

MESSAGES FROM THE HOUSE

At 12:02 pm., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 852. An act to amend chapter 35, of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demand upon small business, educational and nonprofit institutions, Federal contractors, State, and local governments, and other persons through the sponsorship and use of alternative information technologies.

H.J. Res. 58. Joint resolution disapproving the certification of the President under the section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997.

The message also announced that the Speaker appoints the following Members of the House to the Commission on Security and Cooperation in Europe: Mr. SMITH of New Jersey, Co-Chairman, Mr. PORTER, Mr. WOLF, Mr. SALMON, and Mr. CHRISTENSEN.

The message further announced that the Speaker appoints Mr. Jeffrey S. Blair of Georgia from private life to the National Committee on Vital and Health Statistics on the part of the House.

The message also announced that the Speaker appoints the following Member of the House to the Mexico-United States Interparliamentary Group: Mr. KOLBE, Chairman.

The message further announced that the Speaker appoints the following Member of the House to the Canada-United States Interparliamentary Group: Mr. HOUGHTON, Chairman.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 852. An act to amend chapter 35, of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small business, educational and nonprofits institutions, Federal contractors, State, and local governments, and other persons through the sponsorship and use of alternative information technologies; to the Committee on Governmental Affairs.

MEASURE READ THE FIRST TIME

The following joint resolution was read the first time:

H.J. Res. 58. Joint resolution disapproving the certification of the President under the section 490(b) of the Foreign Assistance Act of 1961 regarding foreign assistance for Mexico during fiscal year 1997.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1426. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to olives, received on March 12, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1427. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to oranges, received on March 13, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1428. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to grapes, received on March 13, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1429. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to onions, received on March 13, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1430. A communication from the Secretary of the Panama Canal Commission, transmitting, pursuant to law, the report of a rule relative to technical amendments, received on March 13, 1997; to the Committee on Armed Services.

EC-1431. A communication from the Director of the Office of the Secretary (Administration & Management), Department of Defense, transmitting the report entitled, "Extraordinary Contractual Actions to Facilitate the National Defense"; to the Committee on Armed Services.

EC-1432. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense; to the Committee on Armed Services.

EC-1433. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule relative to transit joint development, (RIN2132-XX00) received on March 13, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-1434. A communication from the Deputy Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, two rules including a rule relative to reporting requirements, (RIN3235-AG70) March 13, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-1435. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the report with respect to transactions involving exports to the Republic of Korea; to the Committee on Banking, Housing, and Urban Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ROBB:

S. 448. A bill to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KYL (for himself, Mr. WYDEN, Mr. KENNEDY, and Mr. HUTCHINSON):

S. 449. A bill to prohibit the restriction of certain types of medical communications between a health care provider and a patient; to the Committee on Labor and Human Resources.

By Mr. THURMOND (for himself and Mr. LEVIN) (by request):

S. 450. A bill to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes; to the Committee on Armed Services.

S. 451. A bill to authorize construction at certain military installations for fiscal year 1998, and for other military construction authorizations and activities of the Department of Defense; to the Committee on Armed Services.

By Mr. DORGAN (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. BAUCUS, Mr. ROBERTS, Mr. HARKIN, Mr. FAIRCLOTH, Mr. HUTCHINSON, Mr. INOUE, and Mr. CONRAD):

S. 452. A bill to amend titles XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities; to the Committee on Finance.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 453. A bill to study the high rate of cancer among children in Dover Township, NJ., and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DORGAN (for himself and Mr. CRAIG):

S. 454. A bill to provide incentives to encourage stronger truth in sentencing of violent offenders, and for other purposes; to the Committee on the Judiciary.

S. 455. A bill to amend title 18, United States Code, to eliminate good time credits for prisoners serving a sentence for a crime of violence, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. TORRICELLI (for himself, Mr. ABRAHAM, Mr. KENNEDY, Mr. LIEBERMAN, Mr. SPECTER, Mr. DEWINE, Mr. GLENN, Mr. LEVIN, and Mr. SARBANES):

S. Con. Res. 12. A concurrent resolution expressing the sense of the Congress with respect to the collection on data on ancestry in the decennial census; to the Committee on Governmental Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBB:

S. 448. A bill to amend the Solid Waste Disposal Act to authorize local governments and Governors to restrict receipt of out-of-State municipal solid waste, and for other purposes; to the Committee on Environment and Public Works

THE LOCAL GOVERNMENT INTERSTATE WASTE CONTROL ACT

● Mr. ROBB. Mr. President, today, I introduce legislation which will protect communities from being inundated with unwanted garbage generated out-of-State. The essential thrust of the legislation is to empower localities to

protect themselves from unwanted trash by allowing them to decide whether landfills or incinerators located within their communities should be permitted to accept out-of-State waste. It also seeks to strike the appropriate balance between State and local authority.

Those of us who formerly served in State government are keenly aware of the divisions of labor among the various levels of government. Due to Supreme Court decisions regarding the U.S. Constitution's commerce clause, disposing of trash implicates all three levels of government.

Under the commerce clause, only Congress is permitted to regulate interstate commerce. Because the Supreme Court has determined that garbage is commerce like any other commodity, States and localities have been powerless to halt the disposal of waste disposed in their jurisdictions which was generated outside the State. Thus the Federal Government must determine how best to regulate this article of commerce.

The role of the States in regulating the disposal of garbage centers on its responsibility to protect the State's environment. Based on environmental criteria, the States determine whether to issue permits for the construction of landfills, and are charged with monitoring the operation of landfills and incinerators to guarantee compliance with environmental laws. My bill will not affect in any way the State's right to enforce the States environmental standards.

The real responsibility for disposing of trash, however, has rested historically with local governments. It is their responsibility to pick up the trash and to find a place to put it down. Because this is the locality's ultimate responsibility, and because the local community is the one most directly affected by garbage imports, my bill delegates primary authority regarding interstate waste to the local governments.

The legislation defines an affected local government as the political subdivision of the State charged with making land use decisions. In my view, if an elected body is competent to make decisions regarding the use of land in the community, then it is certainly competent to determine whether a landfill, already permitted under State law, should be allowed to accept out-of-State waste.

Striking the right balance between State and local authority was only half the battle. The other major issue implicated by placing restrictions on out-of-State waste is how to treat existing facilities. In many cases, existing facilities which accept out-of-State waste do so in the face of local opposition. These communities understandably want us to stop the garbage from flowing. It would not be fair, however, to those who expended millions of dollars to build new landfills in compliance with strict federal regulations to

cut off their commerce completely. Therefore, my measure balances these interests by allowing the Governor of each State to limit the amount of out-of-State waste which can be disposed of in an existing facility.

To finance new waste disposal facilities that meet stringent State and Federal environmental regulations, some local governments are cooperating with private developers to build these state-of-the-art facilities. This cooperative relationship, however, can only flourish if the locality has some leverage over the developer. Under present law, a local government is powerless to deny a zoning permit to a landfill developer simply because waste from out-of-State will be disposed in the landfill. If the local government is given the power to reject out-of-State waste, it also will have the power to accept the waste, with conditions. By allowing communities to have leverage at the bargaining table, they can enter into host community agreements which are beneficial to the locality and its neighbors.

In many instances, this can be a winning proposition for the local community. The new landfill can be built at no cost to the community, and the community can charge a host community fee which can be used to reduce taxes or pay for other projects, such as building schools.

While inviting a landfill developer into a community may not be the solution for every local government, it should remain an option for those who choose to pursue it. And under my legislation, the local government would not have to make such a decision alone. The legislation requires the local government to consult with the Governor and adjoining local governments before a decision is made.

More importantly, however, my legislation absolutely bans out-of-State waste from new facilities unless a community affirmatively agrees to the imports. This is important to many communities in my State, mostly rural, that can fall prey under existing law to unscrupulous landfill developers who, in their search for land, can run roughshod over the wishes of the locality. I hope my colleagues will join with me in supporting this legislation and protecting our communities from unwanted out-of-State trash.●

By Mr. KYL (for himself, Mr. WYDEN, Mr. KENNEDY, and Mr. HUTCHINSON):

S. 449. A bill to prohibit the restriction of certain types of medical communications between a health care provider and a patient; to the Committee on Labor and Human Resources.

THE PATIENT RIGHT TO KNOW ACT

Mr. KYL. Mr. President, I rise to join my colleague, Senator RON WYDEN, to introduce the Patient Right to Know Act. I also want to commend my House colleagues, Representatives GREG GANSKE and ED MARKEY, for their leadership on this issue.

PROCEDURAL HISTORY

The Kyl-Wyden Patient Right to Know Act, originally offered as an amendment on September 10, 1996 to the fiscal year 1997 Treasury, Postal appropriations bill, received 51 bipartisan votes; but 60 votes were required to overcome a procedural obstacle on the Senate floor.

THE PROBLEM

Mr. President, the purpose of this legislation is to return to patients their basic right to receive all relevant information from their doctor, or provider, about costs, benefits, risks, and legal, and appropriate treatment options that are important to their health. This bill would allow doctors and other providers to comply with their ethical and legal responsibility to fully inform patients of all their reasonable and legal options, regardless of cost or coverage limitations in a particular plan.

Some managed care plans forbid doctors and other providers from even mentioning all legal and reasonable treatment options to patients, either because the managed care plan's benefits will not pay for a particular treatment, or because of the relative cost of different treatments for the same condition offered by the plan.

In recent years, there have been media accounts of a few of the countless individuals who have been denied care by physicians and plans in an effort to control costs. In April 1994, ABC's "20-20" reported on the case of a woman who was denied information about a bone-marrow transplant to treat her breast cancer. In October 1995, CBS presented a story about a woman who was denied information about and access to specialists, and who was later diagnosed with cancer.

The national press has revealed the extent of this problem in publications such as the New England Journal of Medicine and the New York Times. For instance, the Times ran an article in September 22, 1996, entitled, the "Tricky Business of Keeping Doctors Quiet."

Americans have clearly noticed the deficiencies in some managed care plans. In a 1996 poll by the Patient Access to Speciality Care Coalition, 92.7 percent responded that it was very important that they be told of all treatment options, and 53 percent believe that they do not now receive enough information about how HMO's or managed care plans make treatment decisions.

ATTEMPTS AT A SOLUTION

Sixteen State legislatures have addressed the existence of gag rules, and several more are in the process of doing so.

The industry itself has acknowledged this problem, possibly realizing that gag rules make good managed care companies look bad. On December 18, 1996, the American Association of Health Plans, which represents over 1,000 providers and 140 million Americans, announced voluntary guidelines

that would end the use of gag clauses by member plans.

Limited antigag regulations have been promulgated by the Health Care Financing Administration that apply to Medicare and Medicaid managed care insurance contracts.

However, this still leaves us without a systematic approach to the problem. I believe we need a single, clear Federal standard, enforced by the States, that provides consistent protection of medical communications, for all health plan beneficiaries, no matter which State they live in, or which health plan they buy. This is the only certain way to stop individuals or entities whose goal is to reduce costs—at the expense of health care quality—by restricting medical communications between providers and patients.

THE CONGRESS MAY AND MUST ACT

It is clear that the Congress may act in this area since the offering and operation of health plans affects commerce among the States.

It is also clear that the Congress must act. With the emphasis that health care reform places on managed care, it is essential that the Congress ensure that managed care techniques and procedures protect patients and guarantee the integrity of the provider-patient relationship.

Mr. President, gag clauses in health care provider contracts attack the heart of the provider-patient relationship, and undermine the fundamental factor in the healing process: trust. The Congress has a substantial interest in preserving this relationship in the managed care environment it helped to create.

This legislation is measured in its approach. It provides for State enforcement of a clear, reasonable Federal standard. And, before a floor vote, the legislation will include a conscience clause exception for providers and entities. After months of good-faith, bipartisan discussion, the precise legislative language to establish a conscience clause exception to the gag rule has not yet been crafted.

However, all parties agree in principle that the rights and prerogatives of health plans and individual providers who, for religious or moral reasons, choose not to discuss certain treatments, must be protected. The question is, how best to accomplish this.

I am committed to continuing to work with all interested parties to achieve the greatest consensus possible on this critical issue. I will continue to work to see that all interested parties have been heard on this issue and the greatest amount of consensus possible has been reached.

By Mr. THURMOND (for himself and Mr. LEVIN):

S. 450. A bill to authorize appropriations for fiscal years 1998 and 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal years 1998 and 1999, and for other purposes; to the Committee on Armed Services.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1998 AND 1999

By Mr. THURMOND (for himself and Mr. LEVIN) (by request):

S. 451. A bill to authorize construction at certain military installations for fiscal year 1998, and for other military construction authorizations and activities of the Department of Defense; to the Committee on Armed Services.

THE MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. THURMOND. Mr. President, I am pleased to introduce, by request and with the distinguished Senator from Michigan, the ranking minority member of the Committee on Armed Services, the National Defense Authorization Act for fiscal years 1998 and 1999 and the Military Construction Authorization Act for fiscal year 1998. I ask unanimous consent that the bills and their accompanying sectional analyses be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Years 1998 and 1999".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- TITLE I—PROCUREMENT
AUTHORIZATION OF APPROPRIATIONS
- Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide Activities.
Sec. 105. Defense Inspector General.
Sec. 106. Defense Health Program.
Sec. 107. Chemical Demilitarization Program.
Sec. 108. Transfer from the National Defense Stockpile Transaction Fund.
Sec. 109. National Guard and Reserve Component Equipment: Annual Report to Congress.
- TITLE II—RESEARCH, DEVELOPMENT, TEST,
AND EVALUATION
- Sec. 201. Authorization of Appropriations.
Sec. 202. Permanent Authority to Provide for Use of Test and Evaluation Installations by Commercial Entities.
- TITLE III—OPERATION AND MAINTENANCE
SUBTITLE A—AUTHORIZATION OF
APPROPRIATIONS
- Sec. 301. Operation and Maintenance Funding.
Sec. 302. Working Capital Funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Fisher House Trust Funds.
Sec. 305. Transfer from the National Defense Stockpile Transaction Fund.
Sec. 306. Repeal of Defense Business Operations Fund.
- SUBTITLE B—ENVIRONMENTAL PROVISIONS
- Sec. 311. Amendments to Authority to Enter into Agreements with Other Agencies in Support of Environmental Technology Certification.
Sec. 312. Storage and Disposal of Nondefense Toxic and Hazardous Materials.

SUBTITLE C—OTHER MATTERS

- Sec. 321. Programs to Commemorate the 50th Anniversaries of the Marshall Plan and the Korean War.
Sec. 322. Admission of Civilian Students to the Naval Post Graduate School.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

- SUBTITLE A—ACTIVE FORCES
- Sec. 401. End Strengths for Active Forces.
- SUBTITLE B—RESERVE FORCES
- Sec. 411. End Strengths for Selected Reserve.
Sec. 412. End Strengths for Reserves on Active Duty in Support of the Reserves.

TITLE V—MILITARY PERSONNEL POLICY

- SUBTITLE A—OFFICER PERSONNEL POLICY
- Sec. 501. Authorization for Personnel to Serve in the Management of Non-Federal Entities.
Sec. 502. Modifying Selection Board Eligibility.
Sec. 503. Limitations on Promotion Consideration Eligibility.
Sec. 504. Authority to Permit Non-Unit Assigned Officers to be Considered by Vacancy Promotion Board to General Officer Grades and for Officers to be Considered by a Vacancy Promotion Board to General Officer Grades When Not Serving in the Higher Graded Position.
Sec. 505. Exclusion of Certain Retired Members from the Limitation on the Period of Recall to Active Duty.

SUBTITLE B—ENLISTED PERSONNEL POLICY

- Sec. 511. Authorization for the Naval Postgraduate School to Admit Enlisted Members of the U.S. Naval Service, Army, Air Force, and Coast Guard as Members.
Sec. 512. Scope of Participation in Community College of the Air Force.

SUBTITLE C—RESERVE PERSONNEL POLICY

- Sec. 521. Correction to retired Grade, General Rule Concerning Nonregular Service.
Sec. 522. Grade Requirement for Involuntary Separation Board Composition.
- SUBTITLE D—EDUCATION POLICY
- Sec. 531. Protection of Educational Assistance Program Entitlements for Selected Reserve Members Serving on Active Duty in Support of a Contingency Operation.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

- SUBTITLE A—PAY AND ALLOWANCES
- Sec. 601. Military Pay Raise for Fiscal Year 1998.
Sec. 602. Change in Requirements for Pay of Ready Reserve Muster Duty Allowance.
- SUBTITLE B—BONUSES AND SPECIAL PAYS
- Sec. 611. Nuclear Qualified Officers: Bonuses and Special Pay.
Sec. 612. Incentive for Enlisted Members to Extend Tours of Duty Overseas.
Sec. 613. Amendments to Selected Reserve Reenlistment Bonus.
Sec. 614. Amendments to Selected Reserve Prior Service Enlistment Bonus.

