AMENDMENT NO. 420

At the request of Mr. COCHRAN the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of amendment No. 420 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

MURRAY (AND OTHERS) AMENDMENT NO. 593

(Ordered to lie on the table.)

Mrs. MURRAY (for herself, Mrs. SNOWE, Mr. ROBB, Mr. KENNEDY, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by them to the bill, S. 936, to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the end of title VII add the following:

SEC. 708. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

Section 1093 of title 10, United States Code, is amended—

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

(2) in subsection (a), by striking out ''(a) RESTRICTIONS ON USE OF FUNDS.—''.

WYDEN AMENDMENTS NOS. 594–595

(Ordered to lie on the table.)

Mr. WYDEN submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 594

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

SEC. 1075. RESTRICTIONS ON USE OF HUMANS AND EXPERIMENTAL SUBJECTS IN BIOLOGICAL AND CHEMICAL WEAPONS RESEARCH.

(a) PROHIBITED ACTIVITIES.—no officer or employee of the United States may, directly or by contract—

(1) conduct any test or experiment involving the use of any chemical or biological agent on a civilian population; or

(2) otherwise conduct any testing of biological or chemical agents on human subjects.

(b) INAPPLICABILITY TO CERTAIN ACTIONS.—The prohibition in subsection (a) does not apply to any action carried out for any of the following purposes:

(1) Any peaceful purpose that is related to a medical, therapeutic, pharmaceutical, agricultural, industrial, research, or other activity.

(2) Any purpose that is directly related to protection against toxic chemical and to protection against chemical weapons.

(3) Any military purpose of the United States that is not connected with the use of a chemical weapon and is not dependent on the use of the toxic or poisonous properties of the chemical weapon to cause death or other harm.

(4) Any law enforcement purpose, including any domestic riot control purpose and any imposition of capital punishment.

(c) BIOLOGICAL AGENT DEFINED.—In this section, the term ''biological agent'' means any micro-organism (including bacteria, viruses, fungi, rickettsiac, or protozoa), pathogen, or infectious substance, and any naturally occurring, bioengineered, or synthesized component of any such micro-organism, pathogen, or infectious substance, whatever its origin or method of production, that is capable of causing—

(1) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

(2) deterioration of food, water, equipment, supplies, or materials of any kind; or

(3) deleterious alteration of the environment.

(d) REPORT AND CERTIFICATION.—Section 1703(b) of the National Defense Authorization Act for Fiscal Year 1994 (50 U.S.C. 1523(b)) is amended by adding at the end the following:

''(9) A description of any program involving the testing of biological or chemical agents on human subjects that was carried out by the Department of Defense during the period covered by the report, together with a detailed justification for the testing, a detailed explanation of the purposes of the testing, the chemical or biological agents tested, and the Secretary's certification that informed consent to the testing was obtained from each human subject in advance of the testing on that subject.''.

(e) REPEAL OF DUPLICATIVE, SUPERSEDED, AND EXECUTED LAWS.—(1) Section 808 of the Department of Defense Appropriation Authorization Act, 1978 (50 U.S.C. 1520) is repealed.

(2)(A) Section 980 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 49 of such title is amended by striking out the item relating to section 980.

AMENDMENT NO. 595

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

SEC. . SUPPORT FOR FAMILIES OF VICTIMS OF MILITARY AIRCRAFT DISASTERS.

(a) NOTIFICATION REQUIREMENTS.—(1) Chapter 88 of title 10, United States Code, is amended by adding at the end the following:

''SUBCHAPTER III—MISCELLANEOUS

''Sec.

''2000. Assistance for families of victims of military aircraft disasters.

§2000. Assistance for families of victims of military aircraft disasters

''(a) RESPONSIBILITIES OF SECRETARY OF DEFENSE.—(1) In the case of an accident involving an aircraft of the armed forces that results in any loss of life of Department of Defense personnel, the Secretary of Defense shall have the primary responsibility within the Federal Government for facilitating the recovery and identification of the personnel.

''(2) Immediately after being notified of such an accident, the Secretary of Defense shall—

''(A) designate an employee of the Department of Defense as the director of family support services for the accident to carry out the responsibilities set forth in subsection (b); and

''(B) designate an organization described in subsection (c) as the coordinator of family care for the accident to carry out the responsibilities set forth in that subsection.

''(3) During the investigation of the accident by the Department of Defense, the Secretary of Defense shall ensure that the members of the families of persons involved in the accident—

''(A) are briefed about the accident, its causes, and any other findings from the investigation before any public briefing on such matters is provided; and

''(B) are individually informed of, and allowed to attend, any public hearings and meetings of the Department of Defense about the accident.

''(b) DIRECTOR OF FAMILY SUPPORT SERVICES.—(1) The director of family support services designated for an aircraft accident under subsection (a)(2)(A) shall be the point of contact for the Federal Government for providing the families of victims of the accident with information on the accident and the assistance available to the families from the Federal Government. The Secretary of Defense shall ensure that the director's name and telephone number are publicized.

''(2) As soon as is practicable after the occurrence of the accident, the director of family support services shall compile a list of the persons who were aboard the aircraft involved in the accident. The list shall be compiled from the best information available within the Department of Defense when compiled.

''(c) COORDINATOR OF FAMILY CARE.—(1) The organization designated as the coordinator of family care for an accident under subsection (a)(2)(B) shall be an independent nonprofit organization with experience in disasters and post-trauma communication with families of victims of disasters. The Secretary of Defense may enter into any contract or other agreement that is necessary to engage such an organization to serve as the coordinator of family care for the accident.

''(2) The coordinator of family care for an accident shall have the primary responsibility for coordinating the emotional care and support of the families of victims of the accident. To carry out its responsibility, the coordinator shall have the following duties:

''(A) To provide mental health and counseling services, in coordination with the disaster response team of the Department of Defense.

''(B) To take such actions as may be necessary to afford the families a meaningful opportunity to grieve privately.

''(C) To meet with families who travel to the location of the accident, to contact the families who do not travel to such location, and to contact all of the families periodically until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(2)(A), determines that further assistance is no longer needed.

''(D) To inform the families on the roles of the coordinator of family care, the Department of Defense, and other Federal Government agencies with respect to the accident and the post-accident activities.

''(E) To arrange a suitable memorial service, in consultation with the families.

''(4) To the maximum extent practicable—

''(A) the Secretary of Defense shall provide the coordinator of family care with resources of the Department of Defense to support the coordinator in the performance of its responsibilities; and

''(B) the coordinator shall coordinate its activities with the Department of Defense for that purpose.

''(d) LIST OF VICTIMS.—(1) As soon as the director of family support services for an aircraft accident compiles a list of persons involved in the accident under subsection (b)(2), the director shall make the list available to the coordinator of family care for the accident. The coordinator may request the

director to provide the list to the coordinator.

''(2) The director of family support services or the coordinator of family care shall provide the name of a person on the list to the family of that person if the director or the organization, respectively, considers it appropriate to do so.

''(3) Neither the director nor the organization may disclose the name of any person on the list to any person not authorized to receive the information under paragraph (1) or (2).

''(e) PROHIBITED ACTIONS.—(1) No person, State, or political subdivision of a State may impede—

''(A) the Department of Defense (including the director of family support services designated for an accident under subsection(a)(2)(A)) or a coordinator of family care designated for an accident under subsection (a)(2)(B) in the performance of responsibilities under this section: or

''(B) the ability of any member of a family of a person involved in the accident to contact any member of a family of any other person involved in the accident.

''(2) No attorney and no potential party to litigation regarding an accident described in subsection (a) may communicate with any person injured in the accident, or any relative of a person involved in the accident, within 30 days after the date of the accident unless the communication is solicited by that person or relative of a person.

''(g) AIRCRAFT ACCIDENT DEFINED.—In this section, the term 'aircraft accident' means any Department of Defense aviation disaster regardless of its cause or suspected cause.''.

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

''III. Miscellaneous ..... 2000''

(b) REVIEW OF AVIATION SAFETY PROCEDURES.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall review the aviation safety and maintenance procedures of the Department of Defense and submit to Congress a report on the Secretary's findings resulting from the review, including any recommendations for improving aviation safety maintenance and procedures.

LEAHY AMENDMENT NO. 596

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On page 382, line 15, strike out ''$155,416,000'' and insert in lieu thereof ''$162,135,000''.

BYRD AMENDMENT NO. 597

(Ordered to lie on the table.)

Mr. BYRD submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

In section 301(9), strike out ''$1,624,420,000'' and insert in lieu thereof ''$1,631,200,000''.

In section 301(11), strike out ''$2,991,219,000'' and insert in lieu thereof ''$3,004,282,000''.

In section 411(a)(5), strike out ''107,377'' and insert in lieu thereof ''108,002''.

In section 411(a)(6), strike out ''73,431'' and insert in lieu thereof ''73,542''.

In section 412(5), strike out ''10,616'' and insert in lieu thereof ''10,671''.

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

SEC. 413. ADDITION TO END STRENGTHS FOR MILITARY TECHNICIANS.

(a) AIR NATIONAL GUARD.—In addition to the number of military technicians for the Air National Guard of the United States as of the last day of fiscal year 1998 for which funds are authorized to be appropriated in this Act, 100 military technicians are authorized for fiscal year 1998 for five Air National Guard C–130 aircraft units.

(b) AIR FORCE RESERVE.—In addition to the number of military technicians for the Air Force Reserve as of the last day of fiscal year 1998 for which funds are authorized to be appropriated in this Act, 21 military technicians are authorized for fiscal year 1998 for three Air Force Reserve C–130 aircraft units.

On page 108, line 11, reduce the amount by $20,000,000.

DODD AMENDMENT NO. 598

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On page 226, between lines 2 and 3, insert the following:

Subtitle B—Persian Gulf Illnesses

SEC. 721. DEFINITIONS.

For purposes of this subtitle:

(1) The term ''Gulf War illness'' means any one of the complex of illnesses and symptoms that might have been contracted by members of the Armed Forces as a result of service in the Southwest Asia theater of operations during the Persian Gulf War.

(2) The term ''Persian Gulf War'' has the meaning given that term in section 101 of title 38, United States Code.

(3) The term ''Persian Gulf veteran'' means an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(4) The term ''contingency operation'' has the meaning given that term in section 101(a) of title 10, United States Code, and includes a humanitarian operation, peacekeeping operation, or similar operation.

SEC. 722. PLAN FOR HEALTH CARE SERVICES FOR PERSIAN GULF VETERANS.

(a) PLAN REQUIRED.—The Secretary of Defense and the Secretary of Veterans Affairs, acting jointly, shall prepare a plan to provide appropriate health care to Persian Gulf veterans (and their dependents) who suffer from a Gulf War illness.

(b) CONTENT OF PLAN.—In preparing the plan, the Secretaries shall—

(1) use the presumptions of service connection and illness specified in paragraphs (1) and (2) of section 721(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1074 note) to determine the Persian Gulf veterans (and the dependents of Persian Gulf veterans) who should be covered by the plan;

(2) consider the need and methods available to provide health care services to Persian Gulf veterans who are no longer on active duty in the Armed Forces, such as Persian Gulf veterans who are members of the reserve components and Persian Gulf veterans who have been separated from the Armed Forces; and

(3) estimate the costs to the Government of providing full or partial health care services under the plan to covered Persian Gulf veterans (and their covered dependents).

(c) FOLLOWUP TREATMENT.—The plan required by subsection (a) shall specifically address the measures to be used to monitor the quality, appropriateness, and effectiveness of, and patient satisfaction with, health care services provided to Persian Gulf veterans after their initial medical examination as part of registration in the Persian Gulf War Veterans Health Registry or the Comprehensive Clinical Evaluation Program.

(d) SUBMISSION OF PLAN.—Not later than March 1, 1998, the Secretaries shall submit to Congress the plan required by subsection (a).

SEC. 723. COMPTROLLER GENERAL STUDY OF REVISED DISABILITY CRITERIA FOR PHYSICAL EVALUATION BOARDS.

