State of Oregon has the authority to and may enter into a joint memorandum of understanding with the State of Washington or a joint memorandum of understanding with the State of Washington and the Site Manager of the Hanford Reservation in order to address issues of mutual concern to such States regarding the Hanford Reservation.

THE SMALL BUSINESS JOB PROTECTION ACT OF 1996

BOND AMENDMENT NO. 4272

(Ordered to lie on the table.)

Mr. LOTT (for Mr. BOND) submitted an amendment intended to be proposed by him to the bill (H.R. 3448) to provide tax relief for small businesses, to protect jobs, to create opportunities, to increase the take home pay of workers, and for other purposes; as follows:

Strike title II and insert the following:

TITLE II—PAYMENT OF WAGES

SEC. 2101. PROPER COMPENSATION FOR USE OF EMPLOYER VEHICLES.

(a) SHORT TITLE.—This section may be cited as the ''Employee Commuting Flexibility Act of 1996''.

(b) USE OF EMPLOYER VEHICLES.—Section 4(a) of the Portal-to-Portal Act of 1947 (29 U.S.C. 254(a)) is amended by adding at the end the following: ''For purposes of this subsection, the use of an employer's vehicle for travel by an employee and activities performed by an employee which are incidental to the use of such vehicle for commuting shall not be considered part of the employee's principal activities if the use of such vehicle for travel is within the normal commuting area for the employer's business or establishment and the use of the employer's vehicle is subject to an agreement on the part of the employer and the employee or representative of such employee.''.

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act and shall apply in determining the application of section 4 of the Portal-to-Portal Act of 1947 to an employee in any civil action brought before such date of enactment but pending on such date.

SEC. 2102. MINIMUM WAGE INCREASE.

(a) SHORT TITLE.—This section may be cited as the ''Minimum Wage Increase Act of 1996''.

(b) AMENDMENT TO MINIMUM WAGE.—Section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)) is amended by striking ''(a) Every'' and all that follows through ''$4.25 an hour after March 31, 1991;'' and inserting the following: ''(a) An employer shall pay to an employee of the employer the following wage rate in accordance with the requirements of this subsection:

''(1)(A) in the case of an employee who in any workweek is employed in an enterprise engaged in commerce or in the production of goods for commerce, not less than $4.25 an hour during the period ending on December 31, 1996, not less than $4.75 an hour during the year beginning on January 1, 1997, and not less than $5.15 an hour after December 31, 1997;

''(B) in the case of an employee who in any workweek is engaged in commerce or in the production of goods for commerce, but is not employed in an enterprise engaged in commerce or in the production of goods for commerce, not less than $4.25 an hour;''.

(c) CONSTRUCTION.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by adding at the end thereof the following new subsection;

''(h) Nothing in this section shall be construed as affecting any exemption provided under section 13.''.

SEC. 2103. FAIR LABOR STANDARDS ACT AMENDMENTS.

(a) COMPUTER PROFESSIONALS.—Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(A)) is amended—

(1) by striking the period at the end of paragraph (16) and inserting ''; or''; and

(2) by adding at the end thereof the following new paragraph:

''(17) any employee—

''(A) who is a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker;

''(B) whose primary duty is—

''(i) the application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications;

''(ii) the design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;

''(iii) the design, documentation, testing, creation, or modification of computer programs related to machine operating systems; or

''(iv) a combination of duties described in clauses (i), (ii), and (iv) the performance of which requires the same level of skills; and

''(C) who is compensated on an hourly bases and is comp4ensated at a rate of not less than $27.63.''.

(b) TIP CREDIT.—Section 3(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)) is amended—

(1) by striking ''(m) 'Wage' paid'' and inserting ''(m)(1) 'Wage' paid''; and

(2) by striking ''In determining the war'' and all that follows through ''who customarily and regularly receive tips.'' and inserting the following:

''(2)(A) In determining the wage an employer is required to pay a tipped employee, the amount paid such employee by the employee's employer shall be an amount equal to—

''(i) the cash wage paid such employee which for purposes of such determination shall be not less than the cash wage required to be paid such an employee on the day proceeding the date of enactment of this paragraph; and

''(ii) an additional amount on account of the tips received by such employee which amount is equal to the difference between the wage specified in subclause (i) and the cash wage in effect under section 6(a)(1).