SUBTITLE C—ALLOWANCES

- Sec. 621. Travel and Transportation Allowances for Dependents Prior to Approval of a Member's Court-Martial Sentence.
Sec. 622. Variable Housing Allowance at Location of Residence After a Close Proximity Move.

SUBTITLE D—OTHER MATTERS

- Sec. 631. Authorization for Reimbursement of Tax Liabilities Incurred by Participants in the F. Edward Hebert Armed Forces Health Professions Scholarship Program.
- Sec. 632. Authorization for Increased Stipend Payments Made Under the F. Edward Hebert Armed Forces Health Professions Scholarship Program.

TITLE VII—HEALTH CARE PROVISIONS

- Sec. 701. Repeal of the Statutory Restriction on Use of Funds for Abortions.
- Sec. 702. Expanding the Limits Imposed on Providing Prosthetic Devices to Military Health Care Beneficiaries.

TITLE VIII—REPEAL OF ACQUISITION REPORTS AND ACQUISITION POLICY

SUBTITLE A—REPEAL OF CERTAIN ACQUISITION REPORTS

- Sec. 801. Repeal of Acquisition Reports Required by Defense Authorization Acts.
- Sec. 802. Repeal of Extraneous Acquisition Reporting Requirements.

SUBTITLE B—ACQUISITION POLICY

- Sec. 811. Use of Single Payment Date for Mixed Invoices.
- Sec. 812. Retention of Expired Funds During the Pendency of Contract Litigation.
- Sec. 813. Expanding the Authority to Cross Fiscal Years to All Severable Service Contracts Not Exceeding a Year.
- Sec. 814. Small Arms Weapons Procurement Objectives for the Army.
- Sec. 815. Availability of Simplified Procedures to Commercial Item Procurements.
- Sec. 816. Unit Cost Reports.
- Sec. 817. Repeal of Additional Documentation Requirement for Competition Exception for International Agreements.
- Sec. 818. Elimination of Drug-Free Workplace Certification Requirement for Grants.
- Sec. 819. Vestiture of Title.
- Sec. 820. Undefinitized Contract Actions.
- Sec. 821. Authority of Directors of Department of Defense Agencies to Lease Non-Excess Property.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

- Sec. 901. Amendment to Frequency of Providing Policy Guidance for Contingency Plans.
- Sec. 902. Revision of Membership Terms for Strategic Environmental Research and Development Program Scientific Advisory Board.
- Sec. 903. Closure of the Uniform Services University of the Health Sciences.
- Sec. 904. Repeal of Requirement to Operate Naval Academy Dairy Farm, Gambrills, Maryland.
- Sec. 905. Inclusion of Information Resources Management College in the National Defense University.

TITLE X—GENERAL PROVISIONS

SUBTITLE A—FINANCIAL MATTERS

- Sec. 1001. Two-year Extension of Counterproliferation Authorities.

SUBTITLE B—NAVAL VESSELS

- Sec. 1010. Negotiating Sales of Vessels Stricken from the Naval Register.

- Sec. 1011. Authority to Charter Vessel for Longer than Five Years In Support of Surveillance Towed Array Sensor (Surtass) Program.
- Sec. 1012. Eighteen Month Shipbuilding Claims.

SUBTITLE C—OTHER MATTERS

- Sec. 1020. Arrest Authority for Special Agents of the Defense Criminal Investigative Service.
- Sec. 1021. Access to Pre-accession Offender Records.
- Sec. 1022. Extension of Authority to Provide Additional Support For Counter-Drug Activities of Mexico.
- Sec. 1023. Asia-Pacific Center for Security Studies.
- Sec. 1024. Protection of Certain Imagery and Geospatial Information and Data.
- Sec. 1025. National Guard Civilian Youth Opportunities Pilot Program.
- Sec. 1026. Repeal of Annual Department of Defense Conventional Standoff Weapons Master Plan and Report on Standoff Munitions.
- Sec. 1027. Revisions to the Ballistic Missile Defense Act of 1995.
- Sec. 1028. Repeal of Reporting Requirements, Special Operations Forces, Training with Friendly Foreign Forces.

SUBTITLE D—MILITARY CONSTRUCTION PROVISIONS

- Sec. 1031. Authority for the Secretary of the Army to Construct a Heliport at Fort Irwin, California.
- Sec. 1032. Repeal of Reports Required by Military Construction Authorization Acts.
- Sec. 1033. Financial Incentive for Energy Savings.
- Sec. 1034. Water Conservation Financial Incentives.
- Sec. 1035. Privatization of Government Owned Utility Systems.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

- Sec. 1101. Extension of Voluntary Separation Incentive Pay Authorization.
- Sec. 1102. Elimination of Time Limitation for Placement Consideration of Involuntarily Separated Reserve Technicians.
- Sec. 1103. Pay Practices When Overseas Teachers Transfer to General Schedule Positions.
- Sec. 1104. Citizenship Requirements for Staff of the George C. Marshall Center for Security Studies.
- Sec. 1105. Preservation of Civil Service Rights for Employees of the Former Defense Mapping Agency.
- Sec. 1106. Authorization for the Marine Corps University to Employ Civilian Professors.

TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ARMY

- (a) AIRCRAFT.—Funds are hereby authorized to be appropriated for procurement of aircraft for the Army as follows:
- (1) \$1,162,459,000 for fiscal year 1998.
 - (2) \$1,240,541,000 for fiscal year 1999.
- (b) MISSILES.—Funds are hereby authorized to be appropriated for procurement of missiles for the Army as follows:
- (1) \$1,178,151,000 for fiscal year 1998.
 - (2) \$1,541,375,000 for fiscal year 1999.
- (c) WEAPONS AND TRACKED COMBAT VEHICLES.—Funds are hereby authorized to be appropriated for procurement of weapons and tracked combat vehicles for the Army as follows:

- (1) \$1,065,707,000 for fiscal year 1998.
 - (2) \$1,475,106,000 for fiscal year 1999.
- (d) AMMUNITION.—Funds are hereby authorized to be appropriated for procurement for ammunition for the Army as follows:
- (1) \$890,902,000 for fiscal year 1998.
 - (2) \$975,973,000 for fiscal year 1999.
- (e) OTHER PROCUREMENT.—Funds are hereby authorized to be appropriated for procurement for ammunition for the Army as follows:

- (1) \$2,455,030,000 for fiscal year 1998.
- (2) \$3,139,830,000 for fiscal year 1999.

SEC. 102. NAVY AND MARINE CORPS.

(a) AIRCRAFT.—Funds are hereby authorized to be appropriated for procurement of aircraft for the Navy as follows:

- (1) \$6,085,965,000 for fiscal year 1998.
- (2) \$7,669,355,000 for fiscal year 1999.

(b) WEAPONS.—Funds are hereby authorized to be appropriated for procurement of weapons (including missiles and torpedoes) for the Navy as follows:

- (1) \$1,136,293,000 for fiscal year 1998.
- (2) \$1,435,740,000 for fiscal year 1999.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for ammunition for the Navy and Marine Corps as follows:

- (1) \$336,797,000 for fiscal year 1998.
- (2) \$502,625,000 for fiscal year 1999.

(d) SHIPBUILDING AND CONVERSION.—Funds are hereby authorized to be appropriated for shipbuilding and conversion for the Navy as follows:

- (1) \$7,438,158,000 for fiscal year 1998.
- (2) \$5,958,044,000 for fiscal year 1999.

(e) OTHER PROCUREMENT, NAVY.—Funds are hereby authorized to be appropriated for other procurement for the Navy as follows:

- (1) \$2,825,500,000 for fiscal year 1998.
- (2) \$4,185,375,000 for fiscal year 1999.

(f) MARINE CORPS.—Funds are hereby authorized to be appropriated for procurement for the Marine Corps as follows:

- (1) \$374,306,000 for fiscal year 1998.
- (2) \$695,536,000 for fiscal year 1999.

SEC. 103. AIR FORCE.

(a) AIRCRAFT.—Funds are hereby authorized to be appropriated for procurement of aircraft for the Air Force as follows:

- (1) \$5,817,847,000 for fiscal year 1998.
- (2) \$8,079,811,000 for fiscal year 1999.

(b) MISSILES.—Funds are hereby authorized to be appropriated for procurement of missiles for the Air Force as follows:

- (1) \$255,774,000 for fiscal year 1998.
- (2) \$2,892,106,000 for fiscal year 1999.

(c) AMMUNITION.—Funds are hereby authorized to be appropriated for ammunition for the Air Force as follows:

- (1) \$403,984,000 for fiscal year 1998.
- (2) \$456,503,000 for fiscal year 1999.

(d) OTHER PROCUREMENT.—Funds are hereby authorized to be appropriated for other procurement for the Air Force as follows:

- (1) \$6,561,253,000 for fiscal year 1998.
- (2) \$6,754,879,000 for fiscal year 1999.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for Defense-wide procurement as follows:

- (1) \$1,695,085,000 for fiscal year 1998.
- (2) \$2,616,431,000 for fiscal year 1999.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for procurement for the Inspector General of the Department of Defense as follows:

- (1) \$1,800,000 for fiscal year 1998.
- (1) \$1,100,000 for fiscal year 1999.

SEC. 106. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for procurement for carrying out health care programs, projects, and activities of the Department of Defense as follows:

- (1) \$274,068,000 for fiscal year 1998.
 (2) \$246,133,000 for fiscal year 1999.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

Funds are hereby authorized to be appropriated for the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) and the destruction of chemical warfare material of the United States that is not covered by section 1412 of such Act as follows:

- (1) \$620,700,000 for fiscal year 1998.
 (2) \$1,094,200,000 for fiscal year 1999.

SEC. 108. TRANSFER FROM THE NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(A) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than \$400,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to procurement accounts for fiscal year 1998 in amounts as follows:

- (1) For Aircraft Procurement, Army, \$133,000,000.
 (2) For Aircraft Procurement, Navy, \$134,000,000.
 (3) For Aircraft Procurement, Air Force, \$133,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

SEC. 109. NATIONAL GUARD AND RESERVE COMPONENT EQUIPMENT: ANNUAL REPORT TO CONGRESS.

Section 10541(b)(5)(A) of title 10, United States Code, is amended by striking “, shown in accordance with deployment schedules and requirements over successive 30-day periods following mobilization”.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 1998.—Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Armed Forces for research, development, test, and evaluation, as follows:

- (1) For the Army, \$4,510,843,000.
 (2) For the Navy, \$7,611,022,000.
 (3) For the Air Force, \$14,451,379,000.
 (4) For Defense-wide activities, \$9,361,247,000, of which—

(i) \$268,183,000 is authorized for the activities of the Director, Test and Evaluation; and

(ii) \$23,384,000 is authorized for the Director of Operational Test and Evaluation.

(b) FISCAL YEAR 1999.—Funds are hereby authorized to be appropriated for fiscal year 1999 for the use of the Armed Forces for research, development, test, and evaluation, as follows:

- (1) For the Army, \$4,496,724,000.
 (2) For the Navy, \$7,756,314,000.
 (3) For the Air Force, \$13,799,985,000.
 (4) For Defense-wide activities, \$8,991,567,000, of which—

(i) \$278,767,000 is authorized for the activities of the Director, Test and Evaluation; and

(ii) \$23,447,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. PERMANENT AUTHORITY TO PROVIDE FOR USE OF TEST AND EVALUATION INSTALLATIONS BY COMMERCIAL ENTITIES.

Section 2681 of title 10, United States Code, is amended—

- (1) by striking subsection (g); and
 (2) by redesignating subsection (h) as subsection (g).

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization Of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

(a) FISCAL YEAR 1998.—Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

- (1) For the Army, \$17,215,484,000.
 (2) For the Navy, \$21,581,130,000.
 (3) For the Marine Corps, \$2,305,345,000.
 (4) For the Air Force, \$18,910,785,000.
 (5) For Defense-wide activities, \$10,403,938,000.

- (6) For the Army Reserve, \$1,192,891,000.
 (7) For the Naval Reserve, \$834,711,000.
 (8) For the Marine Corps Reserve, \$110,366,000.

- (9) For the Air Force Reserve, \$1,624,420,000.
 (10) For the Army National Guard, \$2,258,932,000.

- (11) For the Air National Guard, \$2,991,219,000.

- (12) For the Defense Inspector General, \$136,580,000.

- (13) For Drug Interdiction and Counterdrug Activities, Defense-wide, \$652,582,000.

- (14) For the United States Court of Appeals for the Armed Forces, \$6,952,000.

- (15) For Environmental Restoration, Army, \$377,337,000.

- (16) For Environmental Restoration, Navy, \$277,500,000.

- (17) For Environmental Restoration, Air Force, \$378,900,000.

- (18) For Environmental Restoration, Defense-wide, \$27,900,000.

- (19) For Environmental Restoration, Formerly Used Defense Sites, \$202,300,000.

- (20) For Medical Programs, Defense, \$9,766,582,000.

- (21) For Overseas Humanitarian, Disaster, and Civic Aid, \$80,130,000.

- (22) For Former Soviet Union Threat Reduction, \$382,200,000.

- (23) For the Overseas Contingency Operations Transfer Fund, \$1,467,500,000.

- (24) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, \$10,000,000.

(b) FISCAL YEAR 1999.—Funds are hereby authorized to be appropriated for fiscal year 1999 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

- (1) For the Army, \$16,891,339,000.
 (2) For the Navy, \$21,518,405,000.
 (3) For the Marine Corps, \$2,403,946,000.
 (4) For the Air Force, \$18,628,356,000.

- (5) For the Defense Agencies, \$10,542,807,000.

- (6) For the Army Reserve, \$1,209,605,000.
 (7) For the Naval Reserve, \$858,057,000.

- (8) For the Marine Corps Reserve, \$115,481,000.

- (9) For the Air Force Reserve, \$1,631,287,000.
 (10) For the Army National Guard, \$2,366,670,000.

- (11) For the Air National Guard, \$2,981,789,000.

- (12) For the Defense Inspector General, \$133,798,000.

- (13) For Drug Interdiction and Counterdrug Activities, Defense-wide, \$652,182,000.

- (14) For the United States Court of Appeals for the Armed Forces, \$6,950,000.

- (15) For Environmental Restoration, Army, \$385,640,000.

- (16) For Environmental Restoration, Navy, \$287,600,000.

- (17) For Environmental Restoration, Air Force, \$387,100,000.

- (18) For Environmental Restoration, Defense-wide, \$25,600,000.

- (19) For Environmental Restoration, Formerly Used Defense Sites, \$202,100,000.

- (20) For Medical Programs, Defense, \$9,496,849,000.

- (21) For Overseas Humanitarian, Disaster, and Civic Aid, \$51,211,000.

- (22) For Former Soviet Union Threat Reduction, \$344,700,000.

SEC. 302. WORKING CAPITAL FUNDS.

(a) FISCAL YEAR 1998.—Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

- (1) For the Defense Working Capital Funds, \$33,400,000.

- (2) For the National Defense Sealift Fund, \$1,191,426,000.

- (3) For the Military Commissary Fund, \$938,552,000.

(b) FISCAL YEAR 1999.—Funds are hereby authorized to be appropriated for fiscal year 1999 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, in amounts as follows:

- (1) For the Defense Working Capital Funds, \$30,800,000.

- (2) For the National Defense Sealift Fund, \$689,994,000.

- (3) For the Military Commissary Fund, \$938,694,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated from the Armed Forces Retirement Home Trust Fund for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home, as follows:

- (1) \$79,977,000 for fiscal year 1998.
 (2) \$73,332,000 for fiscal year 1999.

SEC. 304. FISHER HOUSE TRUST FUNDS.

There are hereby authorized to be appropriated for fiscal years 1998 and 1999 from the Fisher House Trust Fund, Department of the Army; the Fisher House Trust Fund, Department of the Navy, and from the Fisher House Trust Fund, Department of the Air Force, amounts which are available during fiscal years 1998 and 1999 in each such Trust fund for the operation and maintenance of the Fisher Houses of the Army, the Navy, and the Air Force.

SEC. 305. TRANSFER FROM THE NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than \$150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 1998 in amounts as follows:

- (1) For the Army, \$50,000,000.
 (2) For the Navy, \$50,000,000.
 (3) For the Air Force, \$50,000,000.

(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—

(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and

(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

SEC. 306. REPEAL OF DEFENSE BUSINESS OPERATIONS FUNDS.

(a)(1) REPEAL.—Section 2216a of title 10, United States Code, is repealed.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 131 of title 10, United

States Code, is amended by striking the item relating to section 2216a.