Not later than March 1, 1998, the Comptroller General shall submit to Congress a study evaluating the revisions that were made by the Secretary of Defense to the criteria used by physical evaluation boards to set disability ratings for members of the Armed Forces who are no longer medically qualified for continuation on active duty so as to ensure accurate disability ratings related to a diagnosis of a Persian Gulf illness pursuant to section 721(e) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1074 note).

SEC. 724. IMPROVED MEDICAL TRACKING SYSTEM FOR MEMBERS DEPLOYED OVERSEAS IN CONTINGENCY OR COMBAT OPERATIONS.

(a) SYSTEM REQUIRED.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074d the following new section:

''§ 1074e. Medical tracking system for members deployed overseas

''(a) SYSTEM REQUIRED.—The Secretary of Defense shall establish a system to assess the medical condition of members of the armed forces (including members of the reserve components) who are deployed outside the United States or its territories or possessions as part of a contingency operation (including a humanitarian operation, peacekeeping operation, or similar operation) or combat operation.

''(b) ELEMENTS OF SYSTEM.—The system shall include the use of predeployment medical examinations and postdeployment medical examinations (including an assessment of mental health and the drawing of blood samples) to accurately record the medical condition of members before their deployment and any changes in their medical condition during the course of their deployment. The postdeployment examination shall be conducted when the member is redeployed or otherwise leaves an area in which the system is in operation (or as soon as possible thereafter).

''(c) RECORDKEEPING.—The results of all medical examinations conducted under the system, records of all health care services (including immunizations) received by members described in subsection (a) in anticipation of their deployment or during the course of their deployment, and records of events occurring in the deployment area that may affect the health of such members shall be retained and maintained in a centralized location to improve future access to the records.

''(d) QUALITY ASSURANCE.—The Secretary of Defense shall establish a quality assurance program to evaluate the success of the system in ensuring that members described in subsection (a) receive predeployment medical examinations and postdeployment medical examinations and that the recordkeeping requirements are met.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074d the following new item:

''1074e. Medical tracking system for members deployed overseas.''.

SEC. 725. REPORT ON PLANS TO TRACK LOCATION OF MEMBERS IN A THEATER OF OPERATIONS.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan for collecting and maintaining information regarding the daily location of units of the Armed Forces, and to the

extent practicable individual members of such units, serving in a theater of operations during a contingency operation or combat operation.

SEC. 726. REPORT ON PLANS TO IMPROVE DETECTION AND MONITORING OF CHEMICAL, BIOLOGICAL, AND SIMILAR HAZARDS IN A THEATER OF OPERATIONS.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan regarding the deployment, in a theater of operations during a contingency operation or combat operation, of a specialized unit of the Armed Forces with the capability and expertise to detect and monitor the presence of chemical hazards, biological hazards, and similar hazards to which members of the Armed Forces may be exposed.

SEC. 727. NOTICE OF USE OF INVESTIGATIONAL NEW DRUGS.

(a) NOTICE REQUIREMENTS.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1107. Notice of use of investigational new drugs

''(a) NOTICE REQUIRED.—(1) Whenever the Secretary of Defense requests or requires a member of the armed forces to receive an investigational new drug, the Secretary shall provide the member with notice containing the information specified in subsection (d).

''(2) The Secretary shall also ensure that medical care providers who administer an investigational new drug or who are likely to treat members who receive an investigational new drug receive the information required to be provided under paragraphs (3) and (4) of subsection (d).

''(b) TIME FOR NOTICE.—The notice required to be provided to a member under subsection (a)(1) shall be provided before the investigational new drug is first administered to the member, if practicable, but in no case later than 30 days after the investigational new drug is first administered to the member.

''(c) FORM OF NOTICE.—The notice required under subsection (a)(1) shall be provided in writing unless the Secretary of Defense determines that the use of written notice is impractical because of the number of members receiving the investigational new drug, time constraints, or similar reasons. If the Secretary provides notice under subsection (a)(1) in a form other than in writing, the Secretary shall submit to Congress a report describing the notification method used and the reasons for the use of the alternative method.

''(d) CONTENT OF NOTICE.—The notice required under subsection (a)(1) shall include the following:

''(1) Clear notice that the drug being administered is an investigational new drug.

''(2) The reasons why the investigational new drug is being administered.

''(3) Information regarding the possible side effects of the investigational new drug, including any known side effects possible as a result of the interaction of the investigational new drug with other drugs or treatments being administered to the members receiving the investigational new drug.

''(4) Such other information that, as a condition for authorizing the use of the investigational new drug, the Secretary of Health and Human Services may require to be disclosed.

''(e) RECORDS OF USE.—The Secretary of Defense shall ensure that the medical records of members accurately document the receipt by members of any investigational new drug and the notice required by subsection (d).

''(f) DEFINITION.—In this section, the term 'investigational new drug' means a drug covered by section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)).''.

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

''1107. Notice of use of investigational new drugs.''.

SEC. 728. REPORT ON EFFECTIVENESS OF RESEARCH EFFORTS REGARDING GULF WAR ILLNESSES.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report evaluating the effectiveness of medical research initiatives regarding Gulf War illnesses. The report shall address the following:

(1) The type and effectiveness of previous research efforts, including the activities undertaken pursuant to section 743 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1074 note), section 722 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1074 note), and sections 270 and 271 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1613).

(2) Recommendations regarding additional research regarding Gulf War illnesses, including research regarding the nature and causes of Gulf War illnesses and appropriate treatments for such illnesses.

(3) The adequacy of Federal funding and the need for additional funding for medical research initiatives regarding Gulf War illnesses.

SEC. 729. PERSIAN GULF ILLNESS CLINICAL TRIALS PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) There are many ongoing studies that investigate risk factors which may be associated with the health problems experienced by Persian Gulf veterans; however, there have been no studies that examine health outcomes and the effectiveness of the treatment received by such veterans.

(2) The medical literature and testimony presented in hearings on Gulf War illnesses indicate that there are therapies, such as cognitive behavioral therapy, that have been effective in treating patients with symptoms similar to those seen in many Persian Gulf veterans.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense and the Secretary of Veterans Affairs, acting jointly, shall establish a program of cooperative clinical trials at multiple sites to assess the effectiveness of protocols for treating Persian Gulf veterans who suffer from ill-defined or undiagnosed conditions. Such protocols shall include a multidisciplinary treatment model, of which cognitive behavioral therapy is a component.

(c) FUNDING.—Of the amount authorized to be appropriated in section 201(1), the sum of $4,500,000 shall be available for program element 62787A (medical technology) in the budget of the Department of Defense for fiscal year 1998 to carry out the clinical trials program established pursuant to subsection (b).

On page 217, between lines 15 and 16, insert the following:

Subtitle A—General Matters

MOYNIHAN (AND D'AMATO) AMENDMENT NO. 599

(Ordered to lie on the table.)

Mr. MOYNIHAN (for himself and Mr. D'AMATO) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

On page 409, between lines 13 and 14, insert the following:

SEC. 2819. LAND CONVEYANCE, HANCOCK FIELD, SYRACUSE, NEW YORK

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to Onondaga County, New York (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 14.9 acres and located at Hancock Field, Syracuse, New York, the site of facilities no longer required for use by the 152nd Air Control Group of the New York Air National Guard.

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

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

ROCKEFELLER AMENDMENT NO. 600

(Ordered to lie on the table.)

Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

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

SEC. . EYE SAFETY AT SMALL ARMS FIRING RANGES.

(a) ACTIONS REQUIRED.—The Secretary of the Defense shall—

(1) conduct a study of eye safety at small arms firing ranges of the Armed Forces; and

(2) develop for the use of the Armed Forces a protocol for reporting eye injuries incurred in small arms firing activities at the ranges.

(b) AGENCY TASKING.—The Secretary may delegate authority to carry out the responsibilities set forth in subsection (a) to the United States Army Center for Health Promotion and Preventive Medicine or any other element of the Department of Defense that the Secretary considers well qualified to carry out those responsibilities.

(c) CONTENT OF STUDY.—The study shall include the following:

(1) An evaluation of the existing policies, procedures, and practices of the Armed Forces regarding medical surveillance of eye injuries resulting from weapons fire at the small arms ranges.

(2) An examination of the existing policies, procedures, and practices of the Armed Forces regarding reporting on vision safety issues resulting from weapons fire at the small arms ranges.

(3) Determination of rates of eye injuries, and trends in eye injuries, resulting from weapons fire at the small arms ranges.

(4) An evaluation of the costs and benefits of a requirement for use of eye protection devices by all personnel firing small arms at the ranges.

(d) REPORT.—The Secretary shall submit a report on the activities required under this section to the Committees on Armed Services and on Veterans' Affairs of the Senate and the Committees on National Security and on Veterans' Affairs of the House of Representatives. The report shall include—

(1) the findings resulting from the study required under paragraph (1) of subsection (a); and

(2) the protocol developed under paragraph (2) of such subsection.

(e) SCHEDULE.—(1) The Secretary shall ensure that the study is commenced not later

than October 1, 1997, and is completed within six months after it is commenced.

(2) The Secretary shall submit the report required under subsection (d) not later than 30 days after the completion of the study.

CONRAD (AND OTHERS) AMENDMENT NO. 601

(Ordered to lie on the table.)

Mr. CONRAD (for himself, Mr. DORGAN, Mr. BREAUX, and Ms. LANDRIEU) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

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

SEC. 144. AIR FORCE AIRCRAFT ENGINE MODERNIZATION PROGRAM.

(a) ENGINE REPLACEMENT PROGRAM.—(1) The Secretary of the Air Force may carry out an acquisition reform demonstration program to replace existing engines on B–52H aircraft in active service with commercial aircraft engines. Any such replacement engine may only be an engine that is a commercial item described in section 4(12)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(A)).

(2) An engine modernization program carried out under this section may include (in addition to other elements) any or all of the following elements:

(A) Integration of replacement engines and related equipment into existing aircraft and testing of the integrated engines and related equipment.

(B) Fabrication and installation of the replacement engines and related equipment.

(C) Acquisition of the replacement engines and related equipment by means of leasing under commercial terms and conditions, including commercial terms and conditions pertaining to indemnification.

(D) Acquisition of the logistical support for the replacement engines and related equipment.

(b) MULTIPLE CONTRACTS AUTHORIZED.—The Secretary may enter into more than one contract for the purposes of subsection (a).

(c) LEASE TERMS AND CONDITIONS.—(1) A contract for the lease of aircraft engines and related equipment under this section may be for a period not to exceed 20 years.

(2) Any contract for the lease of aircraft engines and related equipment under this section may provide for the termination liability of the United States under the contract. Any such termination liability shall be subject to a limitation in the contract that any obligation of the United States to pay the termination liability is subject to the availability of funds specifically appropriated for that purpose pursuant to an authorization of appropriations specifically for that purpose.

(3)(A) Any contract for the lease of aircraft engines and related equipment entered into under this section may provide for the United States to indemnify the lessor for any covered loss (except as provided in subparagraph (C)).

(B) A covered loss under this paragraph may, to the extent provided in the contract, include any loss, injury, or damage to the lessor, any employee of the lessor, or any third party, or to any property of the lessor or a third party, that arises out of, or is related to, the lease.

(C) Any such requirement for indemnification shall be subject to a limitation in the contract that any obligation of the United States to pay such indemnification is subject to the availability of funds specifically appropriated for that purpose pursuant to an authorization of appropriations specifically for that purpose.

(D) The United States shall be required to indemnify a lessor, and a contract under this section may not obligate the United States to indemnify a lessor, for a loss, injury, or damage that is caused by willful misconduct of managerial personnel of the lessor or of the engine supplier.

(d) SOURCE OF FUNDS.—Notwithstanding any other provision of law (including any law regarding fiscal year limitations), payments under any such contract for a fiscal year may be made from funds appropriated for the Air Force for that fiscal year for operations and maintenance.