(b) DEPRECIATION COSTS.—Section 2208(c) of title 10, United States Code, is amended by inserting before the period at the end “, including amounts for depreciation of capital assets, set in accordance with generally accepted accounting principles”.

(c) CONTRACTING FOR CAPITAL ASSETS.—Section 2208 of title 10, United States Code, is amended by adding at the end the following new subsection (1):

“(1) The Secretary of Defense may award contracts for capital assets of a working capital fund in advance of the availability of funds in the working capital fund.

“(2) In this section, the term ‘capital assets’ means the following capital assets that have a development or acquisition cost of not less than \$100,000:

“(A) Minor construction projects financed by a working capital fund pursuant to section 2805(c)(1) of this title.

“(B) Automatic data processing equipment, software.

“(C) Equipment other than equipment described in subparagraph (B).

“(D) Other capital improvements.”.

Subtitle B—Environmental Provisions

SEC. 311. AMENDMENTS TO AUTHORITY TO ENTER INTO AGREEMENTS WITH OTHER AGENCIES IN SUPPORT OF ENVIRONMENTAL TECHNOLOGY CERTIFICATION.

Section 327 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2483) is amended—

(1) in subsection (a), by inserting “, or with an Indian tribe,” after “with an agency of a State or local government”; and

“(2) in subsection (b)(1), by striking “in carrying out its environmental restoration activities”.

SEC. 312. STORAGE AND DISPOSAL OF NON-DEFENSE TOXIC AND HAZARDOUS MATERIALS.

Section 2692 of title 10, United States Code, is amended—

“(1) in subsection (a)(1)—

(A) by inserting “with respect to materials that will be or have been used in connection with an activity of the Department of Defense or in connection with a service to be performed for the benefit of the Department of Defense, or” after “Except”; and

“(B) by inserting “or by a service member or dependent living on that installation” after “is not owned by the Department of Defense”; and

“(2) in subsection (b)(8)—

“(A) by striking “by a private person”;

“(B) by striking “by that person of an industrial-type” and inserting in lieu thereof “of a”; and

“(C) by inserting “including the use of a space launch facility located on a Department of Defense installation or on other land controlled by the United States, and including the use of Department of Defense facilities for testing material or training personnel” after “facility of the Department of Defense”; and

(3) in subsection (b)(9)—

(A) by striking “by a private person”;

(B) by striking “commercial”;

(C) by striking “by that person of an industrial-type” and inserting in lieu thereof “of a”;

(D) by striking “with that person” and inserting in lieu thereof “with the prospective user”; and

(E) in subparagraph (B), by striking “for that person’s” and inserting in lieu thereof “for the prospective user’s”.

Subtitle C—Other Matters

SEC. 321. PROGRAMS TO COMMEMORATE THE 50TH ANNIVERSARIES OF THE MARSHALL PLAN AND THE KOREAN WAR.

(a) IN GENERAL.—The Secretary of Defense may—

(1) during fiscal year 1997, conduct a program to commemorate the 50th anniversary of the Marshall Plan;

(2) during fiscal years 1998 through 2003, conduct a program to commemorate the 50th anniversary of the Korean War; and

(3) coordinate, support, and facilitate other programs and activities of the Federal Government, State and local governments, and other persons in commemoration of the Marshall Plan or in commemoration of the Korean War during the time periods established in this subsection for each program, respectively.

(b) USE OF FUNDS.—During fiscal years 1997 through 2003, funds appropriated to the Department of Defense for Operation and Maintenance, Army shall be available to conduct the programs referred to in subsection (a).

(c) PROGRAM ACTIVITIES.—The program referred to in subsection (a) may include activities and ceremonies—

(1) to provide the people of the United States with a clear understanding and appreciation of the Marshall Plan;

(2) to pay tribute to General George C. Marshall for a lifetime of service to the United States;

(3) to provide the people of the United States with a clear understanding and appreciation of the lessons and history of the Korean War;

(4) to thank and honor veterans of the Korean War and their families;

(5) to pay tribute to the sacrifices and contributions made on the home front by the people of the United States;

(6) to highlight advances in technology, science, and medicine related to military research conducted during the Korean War;

(7) to recognize the contributions and sacrifices made by Korean War allies of the United States; and

(8) to highlight the role of the Armed Forces of the United States, then and now, in maintaining world peace through strength.

(d) AUTHORITY OF THE SECRETARY.—(1) In connection with the programs referred to in subsection (a), the Secretary of Defense may adopt, use and register as trademarks and service marks: emblems, signs, insignia, or words. The Secretary shall have the exclusive right to use such emblems, signs, insignia or words, subject to the preexisting rights described in paragraph (3), and may grant exclusive or nonexclusive licenses in connection therewith.

(2) Without the consent of the Secretary of Defense, any person who knowingly uses any emblem, sign, insignia, or word adopted, used or registered as a trademark or service mark by the Secretary in accordance with paragraph (1), or any combination or simulation thereof tending to cause confusion, to cause mistake, to deceive, or to falsely suggest a connection with the program referred to in subsection (a), shall be subject to suit in a civil action by the Attorney General, upon complaint by the Secretary of Defense, for the remedies provided in the Act of July 5, 1946, (60 Stat. 427; commonly known as the “Trademark Act of 1945”) (15 U.S.C. 1051 *et seq.*).

(3) Any person who used an emblem, sign, insignia, or word adopted, used, or registered as a trademark or service mark by the Secretary in accordance with paragraph (1), or any combination or simulation thereof, for any lawful purpose before such adoption, use, or registration as a trademark or service mark by the Secretary is not prohibited by this section from continuing such lawful use for the same purpose and for the same goods or services.

(e) ESTABLISHMENT OF ACCOUNT.—(1) There is established in the Treasury of the United States an account to be known as the “Department of Defense 50th Anniversary of the

Marshall Plan and Korean War Commemoration Account which shall be administered by the Secretary of Defense as a single account. There shall be deposited into the account all proceeds derived from activities described in subsection (d).

(2) The Secretary may use the funds in the account established in paragraph (1) only for the purposes of conducting the programs referred to in subsection (a).

(3) Not later than 60 days after the termination of the authority of the Secretary to conduct the commemoration programs referred to in subsection (a), the Secretary shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing an account of all the funds deposited into and expended from the account or otherwise expended under this section, and of any amount remaining in the account. Unobligated funds which remain in the account after termination of the authority of the Secretary under this section shall be held in the account until transferred by law after the Committees receive the report.

(f) PROVISION OF VOLUNTARY SERVICES.—(1) Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the programs referred to in subsection (a).

(2) A person providing voluntary services under this subsection shall be considered to be an employee for the purposes of chapter 81 of title 5, United States Code, relating to compensation for work-related injuries, and for purposes of standards of conduct and the provisions of sections 202, 203, 205, 207, 208, and 209 of title 18, United States Code, shall be considered a special government employee. Such a person who is not otherwise employed by the Federal Government shall not be considered to be a Federal employee for any other purposes by reason of the provision of such service.

(3) The Secretary of Defense may provide for reimbursement of incidental expenses which are incurred by a person providing voluntary services under this subsection. The Secretary of Defense shall determine which expenses are eligible for reimbursement under this paragraph.

SEC. 322. ADMISSION OF CIVILIAN STUDENTS TO THE NAVAL POSTGRADUATE SCHOOL.

(a) NAVAL POSTGRADUATE SCHOOL: ADMISSION.—Section 7047 of title 10, United States Code, is amended to read as follows:

“§ 7047. Admission of Civilians.

“(a) ADMISSION PURSUANT TO RECIPROCAL AGREEMENT.—Under regulations prescribed by the Secretary of the Navy, the Superintendent of the Naval Postgraduate School may enter into an agreement with an accredited institution of higher education (or a consortium of such institutions) to permit a student described in subsection (c) who is enrolled at the institution to receive instruction at the Naval Postgraduate School on a tuition-free basis. In exchange of the admission of the student under this subsection, the accredited institution of higher education shall enroll, on a tuition-free basis, an officer of the armed forces or other person properly admitted for instruction at the Naval Postgraduate School in courses offered by that institution corresponding in length to the instruction provided to the student at the Naval Postgraduate School.

“(b) ADMISSION ON A SPACE AVAILABLE BASIS.—Under regulations prescribed by the Secretary of the Navy, the Superintendent of the Naval Postgraduate School may permit a student described in subsection (c), who is enrolled at an accredited institution of higher education that is a party to an agreement

under subsection (a), to receive instruction at the Naval Postgraduate School on a cost-reimbursable, space-available basis.

“(c) ELIGIBLE STUDENTS.—A student enrolled at an accredited institution of higher education may be admitted to the Naval Postgraduate School under subsection (a) or (b) if:

“(1) the student is a citizen of the United States or is lawfully admitted for permanent residence in the United States;

“(2) the Superintendent determines that the student has a demonstrated ability in a field of study designated by the Superintendent as related to naval warfare, armed conflict or national security; and

“(3) the student meets the academic requirements for admission to the Naval Postgraduate School.

“(d) RETENTION OF FUNDS COLLECTED.—Amounts collected under subsection (b) to reimburse the Naval Postgraduate School for the costs of providing instruction to students permitted to attend the Naval Postgraduate School under this section shall be credited as an addition to the appropriation supporting the operation and maintenance of the Naval Postgraduate School.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 605 of title 10, United States Code, is amended by striking out the item relating to section 7047 and inserting in lieu thereof the following new item:

“7047. Admission of civilians.”

TITLE IV—PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

(a) FISCAL YEAR 1998.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1998, as follows:

- (1) The Army, 495,000.
- (2) The Navy, 390,802.
- (3) The Marine Corps, 174,000.
- (4) The Air Force, 371,577.

(b) FISCAL YEAR 1999.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1999, as follows:

- (1) The Army, 495,000.
- (2) The Navy, 384,888.
- (3) The Marine Corps, 174,000.
- (4) The Air Force, 370,821.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) FISCAL YEAR 1998.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1998, as follows:

- (1) The Army National Guard of the United States, 366,516.
- (2) The Army Reserve, 208,000.
- (3) The Naval Reserve, 94,294.
- (4) The Marine Corps Reserve, 42,000.
- (5) The Air National Guard of the United States, 107,377.

- (6) The Air Force Reserve, 73,431.
- (7) The Coast Guard Reserve, 8,000.

(b) FISCAL YEAR 1999.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1999, as follows:

- (1) The Army National Guard of the United States, 366,516.
- (2) The Army Reserve, 208,000.
- (3) The Naval Reserve, 93,582.
- (4) The Marine Corps Reserve, 42,000.
- (5) The Air National Guard of the United States, 107,049.
- (6) The Air Force Reserve, 73,703.
- (7) The Coast Guard Reserve, 8,000.

(c) WAIVER AUTHORITY.—The Secretary of Defense may vary the end strength authorized by subsection (a) or subsection (b) by not more than 2 percent.

(d) ADJUSTMENTS.—The end strengths prescribed by subsection (a) or (b) for the Se-

lected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year, and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) FISCAL YEAR 1998.—Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1998, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

- (1) The Army National Guard of the United States, 22,310.
- (2) The Army Reserve, 11,500.
- (3) The Naval Reserve, 16,136.
- (4) The Marine Corps Reserve, 2,559.
- (5) The Air National Guard of the United States, 10,616.
- (6) The Air Force Reserve, 963.

(b) FISCAL YEAR 1999.—Within the end strengths prescribed in section 411(b), the reserve components of the Armed Forces are authorized, as of September 30, 1999, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

- (1) The Army National Guard of the United States, 21,380.
- (2) The Army Reserve, 11,450.
- (3) The Naval Reserve, 16,073.
- (4) The Marine Corps Reserve, 2,559.
- (5) The Air National Guard of the United States, 10,704.
- (6) The Air Force Reserve, 984.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. AUTHORIZATION FOR PERSONNEL TO SERVE IN THE MANAGEMENT OF NON-FEDERAL ENTITIES.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1032 the following:

“§1033. Participation in the management of non-Federal entities

“(a) A Secretary concerned may authorize members of the armed forces or officers and employees of the military department concerned or the Department of Transportation when the Coast Guard is not operating as a service in the Navy, as part of their official duties, to serve as directors, officers, trustees, or otherwise participate, without compensation, in the management of a military welfare society and other designated entities.

“(b) For purposes of this section—

“(1) ‘military welfare society’ means the:

- “(A) Army Emergency Relief;
- “(B) Air Force Aid Society;

“(C) Navy-Marine Corps Relief Society;

“(D) Coast Guard Mutual Assistance; and

“(2) ‘other designated entities’ means:

“(A) entities, including athletic conferences, regulating and supporting the athletics programs of the service academies;

“(B) entities regulating international athletic competitions;

“(C) entities, including regional agencies, which accredit service academies and other schools of the armed forces; and

“(D) entities, including health care associations and professional societies, regulating and supporting the performance, standards and policies of military health care.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter 53 of title 10 is amended by inserting after the item relating to section 1032 the following:

“§1033. Participation in management of non-Federal entities.”

SEC. 502. MODIFYING SELECTION BOARD ELIGIBILITY.

Section 691(d) of title 10, United States Code, is amended in paragraph (1) by inserting “or board report” after “promotion list”.

SEC. 503. LIMITATIONS ON PROMOTION CONSIDERATION ELIGIBILITY.

Subsection 14301(c) of title 10, United States Code, is amended by striking paragraph (1) and inserting in lieu thereof the following new paragraph:

“(1) an officer whose name is on a promotion list or a board report for that grade as a result of recommendation for promotion to that grade by an earlier selection board convened under that section or section 14502 of this title or under chapter 36 of this title;”

SEC. 504. AUTHORITY TO PERMIT NON-UNIT ASSIGNED OFFICERS TO BE CONSIDERED BY VACANCY PROMOTION BOARD TO GENERAL OFFICER GRADES AND FOR OFFICERS TO BE CONSIDERED BY A VACANCY PROMOTION BOARD TO GENERAL OFFICER GRADES WHEN NOT SERVING IN THE HIGHER GRADED POSITION.

(A) CONVENING OF SELECTION BOARDS.—Section 14101(a)(2) of title 10, United States Code, is amended by striking “(except in the case of a board convened to consider officers as provided in section 14301(e) of this title”.

(b) ELIGIBILITY FOR CONSIDERATION.—Section 14301 of title 10, United States Code, is amended—

- (1) by striking subsection (e); and
- (2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(c) GENERAL OFFICER PROMOTIONS.—Section 14308 of title 10 is amended—

(1) in subsection (e)(2), by inserting “a grade below colonel in” after “(2) an officer in”; and

(2) by striking the first sentence in subsection (g) and inserting in lieu thereof the following new sentence: “A reserve officer of the Army who is on a promotion list for promotion to the grade of brigadier general or major general as a result of selection by a vacancy promotion board may be promoted to that grade to fill a vacancy in the Army Reserve in that grade.”

(d) VACANCY PROMOTIONS.—Section 14315(b)(1)(A) of title 10 is amended to read as follows:

“(A) is eligible for assignment to the duties of a general officer of the next higher reserve grade in the Army Reserve.”

SEC. 505. EXCLUSION OF CERTAIN RETIRED MEMBERS FROM THE LIMITATION OF THE PERIOD OF RECALL TO ACTIVE DUTY.

Section 688(e) of title 10, United States Code, is amended—

(1) by designating the current sentence as paragraph (1); and

(2) by adding at the end the following new paragraph:

"(2) In the administration of paragraph (1), the following officers shall not be counted:

"(A) A chaplain who is assigned to duty as a chaplain for the period of active duty to which ordered.

"(B) 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.

"(C) Any officer assigned to the duty with the American Battle Monuments Commission for the period of active duty to which assigned."

Subtitle B—Enlisted Personnel Policy

SEC. 511. AUTHORIZATION FOR THE NAVAL POSTGRADUATE SCHOOL TO ADMIT ENLISTED MEMBERS OF THE U.S. NAVAL SERVICE, ARMY, AIR FORCE, AND COAST GUARD AS STUDENTS.

(a) OTHER UNITED STATES MILITARY PERSONNEL AUTHORIZED TO ATTEND.—Section 7045 of such title 10 is amended to read as follows:

"§7045. Other United States military personnel: admission

"(a)(1) The Secretary of the Navy may permit officers of the Army, Air Force, and Coast Guard to receive instruction at the Naval Postgraduate School. The numbers and grades of such officers shall be agreed upon by the Secretary of the Navy with the Secretaries of the Army, Air Force, and Transportation, respectively.

"(2) The Superintendent may permit enlisted members of the U.S. Naval Service, Army, Air Force, or Coast Guard who are assigned to the Naval Postgraduate School, or to nearby commands, to receive instruction at the Naval Postgraduate School on a "space-available" basis.

"(b) The Department of the Army, the Department of the Air Force, and the Department of Transportation shall bear the cost of the instruction received by the students detailed for that instruction by the Secretaries of the Army, Air Force, and Transportation, respectively.