(e) WAIVER OF CERTAIN PROVISIONS OF LAW.—The Secretary of the Air Force may enter into contracts and incur obligations under this section without regard to the following provisions of law:

(1) The limitations on making and authorizing an obligation and involving the United States in a contract or obligation that are set forth in section 1341 of title 31, United States Code.

(2) The limitations on accepting voluntary services and employing personal services that are set forth in section 1342 of such title.

(3) The limitations on availability of funds that are set forth in section 1502 of such title.

(4) Any apportionment or other division of appropriations, any other administrative restriction, and any reporting requirement that, but for this paragraph, would otherwise apply to the contract or obligation under subchapter II of chapter 15 of such title.

(5) The limitations on contracting and purchasing that are set forth in section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)).

(f) BUDGETARY TREATMENT OF LEASES.—(1) The Secretary of Defense, the Secretary of the Air Force, and the Director of the Office of Management and Budget shall treat a contract for a lease entered into pursuant to this section as an operating lease for all purposes of the Federal budget without regard to any provision of law relating to the Federal budget, including part C of title II of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) and any regulation or directive (including any directive of the Office of Management and Budget) issued thereunder.

(2) The Secretary may enter into contracts under this section only to the extent, and in the amount, specifically provided in an Act enacted after the date of the enactment of this Act. A provision in an Act enacted after the date of the enactment of this Act that provides specific authority to enter into a contract under this section, subject to a specific maximum dollar amount, shall not be considered to be budget authority for any purpose, and appropriations provided in annual appropriations Acts for payments of United States obligations under such a contract as those payments become due shall be considered to be budget authority.

(g) PRIOR CONGRESSIONAL NOTIFICATION.—Before entering into a contract under this section, the Secretary shall notify the congressional defense committees and the Committees on the Budget of the Senate and House of Representatives of the Secretary's intent to enter into the contract and certify to those committees that such contract is in the national interest. The contract may then be entered into only after the end of the 30-day period beginning on the date of such notification and certification.

CONRAD (AND OTHERS) AMENDMENT NO. 602

(Ordered to lie on the table.)

Mr. CONRAD (for himself, Mr. DORGAN, and Mr. WELLSTONE) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

At the end of title X, add the following:

SEC. . CLAIMS BY MEMBERS OF THE ARMED FORCES FOR LOSS OF PERSONAL PROPERTY DUE TO FLOODING IN THE RED RIVER BASIN.

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

(1) The flooding that occurred in the portion of the Red River Basin encompassing East Grand Forks, Minnesota, and Grand Forks, North Dakota, during April and May 1997 is the worst flooding to occur in that region in the last 500 years.

(2) Over 700 military personnel stationed in the vicinity of Grand Forks Air Force Base reside in that portion of the Red River Basin.

(3) The military personnel stationed in the vicinity of Grand Forks Air Force Base have been stationed there entirely for the convenience of the Government.

(4) There is insufficient military family housing at Grand Forks Air Force Base for all of those military personnel, and the available off-base housing is almost entirely within the areas adversely affected by the flood.

(5) Many of the military personnel have suffered catastrophic losses, including total losses of personal property by some of the personnel.

(6) It is vital to the national security interests of the United States that the military personnel adversely affected by the flood recover as quickly and completely as possible.

(b) AUTHORIZATION.—The Secretary of the military department concerned may pay claims for loss and damage to personal property suffered as a direct result of the flooding in the Red River Basin during April and May 1997, by members of the Armed Forces residing in the vicinity of Grand Forks Air Force Base, North Dakota, without regard to the provisions of section 3721(e) of title 31, United States Code.

GRASSLEY AMENDMENT NO. 603

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

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

SEC. 1041. REPORT ON COSTS OF EXECUTIVE COMPENSATION REIMBURSED TO CONTRACTORS.

(a) REQUIREMENT.—Not later than October 1, 1997, the Secretary of Defense shall submit to Congress a report on Department of Defense payments of contract costs attributable to executive compensation.

(b) CONTENT OF REPORT.—(1) The report shall contain, for each of the five fiscal years preceding fiscal year 1997, the following:

(A) The total amount of executive compensation that was reimbursed to contractors as allowable costs under Department of Defense contracts.

(B) The total number of contractor executives whose compensation was reimbursed, in whole or in part, by the payment of such contracts costs.

(C) The total number of contractors that were paid such costs.

(D) If any such total amount or number is estimated for the report, a discussion of why the actual total amount or number could not be established.

(2) The report shall also contain—

(A) a discussion of whether the information required under subparagraphs (A), (B), and (C) of paragraph (1) is readily available or is difficult to compile; and

(B) if it is difficult to compile the information, a discussion of the reasons for the difficulty.

SHELBY AMENDMENT NO. 604

(Ordered to lie on the table.)

Mr. SHELBY submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

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

SEC. 2819. LAND CONVEYANCE, ARMY RESERVE CENTER, GREENSBORO, ALABAMA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Hale County, Alabama, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 5.17 acres and located at the Army Reserve Center, Greensboro, Alabama, that was conveyed by Hale County, Alabama, to the United States by warranty deed September 12, 1988.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a) shall be as described in the deed referred to in that subsection.

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

KYL AMENDMENT NO. 605

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On page 347, between lines 15 and 16, insert the following:

SEC. 1075. ADVICE TO THE PRESIDENT AND CONGRESS REGARDING THE SAFETY, SECURITY, AND RELIABILITY OF UNITED STATES NUCLEAR WEAPONS STOCKPILE.

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

(1) Nuclear weapons are the most destructive weapons on earth. The United States and its allies continue to rely on nuclear weapons to deter potential adversaries from using weapons of mass destruction. The safety and reliability of the nuclear stockpile are essential to ensure its credibility as a deterrent.

(2) On September 24, 1996, President Clinton signed the Comprehensive Test Ban Treaty.

(3) Effective as of September 30, 1996, the United States is prohibited by relevant provisions of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–377) from conducting underground nuclear tests ''unless a foreign state conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted''.

(4) Section 1436(b) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 42 U.S.C. 2121 note) requires the Secretary of Energy to ''establish and support a program to assure that the United States is in a position to maintain the reliability, safety, and continued deterrent effect of its stockpile of existing nuclear weapons designs in the event that a low-threshold or comprehensive test ban on nuclear explosive testing is negotiated and ratified.''.

(5) Section 3138(d) of the National Defense Authorization Act for Fiscal Year 1994 requires the President to submit an annual report to Congress which sets forth ''any concerns with respect to the safety, security, effectiveness, or reliability of existing United States nuclear weapons raised by the Stockpile Stewardship Program of the Department of Energy''.

(6) President Clinton declared in July 1993 that ''to assure that our nuclear deterrent remains unquestioned under a test ban, we will explore other means of maintaining our confidence in the safety, reliability, and the performance of our weapons''. This decision was codified in a Presidential Directive.

(7) Section 3138 of the National Defense Authorization Act for Fiscal Year 1994 also requires that the Secretary of Energy establish a ''stewardship program to ensure the preservation of the core intellectual and technical competencies of the United States in nuclear weapons''.

(8) The plan of the Department of Energy to maintain the safety and reliability of the United States nuclear stockpile is known as the Stockpile Stewardship and Management Program. This approach is yet unproven. The ability of the United States to maintain warheads without testing will require development of new and sophisticated diagnostic technologies, methods, and procedures. Current diagnostic technologies and laboratory testing techniques are insufficient to certify the future safety and reliability of the United States nuclear stockpile. In the past these laboratory and diagnostic tools were used in conjunction with nuclear testing.

(9) On August 11, 1995, President Clinton directed ''the establishment of a new annual reporting and certification requirement [to] ensure that our nuclear weapons remain safe and reliable under a comprehensive test ban''.

(10) On the same day, the President noted that the Secretary of Defense and the Secretary of Energy have the responsibility, after being ''advised by the Nuclear Weapons Council, the Directors of DOE's nuclear weapons laboratories, and the Commander of United States Strategic Command'', to provide the President with the information to make the certification referred to in paragraph (9).

(11) The Joint Nuclear Weapons Council established by section 179 of title 10, United States Code, is responsible for providing advice to the Secretary of Energy and Secretary of Defense regarding nuclear weapons issues, including ''considering safety, security, and control issues for existing weapons''. The Council plays a critical role in advising Congress in matters relating to nuclear weapons.

(12) It is essential that the President receive well-informed, objective, and honest opinions from his advisors and technical experts regarding the safety, security, and reliability of the nuclear weapons stockpile.

(b) POLICY.—

(1) IN GENERAL.—It is the policy of the United States—

(A) to maintain a safe, secure, and reliable nuclear weapons stockpile; and

(B) as long as other nations covet or control nuclear weapons or other weapons of mass destruction, to retain a credible nuclear deterrent.

(2) NUCLEAR WEAPONS STOCKPILE.—It is in the security interest of the United States to sustain the United States nuclear weapons stockpile through programs relating to stockpile stewardship, subcritical experiments, maintenance of the weapons laboratories, and protection of the infrastructure of the weapons complex.

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

(A) the United States should retain a triad of strategic nuclear forces sufficient to deter any future hostile foreign leadership with access to strategic nuclear forces from acting against our vital interests;

(B) the United States should continue to maintain nuclear forces of sufficient size and capability to hold at risk a broad range of assets valued by such political and military leaders; and

(C) the advice of the persons required to provide the President and Congress with assurances of the safety, security and reliability of the nuclear weapons force should be scientifically based, without regard for politics, and of the highest quality and integrity.

(c) ADVICE AND OPINIONS REGARDING NUCLEAR WEAPONS STOCKPILE.—Any director of a nuclear weapons laboratory or member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command, may submit to the President or Congress advice or opinion in disagreement with, or in addition to, the advice presented by the Secretary of Energy or Secretary of Defense to the President, the National Security Council, or Congress, as the case may be, regarding the safety, security, and reliability of the nuclear weapons stockpile.

(d) EXPRESSION OF INDIVIDUAL VIEWS.—No representative of a government agency or managing contractor for a nuclear weapons laboratory may in any way constrain a director of a nuclear weapons laboratory, a member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command from presenting individual views to the President, the National Security Council, or Congress regarding the safety, security, and reliability of the nuclear weapons stockpile.

(e) PROHIBITED PERSONNEL ACTIONS.—No representative of a government agency or managing contractor may take any administrative or personnel action against a director of a nuclear weapons laboratory, a member of the Joint Nuclear Weapons Council, or the Commander of the United States Strategic Command, in order to prevent such individual from expressing views under subsection (c) or (d) or as retribution for expressing such views.

(f) DEFINITIONS.—

(1) REPRESENTATIVE OF A GOVERNMENT AGENCY.—The term ''representative of a government agency'' means any person employed by, or receiving compensation from, any department or agency of the Federal Government.

(2) MANAGING CONTRACTOR.—The term ''managing contractor'' means the non-government entity specified by contract to carry out the administrative functions of a nuclear weapons laboratory.

(3) NUCLEAR WEAPONS LABORATORY.—The term ''nuclear weapons laboratory'' means any of the following:

(A) Los Alamos National Laboratory.

(B) Livermore National Laboratory.

(C) Sandia National Laboratories.

ALLARD AMENDMENT NO. 606

(Ordered to lie on the table.)

Mr. ALLARD submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

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

SEC. 28 . MODIFICATION OF LAND CONVEYANCE AUTHORITY, ROCKY MOUNTAIN ARSENAL, COLORADO.

Section 5(c)(1) of the Rocky Mountain Arsenal National Wildlife Refuge Act of 1992 (Public Law 102–402; 106 Stat. 1966; 16 U.S.C. 668dd note) is amended by striking out the second sentence and inserting in lieu thereof the following new sentence: ''The Administrator shall convey the transferred property to Commerce City, Colorado, upon the approval of the City, for consideration equal to

the fair market value of the property (as determined jointly by the Administrator and the City).''.

KYL AMENDMENT NO. 607

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

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

SEC. 1075. LIMITATION ON USE OF COOPERATIVE THREAT REDUCTION FUNDS FOR DESTRUCTION OF CHEMICAL WEAPONS.

(a) LIMITATION.—No funds authorized to be appropriated under this or any other Act for fiscal year 1998 for Cooperative Threat Reduction programs may be obligated or expended for chemical weapons destruction activities, including for the planning, design, or construction of a chemical weapons destruction facility or for the dismantlement of an existing chemical weapons production facility, until the date that is 15 days after a certification is made under subsection (b).

(b) PRESIDENTIAL CERTIFICATION.—A certification under this subsection is a certification by the President to Congress that—

(1) Russia is making reasonable progress toward the implementation of the Bilateral Destruction Agreement;

(2) the United States and Russia have resolved, to the satisfaction of the United States, outstanding compliance issues under the Wyoming Memorandum of Understanding and the Bilateral Destruction Agreement;

(3) Russia has fully and accurately declared all information regarding its unitary and binary chemical weapons, chemical weapons facilities, and other facilities associated with chemical weapons;

(4) Russia has deposited its instrument of ratification of the Chemical Weapons Convention; and

(5) Russia and the United States have concluded an agreement that—

(A) provides for a limitation on the United States financial contribution for the chemical weapons destruction activities; and

(B) commits Russia to pay a portion of the cost for a chemical weapons destruction facility in an amount that demonstrates that Russia has a substantial stake in financing the implementation of both the Bilateral Destruction Agreement and the Chemical Weapons Convention, as called for in the condition provided in section 2(14) of the Senate Resolution entitled ''A resolution to advise and consent to the ratification of the Chemical Weapons Convention, subject to certain conditions'', agreed to by the Senate on April 24, 1997.

(c) DEFINITIONS.—In this section:

(1) The term ''Bilateral Destruction Agreement'' means the Agreement Between the United States of America and the Union of Soviet Socialist Republics on Destruction and Nonproduction of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons, signed on June 1, 1990.

(2) The term ''Chemical Weapons Convention'' means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(3) The term ''Cooperative Threat Reduction program'' means a program specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201: 110 Stat. 2731; 50 U.S.C. 2362 note).

(4) The term ''Wyoming Memorandum of Understanding'' means the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.

THURMOND AMENDMENTS NOS. 608–609

(Ordered to lie on the table.)

Mr. THURMOND submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 608

At the end of subtitle B of title II, insert the following:

SEC. 220. F–22 AIRCRAFT PROGRAM.

Of the funds authorized to be appropriated under section 201(3), $1,651,000,000 is available for engineering manufacturing and development of the F–22 aircraft program.

AMENDMENT NO. 609

On page 37, line 9, strike out ''6,006'' and insert in lieu thereof ''6,206''.

On page 278, line 12, strike out ''under section 301(20) for fiscal year 1998''.

On page 365, between lines 18 and 19, insert the following:

SEC. 2206. INCREASE IN AUTHORIZATION FOR MILITARY CONSTRUCTION PROJECTS AT ROOSEVELT ROADS NAVAL STATION, PUERTO RICO.

(a) INCREASE.—The table in section 2201(b) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2767) is amended in the amount column of the item relating to Naval Station, Roosevelt Roads, Puerto Rico, by striking out ''$23,600,000'' and inserting in lieu thereof ''$24,100,000''.

(b) CONFORMING AMENDMENT.—Section 2204(b)(4) of such Act (110 Stat. 2770) is amended by striking out ''$14,100,000'' and inserting in lieu thereof ''$14,600,000''.

On page 400, after line 25, insert the following:

(d) AUTHORITY CONTINGENT ON APPROPRIATIONS ACTS.—The Secretary may exercise the authority under subsection (a) only to the extent and in the amounts provided in advance in appropriations Acts.

On page 409, line 23, insert '', to the extent provided in appropriations Acts,'' after ''shall''.

On page 417, line 23, strike out ''$1,265,481,000'' and insert in lieu thereof ''$1,266,021,000''.

On page 418, line 5, strike out ''$84,367,000'' and insert in lieu thereof ''$84,907,000''.

On page 419, line 17, strike out ''$2,173,000'' and insert in lieu thereof ''$2,713,000''.

On page 420, strike out lines 3 through 9.

On page 420, line 10, strike out ''(g)'' and insert in lieu thereof ''(f)''.

On page 421, line 10, strike out ''$54,000,000'' and insert in lieu thereof ''$35,000,000''.

On page 481, line 16, insert ''of the Supervisory Board of the'' before ''Commission''.

INOUYE AMENDMENT NO. 610

(Ordered to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On page 366, in the table following line 5, insert after the item relating to Robins Air Force Base, Georgia, the following new item:

Hawaii	Bellows Air Force Station.	$5,232,000

On page 366, in the table following line 5, strike out ''$540,920,000'' in the amount column in the item relating to the total and insert in lieu thereof ''$542,152,000''.

On page 369, line 9, strike out ''$1,793,949,000'' and insert in lieu thereof ''$1,799,181,000''.

On page 369, line 13, strike out ''$540,920,000'' and insert in lieu thereof ''$546,152,000''.

KENNEDY AMENDMENTS NOS. 611–613

(Ordered to lie on the table.)

Mr. KENNEDY submitted three amendments to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 611

In section 201(1), strike out ''$4,750,462,000'' and insert in lieu thereof ''$4,745,462,000''.

In section 201(4), in the matter preceding subparagraph (A), strike out ''$10,072,347,000'' and insert in lieu thereof ''$10,077,347,000''.

AMENDMENT NO. 612

Strike out section 824.

AMENDMENT NO. 613

On page 94, strike out line 22 and all that follows through page 95, line 8, and insert in lieu thereof the following:

''(c) EFFECT OF NOTIFICATION.—(1) Upon the submission of a copy of a notification to the President under subsection (a), the President shall take appropriate action to address the issues raised by the notification, including, if necessary, delaying the effective date of the administrative action covered with respect to the Department of Defense pending a decision on further action.

''(2) Not later than 30 days after receipt of the copy of a notification, the President shall notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of all actions taken or proposed to be taken to address the issues raised by the notification or, if no action has been taken or is proposed to be taken, the reasons why no action is necessary.

BUMPERS AMENDMENTS NOS. 614–617

(Ordered to lie on the table.)

Mr. BUMPERS submitted four amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 614

At the appropriate place in the bill, add the following: ''of the amount authorized for O&M, Army National Guard, $6,854,000 shall be available for the operation of Fort Chaffee, Arkansas.''

AMENDMENT NO. 615

Strike from line 17 on page 32 through the end of page 34, and substitute the following: ''Of the funds authorized to the Air Force in this title, none shall be obligated or expended for the F–22 fighter program, other than necessary termination expenses.''

AMENDMENT NO. 616

Strike line 10 on page 317 through line 10 on page 322.

AMENDMENT NO. 617

Strike line 18 on page 45 through line 6 on page 46.

GLENN (AND OTHERS) AMENDMENT NO. 618

(Ordered to lie on the table.)

Mr. GLENN (for himself, Mr. THOMPSON, and Mr. COCHRAN) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

Strike out section 1040.

Mr. GLENN. Mr. President, section 1040 of the fiscal year 1998 DOD authorization bill (S. 936) amends title 31 of the United States Code to effectively prevent the General Accounting Office [GAO] from conducting self-initiated audits—work performed under GAO's inherent authority without a formal Member request—unless all congressional requests then-pending have been completed.

Since 1921, the Comptroller General has had broad authority to evaluate programs and investigate—on his own initiative—''all matters relating to the receipt, disbursement, and use of public money.'' Self-initiated authority has provided GAO the flexibility to pursue critical issues that auditors and investigators uncover in the course of their work. It is essential to the maintenance of generally accepted standards of independence and impartiality.

Title 31 is under the purview of the Governmental Affairs Committee [GAC], which has jurisdiction over GAO's organization, management, and authority. It represents a major policy shift in the role and operation of GAO, adopted without benefit of any hearings, legislative record, or prior consultation with GAC.

At GAC's June 17, 1997, reconciliation markup, Senators LEVIN, GLENN, THOMPSON, and DOMENICI discussed this provision and indicated their strong reservations. Following that markup, Chairman THOMPSON and Senator GLENN sent a letter to the chairman and ranking member of the Armed Services Committee [SASC] requesting a sequential referral of the bill for the purpose of reviewing this provision as contained in title X. We were unable to get the consent needed for such a referral.

GLENN AMENDMENTS NOS. 619–623

(Ordered to lie on the table.)

Mr. GLENN submitted five amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 619

On page 400, between lines 12 and 13, insert the following:

(e) LIMITATION ON CONVEYANCE AUTHORITY.—(1) The Secretary may not make the conveyance authorized by subsection (a) unless the Administrator of General Services determines that the property to be conveyed is surplus to the United States.

(2) The Administrator shall make the determination based on a screening of the property. The Administrator shall complete the screening not later than 30 days after the date of enactment of this Act.

AMENDMENT NO. 620

On page 402, between lines 16 and 17, insert the following:

(g) LIMITATION ON CONVEYANCE AUTHORITY.—(1) The Secretary may not make the conveyance authorized by subsection (a) unless the Administrator of General Services determines that the property to be conveyed is surplus to the United States.

(2) The Administrator shall make the determination based on a screening of the property. The Administrator shall complete the screening not later than 30 days after the date of enactment of this Act.

AMENDMENT NO. 621

On page 405, between lines 4 and 5, insert the following:

(e) LIMITATION ON CONVEYANCE AUTHORITY.—(1) The Secretary may not make the conveyance authorized by subsection (a) unless the Administrator of General Services determines that the property to be conveyed is surplus to the United States.

(2) The Administrator shall make the determination based on a screening of the property. The Administrator shall complete the screening not later than 30 days after the date of enactment of this Act.

AMENDMENT NO. 622

On page 406, between lines 16 and 17, insert the following:

(g) LIMITATION ON CONVEYANCE AUTHORITY.—(1) The Secretary may not make the conveyance authorized by subsection (a) unless the Administrator of General Services determines that the property to be conveyed is surplus to the United States.

(2) The Administrator shall make the determination based on a screening of the property. The Administrator shall complete the screening not later than 30 days after the date of enactment of this Act.

AMENDMENT NO. 623

On page 409, between lines 13 and 14, insert the following:

(g) LIMITATION ON CONVEYANCE AUTHORITY.—(1) The Secretary may not make the conveyance authorized by subsection (a) unless the Administrator of General Services determines that the property to be conveyed is surplus to the United States.

(2) The Administrator shall make the determination based on a screening of the property. The Administrator shall complete the screening not later than 30 days after the date of enactment of this Act.

ROBB AMENDMENT NO. 624

(Ordered to lie on the table.)

Mr. ROBB submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

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

SEC. 369. MULTITECHNOLOGY AUTOMATED READER CARD DEMONSTRATION PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of the Navy shall carry out a program to demonstrate expanded use of multitechnology automated reader cards throughout the Navy and the Marine Corps. The demonstration program shall include demonstration of the use of the so-called ''smartship'' technology of the ship-to-shore work load/off load program of the Navy.

(b) PERIOD OF PROGRAM.—The Secretary shall carry out the demonstration program for two years beginning not later than January 1, 1998.

(c) REPORT.—Not later than 90 days after termination of the demonstration program, the Secretary shall submit a report on the experience under the program to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(d) FUNDING.—Of the total amount authorized to be appropriated under paragraphs (2) and (3) of section 301, $36,000,000 shall be available for the demonstration program under this section, of which $6,300,000 shall be available for demonstration of the use of the so-called ''smartship'' technology of the ship-to-shore work load/off load program of the Navy.

HELMS AMENDMENTS NOS. 625–626

(Ordered to lie on the table.)

Mr. HELMS submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 625

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

SEC. 1075. DONATION OF EXCESS ARMY CHAPEL PROPERTY TO CHURCHES DAMAGED OR DESTROYED BY ARSON OR OTHER ACTS OF TERRORISM.