"(c) While receiving instruction at the Postgraduate School, officers and enlisted students of the Army, Air Force, and Coast Guard are subject to regulations, as determined appropriate by the Secretary of the Navy, as apply to students who are members of the naval service."; and

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 605 of such title 10 is amended by striking the item relating to section 7045 and inserting in lieu thereof the following new item:

"§7045. Other United States military personnel: admission."

SEC. 512. SCOPE OF PARTICIPATION IN COMMUNITY COLLEGE OF THE AIR FORCE.

(a) LIMITED EXPANSION.—Section 9315(a)(1) of title 10, United States Code, is amended to read as follows:

"(1) prescribe programs of higher education for enlisted members of the Air Force, for enlisted members of other armed forces attending Air Force training schools whose jobs are closely related to Air Force jobs, and enlisted members of other armed forces who are serving as instructors at Air Force training schools, designed to improve the technical, managerial, and related skills of such members and to prepare such members for military jobs which require the utilization of such skills; and"

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to enrollments in the Community College of the Air Force after March 31, 1996.

Subtitle C—Reserve Personnel Policy

SEC. 521. CORRECTION TO RETIRED GRADE, GENERAL RULE CONCERNING NONREGULAR SERVICE.

(A) RETIRED GRADE OF ARMY OFFICER.—Subsection 3961(a) of title 10, United States

Code, is amended by striking "or for nonregular service under chapter 1223 of this title."

(b) RETIRED GRADE OF AIR FORCE OFFICER.—Subsection 8961(a) of title 10, United States Code, is amended by striking "or for nonregular service under chapter 1223 of this title."

SEC. 522. GRADE REQUIREMENT FOR INVOLUNTARY SEPARATION BOARD COMPOSITION.

Section 14906(a)(2) of title 10, United States Code, is amended by striking "above lieutenant colonel or commander" and inserting in lieu thereof "of lieutenant colonel or commander or higher."

Subtitle D—Education Policy

SEC. 531. PROTECTION OF EDUCATIONAL ASSISTANCE PROGRAM ENTITLEMENTS FOR SELECTED RESERVE MEMBERS SERVING ON ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

(a) EXTENSION OF EDUCATIONAL ASSISTANCE.—Section 16131(c) of title 10, United States Code, is amended in paragraph (3)(B)(i)—

(1) by striking ", in connection with the Persian Gulf War,"; and

(2) by inserting "or in support of a contingency operation as defined in subsection 101(13) of this title" after "of this title".

(b) EXTENSION OF 10-YEAR PERIOD OF AVAILABILITY.—Section 16133(b) of title 10, United States Code, is amended in paragraph (4)(A)—

(1) by striking ", during the Persian Gulf War,";

(2) by inserting "or in support of a contingency operation as defined in subsection 101(13) of this title" after "of this title"; and

(3) by striking subparagraph (4)(B).

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1998.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1998 shall not be made.

(b) INCREASE IN BASIC PAY AND BAQ.—Effective on January 1, 1998, the rates of basic pay and basic allowance for quarters of members of the uniformed services are increased by 2.8 percent.

SEC. 602. CHANGE IN REQUIREMENTS FOR PAY OF READY RESERVE MUSTER DUTY ALLOWANCE.

Section 433(c) of title 37, United States Code, is amended by striking the first sentence and inserting in lieu thereof the following new sentence: "The allowance authorized by this section may not be disbursed in kind and may be paid to the member on or before the date on which the muster duty is performed, but shall be paid no later than 30 days after the date on which muster duty is performed."

Subtitle B—Bonuses and Special Pays

SEC. 611. NUCLEAR QUALIFIED OFFICERS: BONUSES AND SPECIAL PAY.

(a) SPECIAL PAY FOR NUCLEAR QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312 of title 37, United States Code, is amended—

(1) in subsection (a), by striking "\$12,000" and inserting in lieu thereof "\$15,000"; and

(2) in subsection (e), by striking "September 30, 1998" and inserting in lieu thereof "September 30, 2002".

(b) SPECIAL PAY: NUCLEAR CAREER ACCESSION BONUS.—Section 312b of title 37, United States Code, is amended—

(1) in subsection (a)(1), by striking "\$8,000" and inserting in lieu thereof "\$10,000"; and

(2) in subsection (c), by striking "September 30, 1998" and inserting in lieu thereof "September 30, 2002".

(c) SPECIAL PAY: NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c of title 37, United States Code, is amended—

(1) in subsection (a)(1), by striking "\$10,000" and inserting in lieu thereof "\$12,000";

(2) in subsection (b)(1), by striking "\$4,500" and inserting in lieu thereof "\$5,500"; and

(3) in subsection (d), by striking "October 1, 1998" and inserting in lieu thereof "October 1, 2002".

SEC. 612. INCENTIVE FOR ENLISTED MEMBERS TO EXTEND TOURS OF DUTY OVERSEAS.

(a) INCENTIVE.—Section 314 of title 37, United States Code, is amended—

(1) in subsection (a), by striking the remainder of the text after paragraph (4) and inserting in lieu thereof the following: "is entitled, upon acceptance of the agreement providing for such extension by the Secretary concerned, to either special pay for duty performed during the period of the extension at a rate of not more than \$80 per month, as prescribed by the Secretary concerned, or a bonus of up to \$2,000 per year, as prescribed by the Secretary concerned, for specialty requirements at designated locations.";

(2) by redesignating subsection (b) as subsection (d);

(3) in subsection (d), as so redesignated, by inserting "or bonus" after "special pay"; and

(4) by inserting after subsection (a) the following new subsections (b) and (c):

"(b) PAYMENT OF SPECIAL PAY AND BONUS.—Upon acceptance of a written agreement under subsection (a) by the Secretary concerned, the payment rate for special pay and bonuses payable pursuant to the agreement becomes fixed. A bonus payable under subsection (a) may then be paid by the Secretary, either in a lump sum or installments.

"(c) REPAYMENT OF BONUS.—(1) If a member who has entered into a written agreement under subsection (a) and has received all or part of a bonus under this section fails to complete the total period of extension specified in the agreement, the Secretary concerned may require the member to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a) does not discharge the member signing the agreement from a debt arising under such agreement or under paragraph (1). This paragraph applies to any case commenced under title 11 on or after October 1, 1997."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect for agreements executed on or after October 1, 1997.

SEC. 613. AMENDMENTS TO SELECTED RESERVE REENLISTMENT BONUS.

Section 308b of title 37, United States Code, is amended—

(1) by striking out paragraph (a)(1) and inserting in lieu thereof the following new paragraph:

"(1) has completed less than 14 years of total military service; and"

(2) by amending subsection (b) to read as follows:

"(b) The bonus to be paid under subsection (a) shall be—

“(1) an initial amount not to exceed \$2,500, in the case of a member who enlists for a period of three years—, or

“(2) an initial amount not to exceed \$5,000, in the case of a member who enlists for a period of six years; and

“(3) subsequent payments according to a payment schedule determined by the Secretary concerned; however, initial payments may not exceed one-half the total bonus amount.”; and

(3) by striking subsection (c) and inserting in lieu thereof the following new subsection (c):

“(c) A member may not be paid more than one six-year bonus or two three-year bonuses under this section. If the option for two three-year bonuses is chosen, the first three year bonus amount shall not exceed \$2,000, paid as determined by the Secretary concerned, except that the initial payment may not exceed one-half of the total bonus amount. In order to qualify for the follow on three-year bonus, the member must reenlist immediately after the first three-year term and must meet, as determined by the Secretary concerned, all eligibility criteria at the time of that reenlistment. Failure to meet all eligibility criteria will result in forfeiture of continued eligibility for this bonus. The follow on three-year bonus, if elected and provided the member meets all eligibility requirements, shall be paid, in an amount not to exceed \$2,500, as if the member had selected the three-year option alone.”.

SEC. 614. AMENDMENTS TO SELECTED RESERVE PRIOR SERVICE ENLISTMENT BONUS.

Section 3081 of title 37, United States Code, is amended—

(1) by striking subparagraph (a)(2)(A) and inserting in lieu thereof the following new subparagraph (A):

“(A) has completed his military service obligation but has less than 14 years of total military service;”; and

(2) by amending subsections (b) and (c) to read as follows:

“(b) The bonus to be paid under subsection (a) shall be—

“(1) an initial payment not to exceed \$2,500, in the case of a member who enlists for a period of three years; or

“(2) an initial payment not to exceed \$5,000, in the case of a member who enlists for a period of six years; and

“(3) subsequent payments according to a schedule determined by the Secretary concerned; however, initial payments may not exceed one-half the total bonus amount.

“(c) A member may not be paid more than one six-year bonus or two three-year bonuses under this section. Furthermore, a member may not be paid a bonus under this section unless the specialty associated with the position the member is projected to occupy is a specialty in which the member successfully served while on active duty and in which the member attained a level of qualification commensurate with his grade and years of service. If the option for two three-year bonuses is chosen, the first three year bonus amount shall not exceed \$2,000, paid as determined by the Secretary concerned, except that the initial payment may not exceed one-half of the total bonus amount. In order to qualify for the follow on three-year bonus, the member must reenlist immediately after the first three-year term and must meet, as determined by the Secretary concerned, all eligibility criteria at the time of that reenlistment. Failure to meet all eligibility criteria will result in forfeiture of continued eligibility for this bonus. The follow on three-year bonus, if elected and provided the member meets all eligibility requirements, shall be paid, in an amount not to exceed

\$2,500, as if the member had selected the three-year option alone.”.

Subtitle C—Allowances

SEC. 621. TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS PRIOR TO APPROVAL OF A MEMBER'S COURT-MARTIAL SENTENCE.

Section 406(h) of title 37, United States Code, is amended in paragraph (2)(C)(iii) by striking “if the sentence is approved” and inserting in lieu thereof “prior to the sentence being approved”.

SEC. 622. VARIABLE HOUSING ALLOWANCE AT LOCATION OF RESIDENCE AFTER A CLOSE PROXIMITY MOVE.

Section 403a(a) of title 37, United States Code, is amended by adding at the end the following new paragraph (5):

“(5) In the case of a member without dependents who is assigned to duty inside the United States, the location or the circumstances of which make it necessary that he be reassigned under the conditions of low cost or no cost permanent change of station or permanent change of assignment, the member may be paid a variable housing allowance as if he were not reassigned if the Secretary concerned determines (under regulations prescribed under subsection (e) of this section) that it would be inequitable to base the member's entitlement to, and amount of, variable housing allowance on the area to which the member is assigned.”.

SUBTITLE D—OTHER MATTERS

SEC. 631. AUTHORIZATION FOR REIMBURSEMENT OF TAX LIABILITIES INCURRED BY PARTICIPANTS IN THE F. EDWARD HEBERT ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM.

The Secretary of Defense is authorized to use amounts appropriated for fiscal year 1997 and subsequent fiscal years for payments to participants in the F. Edward Hébert Armed Forces Health Professions Scholarship Program as reimbursement for payments by such participants for Federal, State, or local income tax liabilities based on the value of tuition and related educational expenses provided under such Program prior to October 1, 1997. Individuals will be compensated in a manner consistent with the models set out in the Relocation Income Tax Allowance as authorized by section 4724b of title 5, United States Code. Participants who fail to fulfill their active duty obligation under circumstances that resulted in recoupment actions are not authorized to receive reimbursement under this section.

SEC. 632. AUTHORIZATION FOR INCREASED STIPEND PAYMENTS MADE UNDER THE F. EDWARD HEBERT ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM.

(a) **SUPPLEMENTAL STIPEND.**—Section 2121 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) If authorized by the Secretary of Defense pursuant to paragraph (2), during any month in which a participant in the program receives a stipend under subsection (d), the participant may also be paid a supplemental stipend of \$400 per month. This amount shall be increased in the same manner as the stipend amount under subsection (d).

“(2) The supplemental stipend referred to in paragraph (1) may not be paid if the Secretary of Defense determines, after consultation with the Secretary of the Treasury, that payments made by the Secretary under section 2127(a) of this title on behalf of a participant in the program are excluded from taxable income under section 108 of the Internal Revenue Code of 1986 (26 U.S.C.).”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall become effective October 1, 1997.

TITLE VII—HEALTH CARE PROVISIONS

SEC. 701. REPEAL OF THE STATUTORY RESTRICTION ON USE OF FUNDS FOR ABORTIONS.

(a) **IN GENERAL.**—Section 1093 of title 10, United States Code, is repealed.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of Chapter 55, United States Code, is amended by striking out the item referring to section 1093.

(c) **EFFECTIVE DATE.**—The amendment made by this section shall be effective October 1, 1997.

SEC. 702. EXPANDING THE LIMITS IMPOSED ON PROVIDING PROSTHETIC DEVICES TO MILITARY HEALTH CARE BENEFICIARIES.

Section 1077 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

“(14) Prosthetic devices, as determined by the Secretary of Defense to be necessary because of significant conditions resulting from trauma, congenital anomalies or disease.”; and

(2) in subsection (b), by amending paragraph (2) to read as follows:

“(2) hearing aids, orthopedic footwear, and spectacles except that outside of the United States and at stations inside the United States where adequate civilian facilities are unavailable, such items may be sold to dependents at cost to the United States.”.

TITLE VIII—REPEAL OF ACQUISITION REPORTS AND ACQUISITION POLICY

Subtitle A—Repeal of Certain Acquisition Reports

SEC. 801. REPEAL OF ACQUISITION REPORTS REQUIRED BY DEFENSE AUTHORIZATION ACTS.

(a) **ANNUAL REPORT ON FIVE-YEAR SHIP CONSTRUCTION PROGRAM.**—Section 808 of the Department of Defense Appropriation Authorization Act, 1976 (Public Law 94-106; 89 Stat. 539; 10 U.S.C. 7291 note) is repealed.

(b) **REPORTS RELATING TO POTENTIAL EFFECT OF OFFSHORE DRILLING ON NAVAL OPERATIONS.**—Section 1260 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 703) is repealed.

(c) **REPORT ON ADVANCED CRUISE MISSILE (SM-2(N)).**—Section 1426 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 753) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsection (c) as subsection (b).

(d) **REPORT ON REMOVAL OF BASIC POINT DEFENSE MISSILE SYSTEM FROM NAVAL AMPHIBIOUS VESSELS.**—Section 1437 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 757) is repealed.

(e) **REPORT ON PROCUREMENT COMPETITION GOALS.**—Section 913 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 687) is repealed.

(f) **REPORT CONCERNING THE STRETCHOUT OF MAJOR DEFENSE ACQUISITION PROGRAMS.**—Section 117 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1933) is repealed.

(g) **ANNUAL REPORT ASSESSING THE SECURITY OF UNITED STATES BASES IN THE PHILIPPINES.**—Section 1309 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2063) is repealed.

(h) **COMMISSION REPORT ON ALTERNATIVE UTILIZATION OF MILITARY FACILITIES.**—Section 2819 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2119; 10 U.S.C. 2391 note) is repealed.

(i) **REPORTS CONCERNING THE B-2 PROGRAM.**—The National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public

Law 101-189; 103 Stat. 1373)) is amended as follows:

- (1) Section 112 is repealed.
- (2) Section 115 is repealed.

(j) REPORT ON PROCUREMENT FROM COUNTRIES THAT DENY ADEQUATE AND EFFECTIVE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS.—Section 852 of the National Defense Authorization Act for Fiscal Year 1990 and 1991 (Public Law 101-189; 103 Stat. 1517) is amended by striking subsection (b).

(k) REPORT ON ENVIRONMENTAL COMPLIANCE AT OVERSEAS INSTALLATIONS.—Section 342(b) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1537; 10 U.S.C. 2701 note) is amended by striking paragraph (4).

SEC. 802. REPEAL OF EXTRANEOUS ACQUISITION REPORTING REQUIREMENTS.

(A) REPEAL OF ANNUAL REPORT.—Section 20 of the Office of Federal Procurement Policy Act (41 U.S.C. 418) is amended—

- (1) by striking “and” at the end of paragraph (b)(3)(B);
- (2) by striking (b)(4); and
- (3) by redesignating paragraphs (b) (5), (6), and (7) as paragraphs (b) (4), (5), and (6), respectively.

(b) REPEAL OF REGULATORY REVIEW UPON REQUEST OF INDIVIDUAL.—Section 20 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) is amended (1) by striking paragraphs (c) (4), (5), and (6); and (2) by striking subsection (g).

(c) DELETION OF REPORTING REQUIREMENTS FOR NONMAJOR ACQUISITION PROGRAMS.—Section 2220(b) of title 10, United States Code, is amended by striking “and nonmajor”.