(a) AUTHORITY.—Notwithstanding any other provision of law, the Secretary of the Army may donate property described in subsection (b) to an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is a religious organization in order to assist the organization in restoring or replacing property of the organization that has been damaged or destroyed as a result of an act of arson or terrorism, as determined pursuant to procedures prescribed by the Secretary.

(b) PROPERTY COVERED.—The property authorized to be donated under subsection (a) is furniture and other property that is in, or formerly in, chapels closed or being closed and is determined as being excess to the requirements of the Army. No real property may be donated under this section.

(c) DONEES NOT TO BE CHARGED.—No charge may be imposed by the Secretary on a donee of property under this section in connection with the donation. However, the donee shall defray any expense for shipping or other transportation of property donated under this section from the location of the property when donated to any other location.

AMENDMENT NO. 626

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

SEC. . LAND CONVEYANCE, FORT BRAGG, NORTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—Subject to the provisions of this section and notwithstanding any other law, the Secretary of the Army shall convey, without consideration, by fee simple absolute deed to Harnett County, North Carolina, all right, title, and interest of the United States of America in and to two parcels of land containing a total of 300 acres, more or less, located at Fort Bragg, North Carolina, together with any improvements thereon, for educational and economic development purposes.

(b) TERMS AND CONDITIONS.—The conveyance by the United States under this section shall be subject to the following conditions to protect the interests of the United States, including:

(1) the County shall pay all costs associated with the conveyance, authorized by this section, including but not limited to environmental analysis and documentation, survey costs and recording fees.

(2) not withstanding the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. 9601) et the Solid Waste Disposal Act, as amended (42 U.S.C. 6901 et seq.) or any other law, the County, and not the United States, shall be responsible for any environmental restoration or remediation required on the property conveyed and the United States shall be forever released and held harmless

from any obligation to conduct such restoration or remediation and any claims or causes of action stemming from such remediation.

(c) LEGAL DESCRIPTION OF REAL PROPERTY AND PAYMENT OF COSTS.—The exact acreage and legal description of the real property described in subsection (a) shall be determined by a survey, the costs of which the County shall bear.

THOMPSON AMENDMENT NO. 627

(Ordered to lie on the table.)

Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

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

SEC. 515. DETERMINATIONS OF AVAILABILITY OF FEDERAL-DISTRICT COURT JUDGES FOR MOBILIZATION AS MEMBERS OF RESERVE COMPONENTS.

(a) CASE-BY-CASE DETERMINATIONS.—Chapter 1007 of title 10, United States Code, is amended by adding at the end the following:

§10217. Screening Ready Reserve for members in key Federal positions: United States district court judges

''(a) CASE-BY-CASE DETERMINATIONS.—For purposes of screening members of the reserve components regarding whether the members are available for active duty immediately during a mobilization, war, or national emergency, or in response to an order of the President to augment active forces for an operational mission—

''(1) the position of judge of a district court of the United States may not automatically be considered as being a key Federal position; and

''(2) the procedures and criteria that are applicable generally for determinations of whether a member of a reserve component is in a key Federal position shall be applied in the determination of whether a member of a reserve component who is a judge of a district court of the United States is serving in a key Federal position.

''(b) KEY FEDERAL POSITION DEFINED.—In this section, the term 'key Federal position' means a Federal Government position that cannot be vacated during a national emergency or mobilization without seriously impairing the capability of the Federal agency or office concerned to function effectively.''.

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

''10217. Screening Ready Reserve for members in key Federal positions: United States district court judges.''.

MURKOWSKI AMENDMENTS NOS. 628–630

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted three amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 628

At an appropriate place in title III, insert the following:

SEC. . REPORT ON OPTIONS FOR THE DISPOSAL OF CHEMICAL WEAPONS AND AGENTS.

(a) REQUIREMENT.—Not later than March 15, 1998, the Secretary of Defense shall submit to Congress a report on the options available to the Department of Defense for the disposal of chemical weapons and agents in order to facilitate the disposal of such weapons and agents without the construction of additional chemical weapons disposal facilities in the continental United States.

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

(1) a description of each option evaluated;

(2) an assessment of the lifecycle costs and risks associated with each option evaluated;

(3) a statement of any technical, regulatory, or other requirements or obstacles with respect to each option, including with respect to any transportation of weapons or agents that is required for the option;

(4) an assessment of incentives required for sites to accept munitions or agents from outside their own locales, as well as incentives to enable transportation of these items across state lines;

(5) an assessment of the cost savings that could be achieved through either the application of uniform federal transportation or safety requirements and any other initiatives consistent with the transportation and safe disposal of stockpile and nonstockpile chemical weapons and agents; and

(6) proposed legislative language necessary to implement options determined by the Secretary to be worthy of consideration by the Congress.

AMENDMENT NO. 629

On page 439, after line 3, add the following new subsection:

''(e) Notwithstanding the provisions of subsection (d), the Secretary is authorized to expend funds to perform surveillance and maintenance activities necessary to maintain the Fast Flux Test Facility at Hanford, Washington, in standby status and to conduct evaluations of technical, cost and safety issues related to potential uses for the Fast Flux Test Facility, including tritium production.''.

AMENDMENT NO. 630

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

''SEC. . TRITIUM PRODUCTION.

Section 91 of the Atomic Energy Act of 1954 (42 U.S.C. 2121) is amended by adding after subsection c. the following new subsection—

''d. In order to demonstrate the feasibility of the production of tritium for defense related requirements in facilities licensed under section 13 or 104 b., the Secretary of Energy may acquire by lease, purchase, or agreement with the owner or operator of a facility, facilities or services for such purposes. If the Secretary purchases a facility for production of tritium, the Secretary is a person for purposes of section 103 of this Act.''.

CRAIG AMENDMENT NO. 631

(Ordered to lie on the table.)

Mr. CRAIG submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of title XI, add the following:

SEC. 1107. GARNISHMENT AND INVOLUNTARY ALLOTMENT.

Section 5520a of title 5, United States Code, is amended—

(1) in subsection (j), by striking out paragraph (2) and inserting in lieu thereof the following:

''(2) Such regulations shall provide that an agency's administrative costs in executing a garnishment action may be added to the garnishment, and that the agency may retain costs recovered as offsetting collections.'';

(2) in subsection (k)—

(A) by striking out paragraph (3); and

(B) by redesignating paragraph (4) as paragraph (3); and

(3) by striking out subsection (l).

DOMENICI AMENDMENTS NOS. 632–633

(Ordered to lie on the table.)

Mr. DOMENICI submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 632

On page 30, line 12, Title II, Air Force research, development, test, and evaluation, strike ''$14,302,264,000'' and add ''$14,311,264,000.''

AMENDMENT NO. 633

At the end of title XXIII, add the following:

SEC. 2306 CONSTRUCTION OF MILITARY FAMILY HOUSING AT CANNON AIR FORCE BASE, NEW MEXICO.

Of the amount authorized to be appropriated in section 2304(a)(1), $8,900,000 shall be available for the construction of 147 units of military family housing at Cannon Air Force Base, New Mexico.

THURMOND AMENDMENTS NOS. 634–635

(Ordered to lie on the table.)

Mr. THURMOND submitted two amendments intended to be proposed by him to the bill. S. 936, supra; as follows:

AMENDMENT NO. 634

At the end of title VII, add the following:

SEC. 708. CHIROPRACTIC HEALTH CARE DEMONSTRATION PROGRAM.

(a) TWO-YEAR EXTENSION.—Subsection (b) of section 731 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2809; 10 U.S.C. 1092 note) is amended by striking out ''1997'' and inserting in lieu thereof ''1999''.

(b) EXPANSION TO AT LEAST THREE ADDITIONAL TREATMENT FACILITIES.—Subsection (a)(2) of such section is amended by striking out ''not less than 10'' and inserting in lieu thereof ''the National Naval Medical Center, the Walter Reed Army Medical Center, and not less than 11 other''

(c) REPORTS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking out ''Committees on Armed Services of the Senate and'' and inserting in lieu thereof ''Committee on Armed Services of the Senate and the Committee on National Security of'';

(2) by redesignating paragraph (3) as paragraph (4);

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

''(3)(A) Not later than January 30, 1998, the Secretary of Defense shall submit to the committees referred to in paragraph (1) a report that identifies the additional treatment facilities designated to furnish chiropractic care under the program that were not so designated before the report required by paragraph (1) was prepared, together with the plan for the conduct of the program at the additional treatment facilities.

''(B) Not later than May 1, 1998, the Secretary of Defense shall modify the plan for evaluating the program submitted pursuant to paragraph (2) in order to provide for the evaluation of program at all of the designated treatment facilities, including the treatment facilities referred to in subparagraph (B).''; and

(4) in paragraph (4), as redesignated by paragraph (2), by striking out ''The Secretary'' and inserting in lieu thereof ''Not later than May 1, 2000, the Secretary''.

AMENDMENT NO. 635

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

SEC. 525. ACTIVE DUTY ASSIGNMENT SELECTION PROCEDURES FOR GRADUATES OF SENIOR MILITARY COLLEGES.

(a) AUTHORITY.—Chapter 103 of title 10, United States Code, is amended by adding at the end the following:

''§ 2111b. Senior military colleges: active duty assignments for graduating members of the program

''(a) INITIAL APPROVAL AUTHORITY.—Upon the request of a graduating member of the program at a senior military college who is to be commissioned as an officer in the Army, the commander of the Reserve Officers' Training Corps Cadet Command of the Army may approve the member to be ordered to active duty for a period of more than 30 days.

''(b) PROCESSING OF REQUESTS.—(1) The senior commissioned officer for the Reserve Officers' Training Corps unit of a member of the program requesting orders to active duty under this section shall review the member's personnel and academic records and forward the member's request, together with a recommendation for approval or disapproval of the request, to the commander of the Reserve Officers' Training Corps Cadet Command.

''(2) The commander of the Reserve Officers' Training Corps Cadet Command shall personally review the personnel and academic records of any member of the program submitting a request for active duty under this section.

''(3) The commander of the Reserve Officers' Training Corps Cadet Command shall forward each request of a member of the program for orders to active duty under this section, together with the member's personnel and academic records, to the selection and branching board of the Army, without regard to whether the commander approved or disapproved the request.

''(c) ACTION AT DEPARTMENT OF THE ARMY STAFF LEVEL.—The selection and branching board of the Army shall—

''(1) review the personnel and academic records of each member of the program requesting orders for active duty for more than 30 days under this section;

''(2) designate a branch assignment for the member; and

''(3) in the case of a member whose request for orders to active duty under this section has been disapproved by the commander of the Reserve Officers' Training Corps Cadet Command, review the request and either—

''(A) approve the member to be ordered to active duty for a period of more than 30 days, notwithstanding the action of the commander of the Reserve Officers' Training Corps Cadet Command; or

''(B) designate the member for other duty in a reserve component.

''(d) FAIR TREATMENT FOR GRADUATES OF OTHER SCHOOLS.—The Secretary of the Army shall ensure that members of the program graduating from schools other than senior military colleges are afforded an opportunity for selection for active duty assignments that is not less than the opportunity that was afforded before October 1, 1997, to persons who graduated as members of the program from schools other than senior military colleges before that date.

''(e) SENIOR MILITARY COLLEGE DEFINED.—In this section, the term 'senior military college' means a college named in section 2111a(d) of this title.''.

(b) STYLISTIC CONFORMING AMENDMENT.—The heading of section 2111a is amended to read as follows:

''§ 2111a. Senior military colleges: detail of officers''.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 2111a and inserting in lieu thereof the following:

''2111a. Senior military colleges: detail of officers.''.

''2111b. Senior military colleges: active duty assignments for graduating members of the program.''.

BOXER (AND OTHERS) AMENDMENT NO. 636

(Ordered to lie on the table.)

Mrs. BOXER (for herself, Mr. GRASSLEY, and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

Strike out section 804, and insert in lieu thereof the following:

SEC. 804. REIMBURSEMENT FOR EXCESSIVE COMPENSATION OF DEFENSE CONTRACTOR PERSONNEL PROHIBITED.

(a) EXCESSIVE COMPENSATION AS NOT ALLOWABLE AS CONTRACT COSTS.—Subsection (e)(1) of section 2324 of title 10, United States Code, is amended by adding at the end the following:

''(P) Costs of compensation paid with respect to the services of any one individual, to the extent that the total amount of the compensation paid in fiscal year exceeds the rate of pay provided by law for the President.''.

(b) DEFINITIONS.—subseciton (l) of such section is amended by adding at the end the following:

''(4) The term 'compensation', for a fiscal year, means the total amount of wages, salary, bonuses and deferred compensation for the fiscal year, whether paid, earned, or otherwise accruing, as recorded in an employer's cost accounting records for the fiscal year.

(b) CERTAIN COMPENSATION NOT ALLOWABLE AS COSTS UNDER NON-DEFENSE CONTRACTS.—(1) Subsection (e)(1) of section 306 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256) is amended by adding at the end the following:

''(P) Costs of compensation paid with respect to the services of any one individual, to the extent that the total amount of the compensation paid in a fiscal year exceeds the rate of pay provided by law for the President.''.

(2) Such section is further amended by adding at the end the following:

''(m) OTHER DEFINITIONS.—In this section:

''(1) The term 'compensation', for a fiscal year, means the total amount of wages, salary, bonuses and deferred compensation for the fiscal year, whether paid, earned, or otherwise accruing, as recorded in an employer's cost accounting records for the fiscal year.

(c) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on the date that is 90 days after the date of the enactment of this Act and shall apply with respect to payments that become due from the United States after that date under covered contracts entered into before, on, or after that date.

(2) In paragraph (1), the term ''covered contract'' has the meaning given such term in section 2324(l) of title 10, United States Code, and section 306(l) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 256(l)).

BOXER AMENDMENTS NOS. 637–638

(Ordered to lie on the table.)

Mrs. BOXER submitted two amendments intended to be proposed by her to the bill, S. 936, supra; as follows:

AMENDMENT NO. 637

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

SEC. . COMPLIANCE WITH REGULATIONS RELATING TO LOCAL PREFERENCE IN HIRING.

The Secretary of Defense shall require any business concern submitting an application to the Secretary for a contract for the performance of services at a military installation that is affected by closure or realignment under a base closure law to submit, as part of the application, a description of how the business concern (if awarded the contract) would meet the requirements of DFARS regulations subpart 226,71, governing local preference in hiring.

AMENDMENT NO. 638

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

Of the funds authorized to be appropriated by this Act to the Department of Energy, $3,500,000 are authorized to be appropriated for fiscal year 1998, and $3,800,000 are authorized to be appropriated for fiscal year 1999, for improvement to Greenville Road in Livermore, California.

LAUTENBERG AMENDMENTS NOS. 639–640

(Ordered to lie on the table.)

Mr. LAUTENBERG submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 639

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

SEC. 2819. LAND CONVEYANCE, PERTH AMBOY NAVAL RESERVE CENTER, PERTH AMBOY, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey, without consideration, to the City of Perth Amboy, New Jersey (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 3 acres and located in Perth Amboy, New Jersey, the site of the Perth Amboy Naval Reserve Center. The purpose of the conveyance is to facilitate the economic development activities of the City.

(2) The real property referred to in paragraph (1) may, at the election of the Secretary, exclude a traffic monitoring tower located on the property.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the City accept the conveyed property subject to such easements and rights of way in favor of the United States as the Secretary considers appropriate, including easements to provide access to the traffic monitoring tower described in paragraph (2) of that subsection.

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

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

AMENDMENT NO. 640

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

SEC. 2819. LAND CONVEYANCE, NIKE BATTERY 80 FAMILY HOUSING SITE, EAST HANOVER TOWNSHIP, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Township Council of East Hanover, New Jersey (in this section referred to as the ''Council''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 13.88 acres and located near the unincorporated area of Hanover Neck in East Hanover Township, New Jersey, north of the Town of Florham Park, New Jersey, the Nike Battery 80 Family Housing Site. The purpose of the conveyance is to assist the Council in implementing a plan to develop the site for low-income and moderate-income housing, senior housing, and a park.

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

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

BAUCUS AMENDMENT NO. 641

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On page 409, between lines 13 and 14, insert the following:

SEC. 2819. LAND CONVEYANCE, HAVRE AIR FORCE STATION, MONTANA, AND HAVRE TRAINING SITE, MONTANA.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Air Force may convey, without consideration, to the Bear Paw Development Corporation, Havre, Montana (in this section referred to as the ''Corporation''), all, right, title, and interest of the United States in and to the real property described in paragraph (2).

(2) The authority in paragraph (1) applies to the following real property:

(A) A parcel of real property, including any improvements thereon, consisting of approximately 85 acres and comprising the Havre Air Force Station, Montana.

(B) A parcel of real property, including any improvements thereon, consisting of approximately 9 acres and comprising the Havre Training Site, Montana.

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

(1) That the Corporation—

(A) convey to the Box Elder School District 13G, Montana, 10 single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the school district; and

(B) grant the school district access to the property for purposes of removing such homes from the property.

(2) That the Corporation—

(A) convey to the Hays/Lodgepole School District 50, Montana—

(i) 27 single-family homes located on the property to be conveyed under that subsection as jointly agreed upon by the Corporation and the school district; and

(ii) one duplex housing unit located on the property; and

(B) grant the school district access to the property for purposes of removing such homes and the housing unit from the property.

(c) DESCRIPTION OF PROPERTY.—The exact acreages and legal description of the parcels of property conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Corporation.

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

FAIRCLOTH AMENDMENT NO. 642

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On page 366, in the table following line 5, strike out ''$8,356,000'' in the amount column in the item relating to Pope Air Force Base, North Carolina, and insert in lieu ''$13,365,000''.

On page 336, in the table following line 5, strike out ''$540,920,000'' in the amount column in the item relating to the total and insert in lieu thereof ''$545,920,000''.

On page 367, in the table following line 7, strike out ''$29,100,000'' in the amount column in the item relating Classified Location, Overseas Classified, and insert in lieu thereof ''$24,100,000''.

On page 367, in the table following line 7, strike out ''$89,345,000'' in the amount column in the item relating to the total and insert in lieu thereof ''$84,345,000''.

On page 369, line 13, strike out ''$540,920,000'' and insert in lieu thereof ''$545,920,000''.

On page 369, line 16, strike out ''$89,345,000'' and insert in lieu thereof ''$84,920,000''.

KEMPTHORNE AMENDMENTS NOS. 643–644

(Ordered to lie on the table.)

Mr. KEMPTHORNE submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 643

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

SEC. 235. TRUE LOCK SAFETY RETAINING SYSTEM FOR MILITARY VEHICLES.

(a) TESTING REQUIRED.—The Secretary of the Army shall test the use of the safety retaining system known as the true lock safety retaining system for use on active and reserve component vehicles.

(b) REPORT.—Not later than March 31, 1998, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the testing required under subsection (a). The report shall include the following:

(1) An analysis of the costs and benefits of installing the true lock safety retaining system on active and reserve component vehicles of the Army.

(2) A comparison of the true lock safety retaining system with the safety retaining system or systems in use on Army vehicles.

(3) Any savings and enhanced reliability that can be derived from the installation of the true lock safety retaining system on active and reserve component vehicles of the Army.

AMENDMENT NO. 644

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

SEC. 535. RETROACTIVITY OF MEDAL OF HONOR SPECIAL PENSION.

(a) ENTITLEMENT.—In the case of Vernon J. Baker, Edward A. Carter, Junior, and Charles L. Thomas, who were awarded the Medal of Honor pursuant to section 561 of Public Law 104–201 (110 Stat. 2529) and whose names have been entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll, the entitlement of those persons to the special pension provided under section 1562 of title 38, United States Code (and antecedent provisions of law), shall be effective as follows:

(1) In the case of Vernon J. Baker, for months that begin after April 1945.

(2) In the case of Edward A. Carter, Junior, for months that begin after March 1945.

(3) In the case of Charles L. Thomas, for months that begin after December 1944.

(b) AMOUNT.—The amount of the special pension payable under subsection (a) for a month beginning before the date of the enactment of this Act shall be the amount of the special pension provided by law for that month for persons entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (or an antecedent Medal of Honor Roll required by law).

(c) PAYMENT TO NEXT OF KIN.—In the case of a person referred to in subsection (a) who died before receiving full payment of the pension pursuant to this section, the Secretary of Veterans Affairs shall pay the total amount of the accrued pension, upon receipt of application for payment within one year after the date of the enactment of this Act, to the deceased person's spouse or, if there is no surviving spouse, then to the deceased person's children, per stirpes, in equal shares.

GORTON AMENDMENTS NOS. 645–646

(Ordered to lie on the table.)

Mr. GORTON submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 645

Page 217, after line 15, insert the following new subtitle heading:

Subtitle A—Health Care Services

Page 226, after line 2, insert the following new subtitle:

Subtitle B—Uniformed Services Treatment Facilities

SEC. 711. IMPLEMENTATION OF DESIGNATED PROVIDER AGREEMENTS FOR UNIFORMED SERVICES TREATMENT FACILITIES.

(a) COMMENCEMENT OF HEALTH CARE SERVICES UNDER AGREEMENT.—Subsection (c) of section 722 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201, 10 U.S.C. 1073 note) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by inserting ''(1)'' before ''Unless''; and

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

''(2) The Secretary may modify the effective date established under paragraph (1) for an agreement to permit a transition period of not more than six months between the date on which the agreement is executed by the parties and the date on which the designated provider commences the delivery of health care services under the agreement.''.

(b) TEMPORARY CONTINUATION OF EXISTING PARTICIPATION AGREEMENTS.—Subsection (d) of such section is amended by inserting before the period at the end the following: '', including any transitional period provided by the Secretary under paragraph (2) of such subsection''.

(c) ARBITRATION.—Subsection (c) of such section is further amended by adding at the end the following new paragraph:

''(3) In the case of a designated provider whose service area has a managed care support contract implemented under the TRICARE program as of September 23, 1996, the Secretary and the designated provider shall submit to binding arbitration if the agreement has not been executed by October 1, 1997. The arbitrator, mutually agreed upon by the Secretary and the designated provider, shall be selected from the American Arbitration Association. The arbitrator shall develop an agreement that shall be executed by the Secretary and the designated provider by January 1, 1998. Notwithstanding paragraph (1), the effective date for such agreement shall be not more than six months after the date on which the agreement is executed.''.

(d) CONTRACTING OUT OF PRIMARY CARE SERVICES.—Subsection (f)(2) of such section is amended by inserting at the end the following new sentence: ''Such limitation on contracting our primary care services shall only apply to contracting out to a health maintenance organization, or to a licensed insurer that is not controlled directly or indirectly by the designated provider, except in the case of primary care contracts between a designated provider and a contractor in force as of September 23, 1996. Subject to the overall enrollment restriction under section 724 and limited to the historical service area of the designated provider, professional service agreements or independent contractor agreements with primary care physicians or groups of primary care physicians, however organized, and employment agreements with such physicians shall not be considered to be the type of contracts that are subject to the limitation of this subsection, so long as the designated provider itself remains at risk under its agreement with the Secretary in the provision of services by any such contract physicians or groups of physicians.''.

(e) UNIFORM BENEFIT.—Section 723(b) of the National Defense Authorization Act for Fiscal Year 1997 (PL 104–201, 10 U.S.C. 1073 note) is amended—

(1) in subsection (1), by inserting before the period at the end the following: '', subject to any modification to the effective date the Secretary may provide pursuant to section 722(c)(2)'', and

(2) in subsection (2), by inserting the period at the end the following: '', or the effective date of agreements negotiated pursuant to section 722(c)(3)''.