(d) REPEAL OF REQUIREMENT FOR CONTRACTOR GUARANTEES ON MAJOR WEAPON SYSTEMS.—Section 2403 of title 10, United States Code, is repealed.

Subtitle B—Acquisition Policy

SEC. 811. USE OF SINGLE PAYMENT DATE FOR MIXED INVOICES.

Section 3903(a) of title 31, United States Code, is amended—

- (1) by striking “; and” at the end of paragraph (8);
- (2) by striking the period at the end of paragraph (9) inserting in lieu thereof “; and”; and
- (3) by inserting at the end the following new paragraph (10):

“(10) notwithstanding paragraphs (2), (3) and (4) of this subsection, in the case of an acquisition for commercial items for which more than one statutory payment date applies to an invoice, permit a contract to specify a single payment due date, consistent with prevailing industry contracting practices and not to exceed 30 days after the date of receipt of a proper mixed invoice.”

SEC. 812. RETENTION OF EXPIRED FUNDS DURING THE PENDENCY OF CONTRACT LITIGATION.

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

“§2410m. Retention of expired funds during the pendency of contract litigation

“(a) RETENTION OF FUNDS.—Notwithstanding sections 1552(a) and 3302(b) of title 31, United States Code, any amount, including interest, collected from a contractor as a result of a claim made by an executive agency under the Contract Disputes Act of 1978 (41 U.S.C. 601-613), shall remain available to pay any settlement reached between the parties or judgment rendered in a contractor’s favor on an appeal of the same Government claim to the federal courts or the Armed Services Board of Contract Appeals.

“(b) PERIOD OF AVAILABILITY.—The funds shall remain available for obligation and expenditure for a period not to exceed 180 calendar days following the settlement of the

parties or conclusion of the litigation, including all avenues of appeal or expiration of all appeal periods. Thereafter, if the funds have not been obligated and expended, the account shall be closed and the funds shall be deposited in the Treasury as miscellaneous receipts.

“(c) REPORTING REQUIREMENT.—Any disbursements of funds retained under this section shall be reported to Congress annually.”

“(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of title 10, United States Code, is amended by adding at the end the following new item:

“2410m. Retention of expired funds during the pendency of contract litigation.”

SEC. 813. EXPANDING THE AUTHORITY TO CROSS FISCAL YEARS TO ALL SEVERABLE SERVICE CONTRACTS NOT EXCEEDING A YEAR

“(a) EXPANDED AUTHORITY.—Section 2410a of title 10, United States Code, is amended to read as follows:

“§2410a. Severable service contracts for periods crossing fiscal years

“(a) AUTHORITY.—The Secretary of Defense or the Secretary of a military department may enter into a contract for procurement of severable services for a period that begins in one fiscal year and ends in the next fiscal year if (without regard to any option to extend the period of the contract) the contract period does not exceed one year.

“(b) OBLIGATION OF FUNDS.—Funds made available for a fiscal year may be obligated for the total amount of a contract entered into under the authority of subsection (a).”

“(b) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

“2410a. Severable service contracts for periods crossing fiscal years.”

SEC. 814. SMALL ARMS WEAPONS PROCUREMENT OBJECTIVES FOR THE ARMY.

Section 115(b)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2681), as amended by section 115(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 206), is further amended by striking the table and inserting in lieu thereof the following new table:

<i>Weapon</i>	<i>Quantity</i>
MK19-3 grenade machine gun	20,751
M16A2 rifle	846,028
M249 squad automatic weapon	75,443
M4 carbine	119,942.”

SEC. 815. AVAILABILITY OF SIMPLIFIED PROCEDURES TO COMMERCIAL ITEM PROCUREMENTS.

“(a) TITLE 10 AMENDMENT.—Section 2304(g) of title 10, United States Code, is amended in subparagraph (1)(B) by striking “only”.

“(b) FEDERAL PROPERTY ACT AMENDMENT.—Section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)) is amended in subparagraph (1)(B) by striking “only”.

SEC. 816. UNIT COST REPORTS.

“(a) ELIMINATION OF TIME REQUIREMENT FOR REPORT.—Section 2433(c) of title 10, United States Code, is amended—(1) by striking “during the current fiscal year (other than the last quarterly unit cost report under subsection (b) for the preceding fiscal year)” at the end of the paragraph;

(2) by inserting “or” at the end of paragraph (1);

(3) by striking “or” at the end of paragraph (2); and

(4) by striking paragraph (3).

“(b) ELIMINATION OF QUALIFYING REQUIREMENT.—Section 2433(d) of such title 10 is

amended by striking in paragraph (3) “(for the first time since the beginning of the current fiscal year)”.

SEC. 817. REPEAL OF ADDITIONAL DOCUMENTATION REQUIREMENT FOR COMPETITIVE EXCEPTION FOR INTERNATIONAL AGREEMENTS.

Section 2304(f) of title 10, United States Code, is amended in subparagraph (2)(E) by inserting a period after the phrase “other than competitive procedures” and striking the remainder of that sentence.

SEC. 818. ELIMINATION OF DRUG-FREE WORKPLACE CERTIFICATION REQUIREMENT FOR GRANTS.

Section 5153 of the Drug-Free Workplace Act of 1988 (Public Law 100-690; 102 Stat. 4306; 41 U.S.C. 702) is amended—

(1) in subsection (a)(1), by striking “has certified to the granting agency that it will” and inserting in lieu thereof “agrees to”;

(2) in subsection (a)(2), by striking “certifies to the agency” and inserting in lieu thereof “agrees”; and

(3) in subsection (b)(1)—

(A) by striking subparagraph (A);

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(C) in subparagraph (A), as so redesignated, by striking “such certification by failing to carry out”.

SEC. 819. VESTITURE OF TITLE.

Section 2307 of title 10, United States Code, is amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

“(h) VESTITURE OF TITLE.—If a contract provides for title to property to vest in the United States, such title shall vest in accordance with the terms of the contract. Such title shall vest in the United States regardless of any prior or subsequently asserted security interest in the property.”

SEC. 820. UNDEFINITE CONTRACT ACTIONS.

Section 2326 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4); and

(2) in subsection (g)(1), by adding at the end the following new subparagraphs:

“(E) Contingency operations as defined in section 101(a)(13) of this title.

“(F) Peacekeeping or peace enforcement operations as directed by the President.

“(G) Disaster relief operations when directed by the President to perform disaster relief pursuant to the Disaster Relief Act of 1974 (42 U.S.C. 5121 *et seq.*), or

“(H) Humanitarian assistance”.

SEC. 821. AUTHORITY OF DIRECTORS OF DEPARTMENT OF DEFENSE AGENCIES TO LEASE NON-EXCESS PROPERTY.

Section 2667 of title 10, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (j); and

(2) by inserting after subsection (f) the following new subsections (g), (h), and (i):

“(g) Whenever the Director of a Defense Agency considers it advantageous to the United States, he may lease to such lessee and upon such terms as he considers will promote the national defense or to be in the public interest, personal property that is—

“(1) under the control of the Defense Agency;

“(2) not for the time needed for public use; and

“(3) not excess property, as defined by section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472).

“(h) A lease under subsection (g)—

“(1) may not be for more than five years unless the Director of the Defense Agency concerned determines that a lease for a longer period will promote the national defense or be in the public interest;

“(2) may give the lessee the first right to buy the property if the lease is revoked to allow the United States to sell the property under any other provision of law;

“(3) shall permit the Director to revoke the lease at any time, unless he determines that the omission of such a provision will promote the national defense or be in the public interest; and

“(4) may provide, notwithstanding any other provision of law, for the improvement, maintenance, protection, repair, restoration, or replacement by the lessee, of the property leased as the payment of part or all of the consideration for the lease.

“(i) Money rentals received pursuant to leases entered into by the Director of a Defense Agency under subsection (h) shall be deposited in a special account in the Treasury established for such Defense Agency. Such sums deposited in a Defense Agency's special account shall be available, as provided in appropriations acts, solely for the maintenance, repair, restoration, or replacement of the leased property.”

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. AMENDMENT TO FREQUENCY OF PROVIDING POLICY GUIDANCE FOR CONTINGENCY PLANS.

Section 113(g) of title 10, United States Code, is amended in paragraph (2) by striking “annually” and inserting in lieu thereof “every two years or as needed”.

SEC. 902. REVISION OF MEMBERSHIP TERMS FOR STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM SCIENTIFIC ADVISORY BOARD.

Section 2904(b) of title 10, United States Code, is amended in paragraph (4) by striking “three” and inserting in lieu thereof “not less than two and not more than four”.

SEC. 903. CLOSURE OF THE UNIFORM SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

(a) REPEAL OF AUTHORITY.—Chapter 104 of title 10, United States Code, is hereby repealed.

(b) PHASE-OUT PROCESS.—(1) Notwithstanding any other provision of law, the Secretary of Defense shall phase out the Uniformed Services University of the Health Sciences, beginning in fiscal year 1998, and ending with the closure of such University not later than September 30, 2001. No provision of section 2687 of title 10, United States Code, or of any other law establishing preconditions to the closure of any activity of the Department of Defense shall operate to establish any precondition to the phase-out and closure of the Uniformed Services University of the Health Sciences as required by this Act.

(2) Under the phase-out process required by paragraph (1), the Secretary of Defense may exercise all of the authorities pertaining to the operations of the Uniformed Services University of the Health Sciences that were granted to the Secretary of Defense, the Board of Regents, or the Dean of the Uniformed Services University of the Health Sciences by Chapter 104 of title 10, United States Code, prior to enactment of the repeal of that chapter by subsection (a). Such authorities may be exercised by the Secretary of Defense so as to achieve an orderly phase-out of operations of the Uniformed Services University of the Health Sciences.

(3) No new class of students may be admitted to begin studies in the Uniformed Services University of the Health Sciences after September 30, 1997. No students may be awarded degrees by such University after

September 30, 2001, except that the Secretary may grant exceptions on a case-by-case basis for any students who by that date have completed substantially all degree requirements.

(c) AUTHORITIES AFFECTED.—(1) Commissioned service obligations incurred by students of the Uniformed Services University of the Health Sciences shall be unaffected by enactment of the repeal of chapter 104 of title 10, United States Code, by subsection (a).

(2) Nothing in this Act shall be construed as limiting the exercise by the Secretary of Defense of other authorities under law pertaining to health sciences education, training, and professional development, graduate medical education, medical and scientific research, and similar activities. To the extent the Secretary of Defense assigned any such activities to another component or entity of the Department of Defense, such activities shall not be affected by the phase-out and closure of the Uniformed Services University of the Health Sciences pursuant to this Act.

(d) CONFORMING AMENDMENTS.—(1) Section 178 of title 10, United States Code, pertaining to the Henry M. Jackson Foundation for the Advancement of Military Medicine, is amended—

(A) in subsection (b), by striking “Uniformed Services University of the Health Sciences” and inserting in lieu thereof “Department of Defense”;

(B) in subsection (c)(1)(B), by striking “the Dean of the Uniformed Services University of the Health Sciences” and inserting in lieu thereof “a person designated by the Secretary of Defense”; and

(C) in subsection (g)(1), by striking “Uniformed Services University of the Health Sciences” and inserting in lieu thereof “Secretary of Defense”.

(2) Section 466 of the Public Health Service Act (42 U.S.C. Section 286a), pertaining to the Board of Regents of the National Library of Medicine, is amended in subsection (a)(1)(B) by striking “the Dean of the Uniformed Services University of the Health Sciences”.

(e) CLERICAL AMENDMENT.—The table of chapters at the beginning of Subtitle A and at the beginning of part II of such subtitle of title 10, United States Code, is amended by striking the items pertaining to chapter 104.

SEC. 904. REPEAL OF REQUIREMENT TO OPERATE NAVAL ACADEMY DAIRY FARM, GAMBRIILLS, MARYLAND.

Section 810 of the Military Construction Authorization Act, 1968 (Public Law 90-110; 81 Stat. 309) is hereby repealed.

SEC. 905. INCLUSION OF INFORMATION RESOURCES MANAGEMENT COLLEGE IN THE NATIONAL DEFENSE UNIVERSITY.

(a) TECHNICAL AMENDMENT AND ADDITION OF INFORMATION RESOURCES MANAGEMENT COLLEGE TO THE DEFINITION OF THE NATIONAL DEFENSE UNIVERSITY.—Section 1595(d)(2) of title 10, United States Code, is amended by striking “the Institute for National Strategic Study” and inserting in lieu thereof “the Institute for National Strategic Studies, the Information Resources Management College”.

(b) CONFORMING AMENDMENT.—Section 2162(d)(2) of title 10, United States Code, is amended by inserting “the Institute for National Strategic Studies, the Information Resources Management College,” after “the Armed Forces Staff College.”

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TWO-YEAR EXTENSION OF COUNTERPROLIFERATION AUTHORITIES.

Section 1505 of the Weapons of Mass Destruction Act of 1992 (Public Law 102-484; 106 Stat. 2570; 22 U.S.C. 5859a) is amended—

(1) in subsection (d)(3), by striking “or” after “fiscal year 1996,” and by inserting”, \$15,000,000 for fiscal year 1998, or \$15,000,000 for fiscal year 1999” before the period at the end; and

(2) in subsection (f), by striking “1997” and inserting in lieu thereof “1999”.

Subtitle B—Other Matters

SEC. 1010. NEGOTIATING SALES OF VESSELS STRICKEN FROM THE NAVAL REGISTER.

Section 7305(c) of title 10, United States Code, is amended to read as follows:

“(c) PROCEDURES FOR SALE.—A vessel stricken from the Naval Register and not subject to disposal under any other law may be sold under this section. In such a case, a vessel may be sold, regardless of the appraised value of the vessel, to the highest acceptable bidder after the vessel is publicly advertised for sale for a period of not less than 30 days or to the acceptable offeror submitting the most advantageous proposal, price and other factors considered, by means of competitive negotiations. All bids or offers may be rejected if it is in the Government's best interest to do so. The determination of the method of sale shall depend upon the particular circumstances surrounding the proposed sale.”

SEC. 1011. AUTHORITY TO CHARTER VESSEL FOR LONGER THAN FIVE YEARS IN SUPPORT OF SURVEILLANCE TOWED ARRAY SENSOR (SURTASS) PROGRAM.

Pursuant to section 2401(b)(1)(A) of title 10, United States Code, the Secretary of the Navy is authorized to charter a vessel in support of the SURTASS Program through Fiscal Year 2003.

SEC. 1012. EIGHTEEN MONTH SHIPBUILDING CLAIMS.

(a) REPEAL.—(1) Section 2405 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 141 of such title 10 is amended by striking the item that refers to section 2405.

(b) EFFECTIVE DATE.—Repeal is effective for all shipbuilding contracts and any claim, request for equitable adjustment or demand for payment submitted thereunder on, before or after the date of enactment of this Act, except that the repeal by this Act shall not apply to any claim, request for equitable adjustment or demand for payment (1) the appeal of which has been denied or dismissed by a court or board of contract appeals and where such court or board decision has become final and unappealable, (2) which has been denied by a final decision of a contracting officer and the time limit for appealing the decision under the Contract Disputes Act of 1978, as amended, to a court or board has expired, or (3) which has been released by a contractor.

Subtitle C—Other Matters

SEC. 1020. ARREST AUTHORITY FOR SPECIAL AGENTS OF THE DEFENSE CRIMINAL INVESTIGATIVE SERVICE.

(a) ARREST AUTHORITY.—Chapter 81 of title 10, United States Code, is amended by inserting after section 1585 the following new section 1585b:

“§ 1585b. Arrest authority for special agents of the defense Criminal Investigative Service

“(a) Upon designation by the Secretary of Defense, a Special Agent of the Defense Criminal Investigative Service, may—

“(1) carry firearms;

“(2) execute and serve any warrant or other processes issued under the authority of the United States; and

“(3) make arrests without warrant for—

“(A) any offense against the United States committed in such officer's presence; or

“(B) any felony cognizable under the laws of the United States if such agent has probable cause to believe that the person to be

arrested has committed or is committing such felony.

"(b) The powers granted under subsection (a) of this section shall be exercised in accordance with guidelines approved by the Attorney General."

(b) CONFORMING AMENDMENT.—The table of sections for such chapter 81 is amended by inserting after the item relating to section 1585 the following new item:

"1585b. Arrest authority for special agents of the Defense Criminal Investigative Service."

SEC. 1021. ACCESS TO PRE-ACCESSION OFFENDER RECORDS.

Section 520a of title 10, United States Code, is amended—

(1) in subsection (a), by striking "requested" and inserting in lieu thereof "required";

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following new subsection (d):

"(d) Costs to the Secretary concerned for providing criminal history information under this section shall be no greater than the costs for providing such information to law enforcement agencies of the State or the unit of general local government of the State."