SEC. 712. LIMITATION ON TOTAL PAYMENTS.

Section 726(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201, 10 U.S.C. 1073 note) is amended by adding at the end the following new sentence: ''In establishing the ceiling rate for enrollees with the designated providers who are also eligible for the Civilian Health and Medical Program of the Uniformed Services, the Secretary of Defense shall take into account the health status of the enrollees.''.

SEC. 713. CONTINUED ACQUISITION OF REDUCED-COST DRUGS.

Section 722 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended by adding at the end the following new subsection:

''(g) CONTINUED ACQUISITION OF REDUCED-COST DRUGS.—A designated provider shall be treated as part of the Department of Defense for purposes of section 8126 of title 38, United States Code, in connection with the provision by the designated provider of health care services to covered beneficiaries pursuant to the participation agreement of the designated provider under section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 42 U.S.C. 248c note) or pursuant to the agreement entered into under subsection (b).''.

AMENDMENT NO. 646

On page 226, between lines 2 and 3, insert the following:

SEC. 708. TRANSITION OF UNIFORMED SERVICES TREATMENT FACILITIES TO DESIGNATED PROVIDERS WITHIN THE UNIFORMED SERVICES HEALTH CARE DELIVERY SYSTEM.

(a) DESIGNATED PROVIDER AGREEMENTS.—(1) Subsection (c) of section 722 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking out ''Unless an earlier effective date is agreed upon by the Secretary and the designated provider'' and inserting in lieu thereof ''(1) Unless an earlier effective date is agreed upon by the Secretary and the designated provider or a later effective date is established pursuant to paragraph (2)''; and

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

''(2) The Secretary may establish the effective date for an agreement as being a date later than that otherwise provided under paragraph (1) in order to provide a transition period of not more than six months between the date on which the agreement is entered into by the Secretary and a designated provider and the date on which the designated provider commences the delivery of health care services under the agreement.''.

(2)(A) Subsection (b) of such section is amended—

(i) by redesignating paragraph (3) as paragraph (4); and

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

''(3)(A) If the Secretary and a designated provider described in subparagraph (B) do not enter into an agreement under this section before October 1, 1997, an arbitrator shall establish the terms and conditions of the agreement. The arbitrator shall complete the agreement in time for the Secretary and the designated provider to execute the agreement before January 1, 1998, and the Secretary and the designated provider shall execute the agreement before that date.

''(B) The designated provider referred to in subparagraph (A) is a designated provider whose service area has a managed care support contract implemented under the TRICARE program as of September 23, 1996.

''(C) The arbitrator, mutually agreed upon by the Secretary and the designated provider, shall be selected from among the persons on a list of arbitrators provided by the American Arbitration Association.''.

(B) Subsection (c) of such section, as amended by paragraph (1), is further amended by adding at the end the following:

''(3) Notwithstanding paragraphs (1) and (2), the effective date of an agreement arbitrated under subsection (b)(3) shall be the date provided in the agreement, which shall be a date that is not more than six months after the date on which the agreement is executed.''.

(3) Such section is further amended—

(A) in subsection (f)—

(i) by striking out ''(1)'' in paragraph (1); and

(ii) by striking out paragraph (2); and

(B) by adding at the end the following:

''(g) LIMITATION ON CONTRACTING OUT PRIMARY CARE.—(1) Except as provided in paragraphs (2) and (3), a designated provider may not, without the approval of the Secretary, contract out more than five percent of its primary care enrollment to a health maintenance organization, or to a licensed insurer, that is not controlled directly or indirectly by the designated provider.

''(2) The limitation in paragraph (1) does not apply to any contract between a designated provider and a contractor that was in force as of September 23, 1996.

''(3)(A) Subject to the overall enrollment restriction under section 724, the limitation in paragraph (1) does not apply with respect to primary care services provided for a designated provider within the historical service area of the designated provider under any agreement described in subparagraph (B) if the designated provider remains at risk under its agreement with the Secretary for the provision of services under the described agreement.

''(B) An agreement referred to in subparagraph (A) is any of the following agreements of the designated provider:

''(i) A professional service agreement, or independent contractor agreement, with one or more primary care physicians or groups of primary care physicians (however organized).

''(ii) Any employment agreement with a primary care physician.''.

(b) PROVISION OF UNIFORM BENEFIT.—Section 723(b) of the National Defense Authorization Act for Fiscal Year 1997 is amended by adding at the end the following:

''(3) The effective date of an agreement entered into with the Secretary under section 722 (if different than the dates referred to in paragraphs (1) and (2)).''.

(c) CONSIDERATION OF HEALTH STATUS OF CHAMPUS ELIGIBLE ENROLLEES FOR LIMITATION ON TOTAL PAYMENTS.—(1) Section 726(b) of such Act is amended by adding at the end the following new sentence: ''In determining the cost that would have been incurred for enrollees who are also eligible for care under the Civilian Health and Medical Program of the Uniformed Services, the Secretary of Defense shall take into account the health status of the enrollees.''.

(2) Section 721 of such Act is amended by adding at the end the following:

''(10) The term 'Civilian Health and Medical Program of the Uniformed Services' has the meaning given such term in section 1072(4) of title 10, United States Code.''.

(d) CONTINUED ACQUISITION OF REDUCED-COST DRUGS.—Section 722 of such Act, as amended by subsection (a)(3), is further amended by adding at the end the following new subsection:

''(h) CONTINUED ACQUISITION OF REDUCED-COST DRUGS.—A designated provider shall be treated as part of the Department of Defense for purposes of section 8126 of title 38, United States Code, in connection with the provision by the designated provider of health care services to covered beneficiaries pursuant to either of the following agreements of the designated provider:

''(1) An agreement entered into under subsection (b).

''(2) A participation agreement extended under subsection (d).''.

BINGAMAN AMENDMENTS NOS. 647–654

(Ordered to lie on the table.)

Mr. BINGAMAN submitted eight amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 647

On page 458, between lines 3 and 4, insert the following:

SEC. 3159. PARTICIPATION OF NATIONAL SECURITY ACTIVITIES IN HISPANIC OUTREACH INITIATIVE OF THE DEPARTMENT OF ENERGY.

The Secretary of Energy shall take appropriate actions, including the allocation of funds, to ensure the participation of the national security activities of the Department

of Energy in the Hispanic Outreach Initiative of the Department of Energy.

AMENDMENT NO. 648

On page 306, between lines 4 and 5, insert the following:

SEC. 1041. REPORT ON POLICIES AND PROGRAMS TO PROMOTE HEALTHY LIFESTYLES AMONG MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) REPORT.—Not later than March 30, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the effectiveness of the policies and programs of the Department of Defense intended to promote healthy lifestyles among members of the Armed Forces and their dependents.

(b) COVERED POLICIES AND PROGRAMS.—The report under subsection (a) shall address the following:

(1) Programs intended to educate members of the Armed Forces and their dependents about the potential health consequences of the use of alcohol and tobacco.

(2) Policies of the commissaries, post exchanges, service clubs, and entertainment activities relating to the sale and use of alcohol and tobacco.

(3) Programs intended to provide support to members of the Armed Forces and dependents who elect to reduce or eliminate their use of alcohol or tobacco.

(4) Any other policies or programs intended to promote healthy lifestyles among members of the Armed Forces and their dependents.

AMENDMENT NO. 649

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

SEC. . FLEXIBILITY IN MANAGEMENT OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) AUTHORITY OF THE SECRETARY OF DEFENSE.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following:

"§ 2032. Responsibility of the Secretary of Defense

''(a) COORDINATION BY SECRETARY OF DEFENSE.—The Secretary of Defense shall coordinate the establishment and maintenance of Junior Reserve Officers' Training Corps units by the Secretaries of the military departments in order to maximize enrollment in the Corps and to enhance administrative efficiency in the management of the Corps. The Secretary may impose such requirements regarding establishment of units and transfer of existing units as the Secretary considers necessary to achieve the objectives set forth in the preceding sentence.

''(b) CONSIDERATION OF NEW SCHOOL OPENINGS AND CONSOLIDATIONS.—In carrying out subsection (a), the Secretary shall take into consideration openings of new schools, consolidations of schools, and the desirability of continuing the opportunity for participation in the Corps by participants whose continued participation would otherwise be adversely affected by new school openings and consolidations of schools.

''(c) FUNDING.—If amounts available for the Junior Reserve Officers' Training Corps are insufficient for taking actions considered necessary by the Secretary under subsection (a), the Secretary shall seek additional funding for units from the local educational administration agencies concerned.''.

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

''2032. Responsibility of the Secretary of Defense.''.

AMENDMENT NO. 650

At the end of title VII, add the following:

SEC. 708. AUTHORITY FOR AGREEMENT FOR USE OF MEDICAL RESOURCE FACILITY, ALAMAGORDO, NEW MEXICO.

(a) AUTHORITY.—The Secretary of the Air Force may enter into an agreement with Gerald Champion Hospital, Alamagordo, New Mexico (in this section referred to as the ''Hospital''), providing for the Secretary to furnish health care services to eligible individuals in a medical resource facility in Alamagordo, New Mexico, that is constructed, in part, using funds provided by the Secretary under the agreement.

(b) CONTENT OF AGREEMENT.—Any agreement entered into under subsection (a) shall, at a minimum, specify the following:

(1) The relationship between the Hospital and the Secretary in the provision of health care services to eligible individuals in the facility, including—

(A) whether or not the Secretary and the Hospital is to use and administer the facility jointly or independently; and

(B) under what circumstances the Hospital is to act as a provider of health care services under the TRICARE managed care program.

(2) Matters relating to the administration of the agreement, including—

(A) the duration of the agreement;

(B) the rights and obligations of the Secretary and the Hospital under the agreement, including any contracting or grievance procedures applicable under the agreement;

(C) the types of care to be provided to eligible individuals under the agreement, including the cost to the Department of the Air Force of providing the care to eligible individuals during the term of the agreement;

(D) the access of Air Force medical personnel to the facility under the agreement;

(E) the rights and responsibilities of the Secretary and the Hospital upon termination of the agreement; and

(F) any other matters jointly identified by the Secretary and the Hospital.

(3) The amount of the funds available under subsection (c) that the Secretary is to contribute for the construction of the facility.

(4) Any conditions or restrictions relating to the construction or use of the facility.

(c) AVAILABILITY OF FUNDS FOR CONSTRUCTION.—Of the amount authorized to be appropriated by section 301(21), not more than $7,000,000 shall be available for the contribution of the Secretary referred to in subsection (b)(3) to the construction of the facility described in subsection (a).

(d) NOTICE AND WAIT.—The Secretary may not enter into the agreement authorized by subsection (a) until 90 days after the Secretary submits to the congressional defense committees a report describing the agreement. The report shall set forth the memorandum of agreement under subsection (b), information regarding the long-term costs and benefits of the agreement, and such other information with respect to the agreement as the Secretary considers appropriate.

(e) ELIGIBLE INDIVIDUAL DEFINED.—In this section, the term ''eligible individual'' means any individual eligible for medical and dental care under chapter 55 of title 10, United States Code, including any individual entitled to such care under section 1074(a) of that title.

AMENDMENT NO. 651

On page 425, line 12, strike ''$2,000,000'' and insert ''$5,000,000''.

AMENDMENT NO. 652

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

SEC. 1009. INCREASED AMOUNTS FOR CHEMICAL AND BIOLOGICAL DEFENSE COUNTERPROLIFERATION PROGRAMS.

(a) INCREASES.—Notwithstanding any other provision of this Act—

(1) the amount authorized to be appropriated under section 104 for chemical and biological defense counterproliferation programs is hereby increased by $67,000,000;

(2) the amount authorized to be appropriated under section 201(4) for chemical and biological defense counterproliferation programs is hereby increased by $36,000,000; and

(3) the amount authorized under section 301(5) is hereby increased by $15,000,000.