SEC. 1022. EXTENSION OF AUTHORITY TO PROVIDE ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES OF MEXICO.

Section 1031(a) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2637), is amended by striking "1997" and inserting in lieu thereof "1998".

SEC. 1023. ASIA-PACIFIC CENTER FOR SECURITY STUDIES.

(a) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.—(1) The Secretary of Defense may, on behalf of the Asia-Pacific Center for Security Studies (in this section referred to as Asia-Pacific Center), accept foreign gifts or donations in order to defray the costs of, or enhance the operation of, the Asia-Pacific Center.

(2) Funds received by the Secretary under paragraph (1) shall be credited to appropriations available to the Department of Defense for the Asia-Pacific Center. Funds so credited shall be available for the Center for the same purposes and for the same period of availability of the appropriations.

(3) The Secretary of Defense shall notify Congress if total contributions of money under paragraph (1) exceeds \$2,000,000 in any fiscal year. Any such notice shall list each of the contributors of such amounts and the amount of each contribution in such fiscal year.

(4) For purposes of this subsection, a foreign gift or donation is a gift or donation of funds, materials (including research materials), property, and services (including lecture services and faculty services) from a foreign government, foundation or other charitable organization in a foreign country, or an individual in a foreign country.

(5) The Secretary shall establish written guidelines setting forth the criteria to be used in determining whether the acceptance of contributions of money or services pursuant to paragraph (1) would reflect unfavorably upon the ability of the Department of Defense or any employee to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs.

(b) ASIA-PACIFIC CENTER PARTICIPATION BY FOREIGN NATIONS.—(1) Notwithstanding any other provision of law, the Secretary of De-

fense may authorize representatives of a foreign government to participate in a program of the Asia-Pacific Center, if the Secretary determines, in consultation with the Secretary of State, that such participation is in the national interest of the United States.

(2) Not later than January 31 of each year, the Secretary of Defense shall submit to Congress a report setting forth the foreign governments permitted to participate in programs of the Center during the preceding year under the authority provided in paragraph (1).

SEC. 1024. PROTECTION OF CERTAIN IMAGERY AND GEOSPATIAL INFORMATION AND DATA.

Section 455(b) of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by inserting "or capabilities" after "methods";

(2) in paragraph (2), by inserting "to include imagery, imagery intelligence or geospatial information as defined in section 467" after "related product".

SEC. 1025. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PILOT PROGRAM.

(a) EXTENSION OF AUTHORITY.—The authority to carry out a pilot program under section 1091(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2519; 32 U.S.C. 501 note) is continued through September 30, 1999.

(b) LIMITATION ON NUMBER OF PROGRAMS.—During the period beginning on the date of the enactment of this Act and ending on the first day of October, 1998, under subsection (a), the number of programs carried out under subsection (d) of that section as part of the pilot program may not exceed the number of such programs as of September 30, 1995.

(c) CONFORMING AMENDMENT.—Section 573 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106, 110 Stat. 355; 32 U.S.C. 501 note) is hereby repealed.

SEC. 1026. REPEAL OF ANNUAL DEPARTMENT OF DEFENSE CONVENTIONAL STANDOFF WEAPONS MASTER PLAN AND REPORT ON STANDOFF MUNITIONS.

Section 1641 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1613; 10 U.S.C. 2431 note) is repealed.

SEC. 1027. REVISIONS TO THE BALLISTIC MISSILE DEFENSE ACT OF 1995.

Section 234(a) of the Ballistic Missile Defense Act of 1995 (Subtitle C of title II of the National Defense Authorization Act of 1996 (Public Law 104-106; 110 Stat. 229)) is amended—

(1) in the matter preceding the colon by striking " , to be carried out so as to achieve the specified capabilities";

(2) in paragraph (1) by striking " , with a first unit equipped during fiscal year 1998";

(3) in paragraph (2), by striking " , with a user operational evaluation system (UOES) capability during fiscal year 1997 and an initial operational capability (IOC) during fiscal year 1999";

(4) in paragraph (3), by striking " , with a user operational evaluation system (UOES) capability not later than fiscal year 1998 and a first unit equipped (FUE) not later than fiscal year 2000"; and

(5) in paragraph (4), by striking " , with a user operational evaluation system (UOES) capability during fiscal year 1999 and an initial operational capability (IOC) during fiscal year 2001".

SEC. 1028. REPEAL OF REPORTING REQUIREMENTS, SPECIAL OPERATIONS FORCES: TRAINING WITH FRIENDLY FOREIGN FORCES.

Section 2011 of title 10, United States Code, is amended by striking subsection (e).

SUBTITLE D—MILITARY CONSTRUCTION PROVISIONS

SEC. 1031. AUTHORITY FOR THE SECRETARY OF THE ARMY TO CONSTRUCT A HELI-PORT AT FORT IRWIN, CALIFORNIA.

Using amounts appropriated pursuant to the authorization of appropriations in the Military Construction Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 3027) for military construction at Fort Irwin and appropriated pursuant to the authorization of appropriations in the Military Construction Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 523) for military construction at Fort Irwin, the Secretary of the Army may carry out the construction of a heliport at Fort Irwin, California.

SEC. 1032. REPEAL OF REPORTS REQUIRED BY MILITARY CONSTRUCTION AUTHORIZATION ACTS.

(a) REQUIREMENT, WAIVER AND REPORT RELATING TO THE PROCUREMENT OF OVERSEAS FAMILY HOUSING FROM A UNITED STATES CONTRACTOR.—Section 803 of the Military Construction Authorization Act, 1984 (Public Law 98-115; 97 Stat. 784; 10 U.S.C. 2812 note) is repealed.

(b) REPORT ON FUNDING FOR NAVAL STRATEGIC HOMEPORTING.—Section 205 of the Military Construction Authorization Act, 1986 (Public Law 99-167; 99 Stat. 971) is repealed.

(c) REPORT ON PROPOSED CONTRACT FOR SALE OF GREGG CIRCLE AREA, FORT JACKSON, SOUTH CAROLINA.—Section 840 of the Military Construction Authorization Act, 1986 (Public Law 99-167; 99 Stat. 997) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

SEC. 1033. FINANCIAL INCENTIVES FOR ENERGY SAVINGS.

Section 2865 of title 10, United States Code, is amended as follows:

(1) In subsection (b)(1) by striking from the first sentence "and financial incentives described in subsection (d)(2)".

(2) In subsection (d)(2) by adding at the end thereof the following new sentence:

"Financial incentives received from gas or electric utilities under this subparagraph, and under 2866(b)(2), shall be credited to an appropriation designated by the Secretary of Defense or designee. The impact of this initiative will be reflected in the Secretary's annual energy report."

SEC. 1034. WATER CONSERVATION FINANCIAL INCENTIVES.

Section 2866(b) of title 10, United States Code, is amended as follows:

(1) by inserting "AND FINANCIAL INCENTIVES" immediately after "USE OF WATER COST SAVINGS";

(2) by inserting "(1)" immediately before "Water cost savings"; and

(3) by inserting the following new subparagraph at the end thereof:

"(2) Water financial incentives realized under this section shall be used as provided in section 2865(d)(2)."

SEC. 1035. PRIVATIZATION OF GOVERNMENT OWNED UTILITY SYSTEMS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting the following new section at the end thereof:

"§2694. Privatization of Government Owned Utility Systems.

"(a) AUTHORITY.—The Secretary of a military department may convey all right, title, and interest of the United States, or any lesser estate as appropriate to serve the interests of the United States, in any utility system or part of a utility system, located on or adjacent to a military installation under the control of that department, to a

municipal, private, regional, district, or cooperative utility company or other entity. Such utility systems may include, but are not limited to, electrical generation and supply, water supply, water treatment, wastewater collection, wastewater treatment, steam/hot/chilled water generation and supply, and natural gas supply.

"(b) CONSIDERATION.—Any consideration received for a conveyance under subsection (a) may be accepted in the form of a lump sum payment or a reduction in utility rate charges for a period of time sufficient to amortize the monetary value of the utility system, including any real property interests, conveyed. Any lump sum payment received shall be credited to an appropriation designed as appropriate by the Secretary of Defense or a designee of the Secretary. Amounts so credited shall be available for the same time period as the appropriation credited and shall be used only for the purposes authorized for that appropriation.

"(c) NOTICE AND WAIT REQUIREMENTS.—A conveyance may not be made under subsection (a) until—

"(1) the Secretary submits to the appropriate committees of Congress, in writing, an economic analysis (based upon accepted life-cycle costing procedures) which demonstrates that the full cost to the taxpayer of the proposed conveyance is cost-effective when compared with alternative means of furnishing the same utility systems; and

"(2) a period of 21 days has elapsed after the date on which the economic analysis is received by the committees.

"(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary concerned may require such additional terms and conditions in a conveyance entered into under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

"(e) RELIEF FROM FORMAL COST COMPARISON.—Chapter 146 of title 10, United States Code, and section 257(e) of the Budget Enforcement Act, shall not apply to any conveyance under subsection (a) that results in the transfer of ownership of related utility assets."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting the following new item:

"2694. Privatization of Government Owned Utility Systems."

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

SEC. 1101. EXTENSION OF VOLUNTARY SEPARATION INCENTIVE PAY AUTHORIZATION.

(a) EXTENSION.—Section 5597(e) of title 5, United States Code, is amended by striking "September 30, 1999" and inserting in lieu thereof "September 30, 2001".

(b) REMITTANCE OF FUNDS.—Section 5597 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(h)(1) In addition to any other payments which it is required to make under subchapter III of chapter 83 or chapter 84, the Department of Defense shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the Department who is covered under subchapter III of chapter 83 or chapter 84 to whom a voluntary separation incentive has been paid under this section based on separation on or after October 1, 1997. The remittance required by this subsection shall be in lieu of any remittance required under section 4(a) of the Federal Workforce Restructuring Act of 1994 (5 U.S.C. 8331 note).

"(2) For the purpose of this subsection, the term 'final basic pay', with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, and, if last serving on other than a full-time basis, with appropriate adjustment therefor."

(c) CONFORMING AMENDMENT.—Section 4436(d)(2) of the Defense Conversion, Reinvestment, and Transition Act of 1992 (5 U.S.C. 8348 note) is amended by striking "January 1, 2000" and inserting in lieu thereof "January 1, 2002".

SEC. 1102. ELIMINATION OF TIME LIMITATION FOR PLACEMENT CONSIDERATION OF INVOLUNTARILY SEPARATED RESERVE TECHNICIANS.

Section 3329(b) of title 5, United States Code, is amended by striking "a position described in subsection (c) not later than 6 months after the date of the application".

SEC. 1103. PAY PRACTICES WHEN OVERSEAS TEACHERS TRANSFER TO GENERAL SCHEDULE POSITIONS.

Section 5334(d) of title 5, United States Code, is amended by inserting "such amounts as may be authorized, if any, under regulations issued by the Secretary of Defense, up to" after "is deemed increased by".

SEC. 1104. CITIZENSHIP REQUIREMENTS FOR STAFF OF THE GEORGE C. MARSHALL CENTER FOR SECURITY STUDIES.

Section 506 of the Intelligence Authorization Act, Fiscal Year 1990 (Public Law 101-193; 103 Stat. 1709) is amended—

(1) in the section heading, by striking "United States Army Russian Institute" and inserting in lieu thereof "George C. Marshall European Center for Security Studies";

(2) in subsection (a), by striking "United States Army Russian Institute" and inserting in lieu thereof "George C. Marshall European Center for Security Studies"; and

(3) in subsection (c), by adding at the end the following sentence: "No prior admission for permanent residence shall be required."

SEC. 1105. PRESERVATION OF CIVIL SERVICE RIGHTS FOR EMPLOYEES OF THE FORMER DEFENSE MAPPING AGENCY.

Section 1612(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "in paragraph (2)" and inserting in lieu thereof "in paragraph (3)"; and

(B) by striking "to paragraph (3)" and inserting in lieu thereof "to paragraph (4)";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting the following new paragraph (2):

"(2) For each former Defense Mapping Agency employee who was in a position established under title 5, United States Code, and who on October 1, 1996, became an employee of the National Imagery and Mapping Agency under 1601(a)(1) of this title, and for whom the provisions of law referred to in paragraph (3) applied before October 1, 1996, such provisions of law shall, subject to paragraph (4), continue to apply for as long as the employee continues to serve as a Department of Defense employee in the National Imagery and Mapping Agency without a break in service."

(4) in paragraph (3), as so redesignated, by striking "by paragraph (1)" and inserting in lieu thereof "by paragraphs (1) and (2)"; and

(5) in paragraph (4), as so redesignated, by striking "by paragraph (1)" and inserting in lieu thereof "by paragraphs (1) and (2)".

SEC. 1106. AUTHORIZATION FOR THE MARINE CORPS UNIVERSITY TO EMPLOY CIVILIAN PROFESSORS.

(a) IN GENERAL.—Section 7478 of title 10, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§ 7478. Naval War College and Marine Corps University: civilian faculty members";

(2) in subsection (a), by striking "or at the Marine Corps Command and Staff College" and inserting in lieu thereof "or at a school of the Marine Corps University"; and

(3) in subsection (c), by striking "or at the Marine Corps Command and Staff College" and inserting in lieu thereof "or at a school of the Marine Corps University".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 643 of such title 10 is amended by amending the item relating to section 7478 to read as follows:

"7478. Naval War College and Marine Corps University: civilian faculty members."

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Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATION

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition Projects.

Sec. 2102. Family housing.

Sec. 2103. Improvements to military family housing units.

Sec. 2104. Authorization of appropriations, Army.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.

Sec. 2202. Family housing.

Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.

Sec. 2302. Family housing.

Sec. 2303. Improvements to military family housing units.

Sec. 2304. Authorization of appropriations, Air Force.

Sec. 2305. Authorization of Military Construction Project for which funds have been appropriated.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.

Sec. 2402. Military Housing planning and design.

Sec. 2403. Improvements to military family housing units.

Sec. 2404. Energy Conservation Projects.

Sec. 2405. Authorization of appropriations, Defense Agencies.

Sec. 2406. Use of Prior Year Appropriations.

Sec. 2407. Modification of authority to carry out fiscal year 1995 projects.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

Sec. 2501. Authorized NATO Construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

Sec. 2701. Expiration of authorizations and amounts required to be specified by law.

- Sec. 2702. Extensions of authorizations of certain fiscal year 1994 projects.
- Sec. 2703. Extensions of authorizations of certain fiscal year 1993 projects.
- Sec. 2704. Extension of Over-The-Horizon Radar in Puerto Rico.
- Sec. 2705. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

SUBTITLE A—MILITARY CONSTRUCTION PROGRAM AND MILITARY FAMILY HOUSING CHANGES

Sec. 2801. Streamlining real property transactions and architectural and engineering services and construction design

SUBTITLE B—OTHER MATTERS

- Sec. 2802. Increase in maximum limit for minor land acquisition.
- Sec. 2803. Administrative expenses for certain real estate transactions.
- Sec. 2804. Long term lease authority, Naples Improvement Initiative, Naples, Italy.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1998".

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

ARMY: INSIDE THE UNITED STATES

State and Installation or Location	Amount
Arizona: Fort Huachuca	\$20,000,000
California: Naval Weapons Station, Concord	23,000,000
Colorado: Fort Carson	7,300,000
Georgia: Fort Gordon	22,000,000
Hawaii: Schofield Barracks	44,000,000
Indiana: Crane Army Ammunition Activity	7,700,000
Kansas:	
Fort Leavenworth	63,000,000
Fort Riley	25,800,000
Kentucky: Fort Campbell	37,000,000
South Carolina: Naval Weapons Station, Charleston	7,700,000
Texas: Fort Sam Houston	16,000,000
Virginia:	
Charlottesville	3,100,000
Fort A.P. Hill	5,400,000
Fort Myer	8,200,000
Washington: Fort Lewis	33,000,000
CONUS Classified: Classified Location	6,500,000
Total	329,700,000

(b) OUTSIDE THE UNITED STATES.—Using amount appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

ARMY: OUTSIDE THE UNITED STATES

Country and Installation or Location	Amount
Germany:	
Ansbach	\$22,000,000
Heidelberg	8,800,000
Mannheim	6,200,000
Military Support Group	6,000,000
Kaiserslautern	
Korea:	
Camp Casey	5,100,000
Camp Castle	8,400,000
Camp Humphreys	32,000,000
Camp Red Cloud	23,600,000
Camp Stanley	7,000,000
Overseas: Classified: Overseas Classified	37,000,000
Total	156,100,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(7)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

ARMY: FAMILY HOUSING

State and Installation or Location	Purpose units	Amount
Florida: U.S. Southern Command Headquarters	8	\$2,300,000
Hawaii: Schofield Barracks	132	26,600,000
Maryland: Fort George Meade	56	7,900,000
North Carolina: Fort Bragg	174	20,150,000
Texas:		
Fort Bliss	91	12,900,000
Fort Hood	130	18,800,000
Total	88,650,000	

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(7)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$9,550,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in sections 2104(a)(7)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed \$44,800,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$1,887,214,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), \$329,700,000.

(2) For the military construction projects outside the United States authorized by section 2101(b), \$156,100,000.

(3) For the construction of the National Range Control Center, White Sands Missile Range, New Mexico, authorized in section 2101(a) of the National Defense Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2763), \$18,000,000.

(4) For the construction of the Whole Barracks Complex Renewal, Fort Knox, Kentucky, authorized in section 2101(a) of the National Defense Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2763), \$22,000,000.

(5) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, \$6,000,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$63,477,000.

(7) For military family housing functions: (A) For construction and acquisition, planning and design and improvement of military family housing and facilities, \$143,000,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), \$1,148,937,000.

(B) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total

cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) through (4) of subsection (a).

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

NAVY: INSIDE THE UNITED STATES

State and installation or location	Amount
Arizona: Navy Detachment, Camp Navajo	\$11,426,000
California:	
Marine Corps Air Station, Camp Pendleton	14,020,000
Marine Corps Air Station, Miramar	8,700,000
Marine Corps Air-Ground Combat Center, Twentynine Palms	3,810,000
Marine Corps Base, Camp Pendleton	39,469,000
Naval Air Facility, El Centro	11,000,000
Naval Air Station, North Island	19,600,000
Connecticut: Naval Submarine Base, New London	18,300,000
Florida: Naval Air Station, Jacksonville	3,480,000
Hawaii:	
Marine Corps Air Station, Kaneohe Bay	19,000,000
Naval Com & Telecoms Area Master Station EASTPAC, Honolulu	3,900,000
Naval Station, Pearl Harbor	25,000,000
Illinois: Naval Training Center, Great Lakes	41,220,000
Mississippi: Naval Station, Pascagoula	4,990,000
North Carolina:	
Marine Corps Air Station, Cherry Point	8,800,000
Marine Corps Air Station, New River	19,900,000
Rhode Island: Naval Undersea Warfare Center Division, Newport	8,900,000
South Carolina: Marine Corps Reserve Detachment Parris Island	3,200,000
Virginia:	
AEGIS Training Center, Dahlgren	6,600,000
Fleet Combat Training Center, Dam Neck	7,000,000
Naval Air Station, Norfolk	14,240,000
Naval Air Station, Oceana	28,000,000
Naval Amphibious Base, Little Creek	8,685,000
Naval Shipyard, Norfolk, Portsmouth	9,500,000
Naval Station, Norfolk	18,850,000
Naval Surface Warfare Center, Dahlgren	13,880,000
Naval Weapons Station, Yorktown	11,257,000
Washington:	
Naval Air Station, Whidbey Island	1,110,000
Puget Sound Naval Shipyard, Bremerton	4,400,000
Total	388,227,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

NAVY: OUTSIDE THE UNITED STATES

Country and Installation or Location	Amount
Bahrain: Administrative Support Unit, Bahrain	30,100,000
Guam: Naval Com & Telecoms Area Master Station WESTPAC, Guam	4,050,000
Italy: Naval Air Station, Sigonella	21,440,000
Italy: Naval Support Activity, Naples	8,200,000
Puerto Rico: Naval Station, Roosevelt Roads	500,000
United Kingdom: Joint Maritime Communications Center, St. Mawgan	2,330,000
Total	66,620,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

NAVY: FAMILY HOUSING

State and Installation or Location	Purpose (Units)	Amount
California:		
Marine Corps Air Station, Miramar	166	\$28,881,000
Marine Corps Air-Ground Combat Center, Twentynine Palms	117	23,891,000
Marine Corps Base, Camp Pendleton	171	22,518,000
Naval Air Station, Lemoore	128	23,226,000
Total		98,516,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriation in section 2204(a)(8)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$15,100,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(8)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$173,780,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$1,791,033,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), \$388,227,000.

(2) For military construction projects outside the United States authorized by section 2201(b), \$66,120,000.

(3) For construction of Bachelor Enlisted Quarters at Naval Hospital, Great Lakes, Illinois, authorized by section 2201(a) of the Military Construction Authorization Act for fiscal year 1997 (Division B of Public Law 104-201; 110 Stat. 2766), \$5,200,000.

(4) For construction of Bachelor Enlisted Quarters at Naval Station Roosevelt Roads, Puerto Rico, authorized by section 2201(a) of the Military Construction Authorization Act for fiscal year 1997 (Division B of Public Law 104-201; 110 Stat. 2767), \$14,600,000.

(5) For construction of a Large Anecohic Chamber Facility at Patuxent River Naval Air Warfare Center, Maryland, authorized by section 2201(a) of the Military Construction Authorization Act for fiscal year 1993 (Division B of Public Law 102-484; 106 Stat. 2590), \$9,000,000.

(6) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$9,960,000.

(7) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$42,489,000.

(8) For military family housing functions: (A) For construction and acquisition, planning and design and improvement of military family housing and facilities, \$278,933,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), \$976,504,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) through (5) of subsection (a).

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amount appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

AIR FORCE: INSIDE THE UNITED STATES

State and Installation or Location	Amount
Alabama: Maxwell Air Force Base	
Alaska:	
Clear Air Station	67,069,000
Eielson Air Force Base	7,764,000
Indian Mountain	1,991,000
California:	
Edwards Air Force Base	2,887,000
Vandenberg Air Force Base	26,876,000
Colorado:	
Buckley Air National Guard Base	6,718,000
Falcon Air Force Station	10,551,000
Peterson Air Force Base	4,081,000
US Air Force Academy	15,229,000
Florida:	
Eglin Auxiliary Field 9	6,470,000
MacDill Air Force Base	1,543,000
Georgia: Robins Air Force Base	18,663,000
Idaho: Mountain Home Air Force Base	17,719,000
Kansas: McConnell Air Force Base	6,669,000
Louisiana: Barksdale Air Force Base	19,410,000
Mississippi: Keesler Air Force Base	30,855,000
Missouri: Whiteman Air Force Base	17,419,000
New Jersey: McGuire Air Force Base	9,954,000
North Carolina: Pope Air Force Base	8,356,000
North Dakota: Grand Forks Air Force Base	8,560,000
Ohio: Wright-Patterson Air Force Base	10,750,000
Oklahoma: Tinker Air Force Base	9,655,000
South Carolina: Shaw Air Force Base	6,072,000
Tennessee: Arnold Air Force Base	10,750,000
Texas: Randolph Air Force Base	2,488,000
Utah: Hill Air Force Base	6,470,000
Virginia: Langley Air Force Base	4,031,000
Washington:	
Fairchild Air Force Base	7,366,000
McChord Air Force Base	9,655,000
CONUS Classified: Classified Location	6,175,000
Total	367,770,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

AIR FORCE: OUTSIDE THE UNITED STATES

Country and Installation or Location	Amount
Germany: Spangdahlem Air Base	\$18,500,000
Italy: Aviano Air Base	15,220,000
Korea:	
Kunsan Air Base	10,325,000
Osan Air Base	11,100,000
Portugal: Lajes Field, Azores	4,800,000
United Kingdom: Royal Air Force, Lakenheath	11,400,000
Overseas Classified: Classified Location	31,100,000
Total	102,445,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

AIR FORCE: FAMILY HOUSING

State and Installation or Location	Purpose (Units)	Amount
California:		
Edwards Air Force Base	51	\$8,500,000
Travis Air Force Base	70	9,714,000
Vandenberg Air Force Base	108	17,100,000
Delaware: Dover Air Force Base	(1)	831,000

AIR FORCE: FAMILY HOUSING—Continued

State and Installation or Location	Purpose (Units)	Amount
District of Columbia: Bolling Air Force Base	46	5,100,000
Florida:		
MacDill Air Force Base	58	10,000,000
Tyndall Air Force Base	32	4,200,000
Georgia: Robins Air Force Base	60	6,800,000
Idaho: Mountain Home Air Force Base	60	11,032,000
Kansas: McConnell Air Force Base	19	2,951,000
Mississippi:		
Columbus Air Force Base	50	6,200,000
Keesler Air Force Base	40	5,000,000
Montana: Malmstrom Air Force Base	28	4,842,000
New Mexico: Kirtland Air Force Base	180	20,900,000
North Dakota: Grand Forks Air Force Base	42	7,936,000
Texas:		
Dyess Air Force Base	70	10,503,000
Goodfellow Air Force Base	3	500,000
Wyoming: F E Warren Air Force Base	52	6,853,000
Total		138,962,000

¹ Ancillary facility.

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$11,971,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$102,195,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$1,579,144,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), \$343,912,000.

(2) For military construction projects outside the United States authorized by section 2301(b), \$102,445,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$8,545,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$40,880,000.

(5) For military housing functions: (A) For construction and acquisition, planning and design and improvement of military family housing and facilities, \$253,128,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), \$830,234,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) plus \$23,858,000 of prior year appropriations.

SEC. 2305. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECT FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

(a) AUTHORIZATION.—The table in section 2301(a) of the Military Construction Authorization Act for fiscal year 1997 (division B of Public Law 104-201; 110 Stat. 2771) is amended in the item relating to McConnell Air Force Base, Kansas, by striking out “\$19,130,000” in

the amount column and inserting in lieu thereof "\$25,830,000".

(b) CONFORMING AMENDMENT.—Section 2304 of such Act (110 Stat. 2774) is amended—

(1) in the matter preceding the paragraph, by striking out "\$1,894,594,000" and inserting in lieu thereof "\$1,901,294,000" and

(2) in paragraph (1), by striking out "\$603,834,000" and inserting in lieu thereof "\$610,534,000."

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

DEFENSE AGENCIES: INSIDE THE UNITED STATES	
Agency and Installation or Location	Amount
Defense Commissary Agency: Fort Lee, Virginia	\$9,300,000
Defense Finance and Accounting Service:	
Columbus Center, Ohio	9,722,000
Naval Air Station, Millington, Tennessee	6,906,000
Naval Station, Norfolk, Virginia	12,800,000
Naval Station, Pearl Harbor, Hawaii	10,000,000
Defense Intelligence Agency:	
Bolting Air Force Base, District of Columbia	7,000,000
Redstone Arsenal, Alabama	32,700,000
Defense Logistics Agency:	
Defense Distribution Depot—DDNW, Virginia	16,656,000
Defense Distribution New Cumberland—DDSP, Pennsylvania	15,500,000
Defense Fuel Support Point, Craney Island, Virginia	22,100,000
Defense General Supply Center, Richmond (DLA), Virginia ..	5,200,000
Elmendorf Air Force Base, Alaska	21,700,000
Naval Air Station, Jacksonville, Florida	9,800,000
Truxard Field, Wisconsin	4,500,000
Westover Air Reserve Base, Massachusetts	4,700,000
CONUS Various, CONUS Various	11,275,000
Defense Medical Facilities Office:	
Fort Campbell, Kentucky	13,600,000
Fort Detrick, Maryland	5,300,000
Hill Air Force Base, Utah	3,100,000
Holloman Air Force Base, New Mexico	3,000,000
Lackland Air Force Base, Texas	3,000,000
Marine Corps Combat Dev Com, Quantico, Virginia	19,000,000
McGuire Air Force Base, New Jersey	35,217,000
Naval Air Station, Pensacola, Florida	2,750,000
Naval Station, Everett, Washington	7,500,000
Naval Station, San Diego, California	2,100,000
Naval Submarine Base, New London, Connecticut	2,300,000
Robins Air Force Base, Georgia	19,000,000
Tinker Air Force Base, Oklahoma	6,500,000
Wright-Patterson Air Force Base, Ohio	2,750,000
National Security Agency: Fort George Meade, Maryland	29,800,000
Special Operations Command:	
Eglin Auxiliary Field 3, Florida	6,100,000
Fort Benning, Georgia	12,314,000
Fort Bragg, North Carolina	1,500,000
Hurlburt Field, Florida	2,450,000
Naval Amphibious Base, Coronado, California	7,400,000
Total	384,540,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

DEFENSE AGENCIES: OUTSIDE THE UNITED STATES	
Agency and Installation or Location	Amount
Ballistic Missile Defense Organization: Pacific Missile Range, Kwajalein Atoll	\$4,565,000
Defense Logistics Agency:	
Defense Fuel Support Point, Guam	16,000,000
Moron Air Base, Spain	14,400,000
Defense Medical Facilities Office: Anderson Air Force Base, Guam	3,700,000
Total	38,665,000

SEC. 2402. MILITARY HOUSING PLANNING AND DESIGN.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(13)(A), the Secretary of Defense

may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$50,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriation in section 2405(a)(13)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed \$4,900,000.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(11), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of \$2,772,161,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), \$377,390,000.

(2) For military construction projects outside the United States authorized by section 2401(a), \$34,965,000.

(3) For military construction projects at Walter Reed Army Institute of Research, Maryland, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2599), \$20,000,000.

(4) For military construction projects at Defense Finance and Accounting Service, Columbus, Ohio, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 535), \$14,200,000.

(5) For military construction projects at Pine Bluff Arsenal, Arkansas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of the Public Law 103-337; 108 Stat. 3040), \$44,000,000.

(6) For military construction projects at Umatilla Army Depot, Oregon, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of the Public Law 103-337; 108 Stat. 3040), \$57,427,000.

(7) For military construction projects at Anniston Army Depot, Alabama, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of the Public Law 102-484; 106 Stat. 2586), \$9,900,000.

(8) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$25,257,000.

(9) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$9,844,000.

(10) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$55,650,000.

(11) For Energy Conservation projects authorized by section 2403, \$25,000,000.

(12) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), \$2,060,854,000.

(13) For military family housing functions:

(A) For improvement and planning of military family housing and facilities, \$4,950,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), \$32,724,000 of which not more than \$27,673,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) through (13) of subsection (a).

SEC. 2406. USE OF PRIOR YEAR APPROPRIATIONS.

Funds provided by the Military Construction Appropriations Act, 1995 (Public Law 103-307) August 23, 1994) in the amount of \$10,280,000 for the upgrade the hospital facility at McClellan Air Force Base, California are available due to the closure of this facility as a result of Base Realignment and Closure actions. These moneys are to be used by the Department to fund two medical construction projects authorized by this Act, the Aeromedical Clinic Addition at Andersen Air Base, Guam in the amount of \$37,700,000 and the Occupational Health Clinic Facility at Tinker Air Force Base, Oklahoma, in the amount of \$6,500,000.

SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1995 PROJECTS.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337; 108 Stat. 3040), under the agency heading relating to Chemical Weapons and Munitions Destruction, is amended—

(1) in the item relating to Pine Bluff Arsenal, Arkansas, by striking out "\$115,000,000" in the amount column and inserting in lieu thereof \$134,000,000; and

(2) in the item relating to Umatilla Army Depot, Oregon, by striking out "\$186,000,000" in the amount column and inserting in lieu thereof \$187,000,000.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of \$176,300,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1997, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1801 of title 10, United States Code

(including the cost of acquisition of land for those facilities), the following amounts:

- (1) For the Department of the Army—
 - (A) for the Army National Guard of the United States, \$45,098,000; and
 - (B) for the Army Reserve, \$39,112,000.
- (2) For the Department of the Navy, for the Naval and Marine Corps Reserve, \$13,921,000.
- (3) For the Department of the Air Force—
 - (A) for the Air National Guard of the United States, \$60,225,000; and
 - (B) for the Air Force Reserve, \$14,530,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

- (1) October 1, 2000; or
 - (2) the date for the enactment of an Act authorizing funds for military construction for fiscal year 2001.
- (b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

- (1) October 1, 2000; or
- (2) the date of the enactment of an Act authorizing funds for fiscal year 2001 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1995 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337, 108 Stat. 3046), authorizations for the projects set forth in the tables in subsection (b), as provided in title XXI, XXII, XXIII, and XXIV of that Act, shall remain in effect until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

ARMY: EXTENSION OF 1995 PROJECT AUTHORIZATIONS

State and Installation or Location	Project	Amount
California: Fort Irwin	National Training Center Airfield Phase I.	\$10,000,000

NAVY: EXTENSION OF 1995 PROJECT AUTHORIZATIONS

State and Installation or Location	Project	Amount
Georgia: Naval Air Station Marietta.	Training Center	\$2,650,000
Maryland: Indian Head Naval Surface Warfare Center.	Upgrade Power Plant	4,000,000
Indian Head Naval Surface Warfare Center.	Denitrification/Acid Mixing Facility.	6,400,000
Virginia: Norfolk Marine Corps Sec Force Batt LANI.	Bachelor Enlisted Quarters	6,480,000
Washington: Naval Station Puget Sound, Everett.	New Construction (Housing Office).	780,000
Conus Classified: Classified Location.	Aircraft Fire/Rescue & Vehicle Maint Fac.	2,200,000

AIR FORCE: EXTENSION OF 1995 PROJECT AUTHORIZATIONS

State and Installation or Location	Project	Amount
California: Beal Air Force Base	Consolidated Support Center	\$10,400,000
Los Angeles Air Force Station.	Family Housing (50 units)	8,962,000
North Carolina: Pope Air Force Base	Combat Control Team Facility.	2,400,000
Pope Air Force Base	Fire Training Center	1,100,000

DEFENSE AGENCIES: EXTENSION OF 1995 PROJECT AUTHORIZATIONS

State and Installation or Location	Project	Amount
Alabama: Anniston Army Depot.	Carbon Filtration System	\$5,000,000
Arkansas: Pine Bluff Arsenal	Ammunition Demilitarization Facility.	115,000,000
California: Def Contract Mgmt Ofc El Segundo.	Administrative Building (Conjunctive Fund).	5,100,000
Oregon: Umatilla Army Depot	Ammunition Demilitarization Facility.	186,000,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1994 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160, 107 Stat. 1880), authorizations for the projects set forth in the tables in subsection (b), as provided in title XXII, and XXIII of that Act, shall remain in effect until October 1, 1997, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1998, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

NAVY: EXTENSION OF 1994 PROJECT AUTHORIZATIONS

State and Installation or Location	Project	Amount
California: Camp Pendleton Marine Corps Base.	Sewage Facility	\$7,930,000
Connecticut: New London	Hazardous Waste Facility	1,450,000

SEC. 2704. EXTENSION OF AUTHORIZATION OF OVER-THE-HORIZON RADAR IN PUERTO RICO.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337; 108 Stat. 3046), authorization set forth in table in subsection (b) and the fiscal year 1995 Defense Appropriation Act Public Law 103-335; 108 Stat. 2615 and subsequently transferred to the Military Construction appropriation shall remain in effect until October 1, 1998, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1999, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

NAVY: EXTENSION OF 1995 PROJECT AUTHORIZATION

Location and Installation	Project	Amount
Puerto Rico: Naval Station Roosevelt Roads.	Relocatable Over-The-Horizon Radar.	\$10,000,000

SEC. 2705. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

- (1) October 1, 1997; or
- (2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. STREAMLINING REAL PROPERTY TRANSACTIONS AND ARCHITECTURAL AND ENGINEERING SERVICES AND CONSTRUCTION DESIGN.

(a) IN GENERAL.—(1) Section 2662 of title 10, United States Code, is repealed.

(2) Section 2807 of title 10, United States Code, is amended—

- (A) by striking subsection (b);
 - (B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.
- (b) CLERICAL AMENDMENT.—The table of sections at the beginning of Chapter 159 of title 10, United States Code, is amended by striking the item relating to section 2662 and inserting in lieu thereof the following: “[2662. Repealed.]”.

Subtitle B—Other Matters

SEC. 2802. INCREASE IN MAXIMUM LIMIT FOR MINOR LAND ACQUISITIONS.

(a) IN GENERAL.—Section 2672 of title 10, United States Code is amended by striking “\$200,000” each place it appears and inserting in lieu thereof “\$500,000”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of Chapter 159 of title 10, United States Code, is amended by striking the item relating to section 2672 and inserting in lieu thereof the following: “2672. Acquisition: interests in land when cost is not more than \$500,000.”.

SEC. 2803. ADMINISTRATIVE EXPENSES FOR CERTAIN REAL ESTATE TRANSACTIONS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by adding at the end the following new section:

“§2695. Administrative expenses for certain real estate transactions

“Whenever the Secretary of a Military Department (1) exchanges, (2) grants an easement or lease, or (3) licenses real property to a non-Federal party, the Department may accept funds from the non-Federal party for expenses incurred incident to or in furtherance of such transaction. Any funds so received shall be credited to the current appropriation, fund, or account that is available for the same purpose as the appropriation, fund, or account from which the cost of conducting such transaction is paid.”.

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

“2695. Administrative expenses for certain real estate transactions.”.

SEC. 2804. LONG TERM LEASE AUTHORITY, NAPLES IMPROVEMENT INITIATIVE, NAPLES, ITALY.

(a) AUTHORITY.—The Secretary of the Navy may acquire by lease in Naples, Italy, structures and real property relating to a regional hospital complex that are needed for military purposes as required to support the Naples Improvement Initiative. A lease under this subsection may be for a period of up to twenty years.

(b) EXPIRATION.—This authority shall expire 30 September 2002.

By Mr. DORGAN (for himself, Mr. GRASSLEY, Mr. ROCKEFELLER, Mr. BAUCUS, Mr. ROBERTS, Mr. HARKIN, Mr. FAIRCLOTH, Mr. HUTCHINSON, Mr. INOUYE and Mr. CONRAD):

S. 452. A bill to amend titles XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities; to the Committee on Finance.

THE NURSE AIDE TRAINING ACT OF 1997

● Mr. DORGAN. Mr. President, today, I am introducing legislation that will preserve quality care in rural nursing homes by ensuring that they can continue to conduct nurse aide training programs in their facilities.

This bill enjoys bipartisan support, and I am joined in introducing this bill by Senators GRASSLEY, ROCKEFELLER, BAUCUS, ROBERTS, HARKIN, FAIRCLOTH, HUTCHINSON, INOUE, and CONRAD. The bill, which also has the support of the Clinton administration, will prevent the termination of nurse aide training programs where the reason for the termination is unrelated to the quality of the program and where no training alternative exists within a reasonable distance.

I have long believed that the Federal Government has an important role to play in ensuring against the kinds of abuses that sometimes occurred prior to enactment of Federal nursing home standards. I do not believe that those abuses were the norm in nursing homes. Nursing homes in my State of North Dakota have a strong record of providing quality care, and I believe that this was the case in most nursing homes.

But it is clear that some nursing homes did not meet that high standard, and many States were slow to respond. To address that critical problem, I supported and continue to support minimum Federal quality standards. Our first priority in nursing home legislation must be the quality of care provided to residents, and we should not pass any laws that would compromise that goal.

However, I believe that some of our efforts to regulate nursing homes have not resulted in greater quality of care for residents. In some cases, by imposing unnecessary burdens and severe penalties that are not focused on quality, some laws and regulations can actually hinder the delivery of quality care. The legislation I am offering today will address one such instance.

In rural areas all over the country, nursing facilities offer potential caretakers an opportunity to learn the basic nursing and personal care skills needed to become a certified nurse aide. In return, those who participate in a nurse aide training program help nursing facilities meet their staffing needs and allow the nursing staff to focus more on administering quality nursing care.

Nurse aide training programs are especially important in rural areas like my State of North Dakota, where potential nurse aides might have to travel hundreds of miles for training if it is not available at the nursing facility in their community. These nurse aide training programs comply with strict guidelines related to the amount of training necessary and determination of competency for certification.

Despite these safeguards, current law allows programs to be terminated for up to 2 years if a facility has been cited for a deficiency or assessed a civil money penalty for reasons completely unrelated to the quality of the nurse aide training program. In North Dakota, this could result in real hardship not just for the nursing facility and potential nurse aides, but for the nursing home residents who rely on nurse aides for their day-to-day care.

Under my bill, rural areas would be exempt from termination of nurse aide training programs in these specific instances only if: First, no other program is offered within a reasonable distance of the facility; second, the State assures that an adequate environment exists for operating the program; and third, the State provides notice of the determination and assurances to the State long-term care ombudsman.

The President has included this proposal in the last two budgets he has presented to Congress. In addition, Congress included this proposal in the Balanced Budget Act passed in December 1995.

I hope my colleagues will join me in supporting this bill.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 452

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMITTING WAIVER OF PROHIBITION OF OFFERING NURSE AIDE TRAINING AND COMPETENCY EVALUATION PROGRAMS IN CERTAIN FACILITIES.

(a) WAIVER.—Sections 1819(f)(2) and section 1919(f)(2) of the Social Security Act (42 U.S.C. 1395i-3(f)(2), 1396r(f)(2)) are each amended—

(1) in subparagraph (B)(iii), by inserting “subject to subparagraph (C),” after “(iii);” and

(2) by adding at the end, the following:

“(C) WAIVER AUTHORIZED.—Clause (iii) of subparagraph (B) shall not apply to a program offered in (but not by) a nursing facility in a State if the State—

(i) determines that there is no other such program offered within a reasonable distance of the facility;

(ii) assures, through an oversight effort, that an adequate environment exists for operating the program in the facility; and

(iii) provides notice of such determination and assurances to the State long-term care ombudsman.”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to programs offered on or after the date of enactment of this Act.●

Mr. GRASSLEY. Mr. President, today I join Senator BYRON DORGAN of North Dakota in introducing legislation aimed at reversing the lack of qualified nurse aides in rural America by encouraging local training programs to continue their work. Our goal is to improve the level of care in nursing homes. Increasing the availability of qualified staff in rural nursing homes will help older Americans live better lives.

Many rural nursing homes rely on their own training programs to certify nurse aides. Current Federal law allows these training programs to be terminated due to problems unrelated to the quality of the training program. In rural areas, terminating a nurse aide training program can result in a lack of qualified staff at a rural facility. Therefore, terminating a nurse training program can actually make conditions worse, not better.

This bill ensures that nurse aide training programs will be judged on

their own merits, not on outside factors. This is commonsense legislation. Judging people on their actions and programs on their results is the American way. Judging training programs on outside factors doesn't penalize the substandard nursing homes, it penalizes older Americans.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 453. A bill to study the high rate of cancer among children in Dover Township, NJ, and for other purposes; to the Committee on Labor and Human Resources.

THE MICHAEL GILLICK CHILDHOOD CANCER RESEARCH ACT

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 453

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Michael Gillick Childhood Cancer Research Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) during the period from 1980 to 1988, Ocean County, New Jersey, had a significantly higher rate of childhood cancer than the rest of the United States, including a rate of brain and central nervous system cancer that was nearly 70 percent above the rate of other States;

(2) during the period from 1979 to 1991—

(A) there were 230 cases of childhood cancer in Ocean County, of which 56 cases were in Dover Township, and of those 14 were in Toms River alone;

(B) the rate of brain and central nervous system cancer of children under 20 in Toms River was 3 times higher than expected, and among children under 5 was 7 times higher than expected; and

(C) Dover township, which would have had a nearly normal cancer rate if Toms River was excluded had a 49 percent higher cancer rate than the rest of the State and an 80 percent higher leukemia rate than the rest of the State; and

(3)(A) according to New Jersey State averages, a population the size of Toms River should have 1.6 children under age 19 with cancer; and

(B) Toms River currently has 5 children under the age of 19 with cancer.

SEC. 3. STUDY.

(a) IN GENERAL.—The Administrator of the Agency for Toxic Substances and Disease Registry shall conduct dose-reconstruction modeling and an epidemiological study of childhood cancer in Dover Township, New Jersey.

(b) GRANT TO NEW JERSEY.—The Administrator may make 1 or more grants to the State of New Jersey to carry out subsection (a).

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) \$1,000,000 for fiscal year 1998; and

(2) \$2,000,000 for each of fiscal years 1999 and 2000.

By Mr. DORGAN (for himself and Mr. CRAIG):

S. 454. A bill to provide incentives to encourage stronger truth in sentencing of violent offenders, and for other purposes; to the Committee on the Judiciary.

THE STOP ALLOWING FELONS EARLY RELEASE (SAFER) ACT

Mr. DORGAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 454

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Allowing Felons Early Release (SAFER) Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) violent criminals often serve only a small portion of the terms of imprisonment to which they are sentenced;

(2) a significant proportion of the most serious crimes of violence committed in the United States are committed by criminals who have been released early from a term of imprisonment to which they were sentenced for a prior conviction for a crime of violence;

(3) violent criminals who are released before the expiration of the term of imprisonment to which they were sentenced often travel to other States to commit subsequent crimes of violence;

(4) crimes of violence and the threat of crimes of violence committed by violent criminals who are released from prison before the expiration of the term of imprisonment to which they were sentenced affects tourism, economic development, use of the interstate highway system, federally owned or supported facilities, and other commercial activities of individuals; and

(5) the policies of one State regarding the early release of criminals sentenced in that State for a crime of violence often affect the citizens of other States, who can influence those policies only through Federal law.

(b) PURPOSE.—The purpose of this Act is to reduce crimes of violence by encouraging States to incarcerate violent offenders for the full term of imprisonment to which they are sentenced.

SEC. 3. ELIGIBILITY FOR TRUTH IN SENTENCING INCENTIVE GRANTS.

(a) IN GENERAL.—Section 20102(b)(1) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13702(b)(1)) is amended to read as follows:

"(1) FORMULA ALLOCATION.—

"(A) IN GENERAL.—Of amounts made available to carry out this section, the Attorney General shall allocate for each eligible State an amount equal to the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

"(B) OTHER STATES.—

"(i) IN GENERAL.—For each eligible State that has not enacted a statute meeting the requirements of clause (ii), the Attorney General shall reduce the amount allocated under subparagraph (A) by 25 percent.

"(ii) STATUTE DESCRIBED.—A statute meets for requirements of this clause if it results in the elimination of parole, good time credit release, and any other form of early release for any person convicted of a part 1 violent crime, with early release permitted only by approval of the Governor of the State after a public hearing during which representatives

of the public and the victims of the part 1 violent crime at issue have had an opportunity to be heard regarding the proposed release.

"(iii) ALLOCATION.—The total amount of the reductions under clause (i) shall be allocated to each eligible State that has enacted a statute meeting the requirements of clause (ii) in accordance with the formula under subparagraph (A)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 3 years after the date of enactment of this Act.

By Mr. DORGAN (for himself and Mr. CRAIG):

S. 455. A bill to amend title 18, United States Code, to eliminate good time credits for prisoners serving a sentence for a crime of violence, and for other purposes; to the Committee on the Judiciary.

THE 100 PERCENT TRUTH-IN-SENTENCING ACT

Mr. DORGAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 455

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "100 Percent Truth-in-Sentencing Act".

SEC. 2. ELIMINATION OF CREDIT TOWARD SERVICE OF SENTENCE FOR SATISFACTORY BEHAVIOR.

Section 3624(b) of title 18, United States Code, is amended—

(1) by striking "(b)" and all that follows through "Subject to paragraph (2)," and inserting the following:

"(b) CREDIT TOWARD SERVICE OF SENTENCE FOR SATISFACTORY BEHAVIOR.—

"(1) IN GENERAL.—

"(A) GENERAL RULE.—Subject to paragraph (2) and to subparagraph (B) of this paragraph,";

(2) by striking the second sentence; and

(3) by adding at the end the following:

"(B) CRIMES OF VIOLENCE.—A prisoner who is serving a term imprisonment of more than 1 year for a crime of violence shall not be eligible for credit toward the service of the prisoner's sentence under subparagraph (A)."; and

(4) by indenting paragraphs (3) and (4) 2 ems to the right.

ADDITIONAL COSPONSORS

S. 25

At the request of Mr. FEINGOLD, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 25, a bill to reform the financing of Federal elections.

S. 28

At the request of Mr. THURMOND, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 66

At the request of Mr. HATCH, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from

Indiana [Mr. LUGAR] were added as cosponsors of S. 66, a bill to amend the Internal Revenue Code of 1986 to encourage capital formation through reductions in taxes on capital gains, and for other purposes.

S. 102

At the request of Mr. BREAUX, the names of the Senator from North Dakota [Mr. CONRAD], and the Senator from Rhode Island [Mr. REED] were added as cosponsors of S. 102, a bill to amend title XVIII of the Social Security Act to improve medicare treatment and education for beneficiaries with diabetes by providing coverage of diabetes outpatient self-management training services and uniform coverage of blood-testing strips for individuals with diabetes.

S. 112

At the request of Mr. MOYNIHAN, the names of the Senator from Virginia [Mr. ROBB], the Senator from Washington [Mrs. MURRAY], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 112, a bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of ammunition capable of piercing police body armor.

S. 146

At the request of Mr. ROCKEFELLER, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 146, a bill to permit medicare beneficiaries to enroll with qualified provider-sponsored organizations under title XVIII of the Social Security Act, and for other purposes.

S. 148

At the request of Mr. DASCHLE, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 148, a bill to amend the Public Health Service Act to provide a comprehensive program for the prevention of Fetal Alcohol Syndrome.

S. 197

At the request of Mr. ROTH, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 197, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

S. 230

At the request of Mr. THURMOND, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 230, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 293

At the request of Mr. HATCH, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 317

At the request of Mr. CRAIG, the name of the Senator from Nevada [Mr.