(b) DECREASE.—Notwithstanding any other provision of this Act, the total amount authorized to be appropriated under section 201(4) for the Space-Based Laser program is hereby decreased by $118,000,000.

AMENDMENT NO. 653

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

SEC. 1009. INCREASED AMOUNTS FOR CHEMICAL AND BIOLOGICAL DEFENSE COUNTERPROLIFERATION PROGRAMS.

(a) INCREASE.—Notwithstanding any other provision of this Act, the total amount authorized to be appropriated under titles I, II, and III for chemical and biological defense counterproliferation programs is hereby increased by $118,000,000.

(b) DECREASE.—Notwithstanding any other provision of this Act, the total amount authorized to be appropriated under section 201(4) for the Space-Based Laser program is hereby decreased by $118,000,000.

AMENDMENT NO. 654

On page 306, between lines 4 and 5, insert the following:

SEC. 1041. REPORT ON HELSINKI JOINT STATEMENT.

(a) REQUIREMENT.—Not later than March 31, 1998, the President shall submit to the congressional defense committees a report on the Helsinki joint statement. The report shall include the following:

(1) A description of the options available to the United States to meet the objective of between 2,000 and 2,500 strategic nuclear warheads as contemplated under a potential third agreement between the United States and the Russian Federation on reductions and limitations of strategic offensive arms.

(2) An assessment of the military and budgetary consequences of each such option.

(3) An assessment of the mechanisms available to verify compliance with each such option.

(4) A description and assessment of the options available to deactivate the strategic nuclear warhead delivery systems that are required to be deactivated by December 31, 2003, under the START II Treaty, including mechanisms to ensure the verification of such deactivation and to ensure the reversibility of such deactivation.

(5) A description and assessment of the options available to limit the numbers of long-range sea-launched nuclear cruise missiles and the numbers of tactical nuclear weapons.

(6) A description and assessment of the options available to monitor and verify reductions in inventories of strategic nuclear weapons, tactical nuclear weapons, and related nuclear materials.

(b) DEFINITIONS.—In this section:

(1) The term ''Helsinki Joint Statement'' means the agreements between the President of the United States and the President of the Russian Federation as contained in the Joint Statement on Parameters on Future Reductions in Nuclear Forces issued at Helsinki in March 1997.

(2) The term ''START II Treaty'' means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation on Strategic Offensive Arms, signed at Moscow on January 3, 1993, including any protocols and memoranda of understanding associated with the treaty.

CONRAD AMENDMENTS NOS. 655–656

(Ordered to lie on the table.)

Mr. CONRAD submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 655

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

SEC. 144. AIR FORCE AIRCRAFT ENGINE MODERNIZATION DEMONSTRATION PROGRAM.

(a) ENGINE REPLACEMENT PROGRAM.—(1) The Secretary of the Air Force may carry out a program to demonstrate the replacement of existing engines on Air Force aircraft in active service with commercial aircraft engines. Under the program, the Secretary shall replace the engines on B–52H aircraft with engines that are commercial items described in section 4(12)(A) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(A)).

(2) An engine modernization demonstration program carried out under this section may include (in addition to other elements) any or all of the following elements:

(A) Integration of replacement engines and related equipment into existing aircraft and testing of the integrated engines and related equipment.

(B) Fabrication and installation of the replacement engines and related equipment.

(C) Acquisition of the replacement engines and related equipment by means of leasing under commercial terms and conditions, including commercial terms and conditions pertaining to indemnification.

(D) Acquisition of the logistical support for the replacement engines and related equipment.

(b) MULTIPLE CONTRACTS AUTHORIZED.—The Secretary may enter into more than one contract for the purposes of subsection (a).

(c) LEASE TERMS AND CONDITIONS.—(1) A contract for the lease of aircraft engines and related equipment under this section may be for a period not to exceed 30 years.

(2) Any contract for the lease of aircraft engines and related equipment under this section may provide for the termination liability of the United States under the contract. Any such termination liability shall be subject to a limitation in the contract that any obligation of the United States to pay the termination liability is subject to the availability of funds specifically appropriated for that purpose pursuant to an authorization of appropriations specifically for that purpose.

(3)(A) Any contract for the lease of aircraft engines and related equipment entered into under this section may provide for the United States to indemnify the lessor for any covered loss (except as provided in subparagraph (C)).

(B) A covered loss under this paragraph may, to the extent provided in the contract, include any loss, injury, or damage to the lessor, any employee of the lessor, or any third party, or to any property of the lessor or a third party, that arises out of, or is related to, the lease.

(C) Any such requirement for indemnification shall be subject to a limitation in the contract that any obligation of the United States to pay such indemnification is subject to the availability of funds specifically appropriated for that purpose pursuant to an authorization of appropriations specifically for that purpose.

(D) The United States shall not be required to indemnify a lessor, and a contract under this section may not obligate the United States to indemnify a lessor, for a loss, injury, or damage that is caused by willful misconduct of managerial personnel of the lessor or of the engine supplier.

(d) SOURCE OF FUNDS.—Notwithstanding any other provision of law (including any law regarding fiscal year limitations), payments under any such contract for a fiscal year may be made from funds appropriated for the Air Force for that fiscal year for operations and maintenance.

(e) WAIVER OF CERTAIN PROVISIONS OF LAW.—The Secretary of the Air Force may enter into contracts and incur obligations under this section without regard to the following provisions of law:

(1) The limitations on making and authorizing an obligation and involving the United States in a contract or obligation that are set forth in section 1341 of title 31, United States Code.

(2) The limitations on accepting voluntary services and employing personal services that are set forth in section 1342 of such title.

(3) The limitations on availability of funds that are set forth in section 1502 of such title.

(4) Any apportionment or other division of appropriations, any other administrative restriction, and any reporting requirement that, but for this paragraph, would otherwise apply to the contract or obligation under subchapter II of chapter 15 of such title.

(5) The limitations on contracting and purchasing that are set forth in section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)).

(f) BUDGETARY TREATMENT OF LEASES.—(1) The Secretary of Defense, the Secretary of the Air Force, and the Director of the Office of Management and Budget shall treat a contract for a lease entered into pursuant to this section as an operating lease for all purposes of the Federal budget without regard to any provision of law relating to the Federal budget, including part C of title II of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) and any regulation or directive (including any directive of the Office of Management and Budget) issued thereunder.

(2) The Secretary may enter into contracts under this section only to the extent, and in the amount, specifically provided in an Act enacted after the date of the enactment of this Act. A provision in an Act enacted after the date of the enactment of this Act that provides specific authority to enter into a contract under this section, subject to a specific maximum dollar amount, shall not be considered to be budget authority for any purpose, and appropriations provided in annual appropriations Acts for payments of United States obligations under such a contract as those payments become due shall be considered to be budget authority.

(g) PRIOR CONGRESSIONAL NOTIFICATION.—Before entering into a contract under this section, the Secretary shall notify the congressional defense committees and the Committees on the Budget of the Senate and House of Representatives of the Secretary's intent to enter into the contract and certify to those committees that such contract is in the national interest. The contract may then be entered into only after the end of the 30-day period beginning on the date of such notification and certification.

AMENDMENT NO. 656

At the end of title X, add the following:

SEC. . CLAIMS BY MEMBERS OF THE ARMED FORCES FOR LOSS OF PERSONAL PROPERTY DUE TO FLOODING IN THE RED RIVER BASIN.

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

(1) The flooding that occurred in the portion of the Red River Basin encompassing East Grand Forks, Minnesota, and Grand Forks, North Dakota, during April and May 1997 is the worst flooding to occur in that region in the last 500 years.

(2) Over 700 military personnel stationed in the vicinity of Grand Forks Air Force Base reside in that portion of the Red River Basin.

(3) The military personnel stationed in the vicinity of Grand Forks Air Force Base have been stationed there entirely for the convenience of the Government.

(4) There is insufficient military family housing at Grand Forks Air Force Base for all of those military personnel, and the available off-base housing is almost entirely within the areas adversely affected by the flood.

(5) Many of the military personnel have suffered catastrophic losses, including total losses of personal property by some of the personnel.

(6) It is vital to the national security interests of the United States that the military personnel adversely affected by the flood recover as quickly and completely as possible.

(b) AUTHORIZATION.—The Secretary of the military department concerned may pay claims for loss and damage to personal property suffered as a direct result of the flooding in the Red River Basin during April and May 1997, by members of the Armed Forces residing in the vicinity of Grand Forks Air Force Base, North Dakota, without regard to the provisions of section 3721(e) of title 31, United States Code.

DURBIN AMENDMENT NO. 657

(Ordered to lie on the table.)

Mr. DURBIN submitted an amendment to be proposed by him to the bill, S. 936, supra; as follows:

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

SEC. 1075. DEFENSE BURDENSHARING.

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

(1) For any nation in which United States military personnel are assigned to permanent duty ashore, increase its financial contributions to the payment of the nonpersonnel costs incurred by the United States Government for stationing United States military personnel in that nation, with a goal of achieving by September 30, 2000, 75 percent of such costs. An increase in financial contributions by any nation under this paragraph may include the elimination of taxes, fees, or other charges levied on United States military personnel, equipment, or facilities stationed in that nation.

(2) Increase its annual budgetary outlays for national defense as a percentage of its gross domestic product by 10 percent or at least to a level commensurate to that of the United States by September 30, 1998.

(3) Increase its annual budgetary outlays for foreign assistance (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights) by

10 percent or at least to a level commensurate to that of the United States by September 30, 1998.

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

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

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

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

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

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

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

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

(c) REPORT ON PROGRESS IN INCREASING ALLIED BURDENSHARING.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report on—

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

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

(3) the difference between the amount allocated by other nations for each of the actions described in subsection (a) during the period beginning on March 1, 1996, and ending on February 28, 1997, and during the period beginning on March 1, 1997, and ending on February 28, 1998; and

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

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

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

(B) The national security interests that support permanently stationing elements of the United States Armed Forces outside the United States.

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

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

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

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

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

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

(2) The President shall submit to Congress a report on the review under paragraph (1). The report shall be submitted not later than March 1, 1998, in classified and unclassified form.

LUGAR (AND OTHERS) AMENDMENT NO. 658

Mr. LUGAR (for himself, Mr. HAGEL, Mr. JEFFORDS, Mr. CHAFEE, Mr. SPECTER, Mr. D'AMATO, Mr. FRIST, Mr. GORTON, Ms. SNOWE, Ms. COLLINS, Mr. KENNEDY, Mr. BIDEN, Mr. KERREY, Mr. LIEBERMAN, Mr. BYRD, Mr. REED, Mr. DASCHLE, Mr. ROBB, Mr. BINGAMAN, Mr. DOMENICI, and Mr. LEVIN) proposed an amendment to the bill, S. 936, supra; as follows:

On page 272, between lines 1 and 2, insert the following:

SEC. 1009. COOPERATIVE THREAT REDUCTION PROGRAMS AND RELATED DEPARTMENT OF ENERGY PROGRAMS.

(a) DECREASE IN AUTHORIZATION OF APPROPRIATIONS FOR ENVIRONMENTAL MANAGEMENT SCIENCE PROGRAM.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 3102(f) is hereby decreased by $40,000,000.

(b) DECREASE IN AUTHORIZATION OF APPROPRIATIONS FOR ENVIRONMENT, SAFETY AND HEALTH, DEFENSE.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 3103(6) is hereby decreased by $19,000,000.

(c) DECREASE IN AUTHORIZATION OF APPROPRIATIONS FOR OTHER PROCUREMENT, NAVY.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 102(Q)(5) is hereby decreased by $56,000,000.

(d) DECREASE IN AUTHORIZATION OF APPROPRIATIONS FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE.—Notwithstanding any other provision of law, the amount authorized to be appropriated by section 301(5) is hereby decreased by $20,000,000.

(e) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR FORMER SOVIET UNION THREAT REDUCTION PROGRAMS.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 301(22) is hereby increased by $60,000,000.

(f) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF ENERGY FOR OTHER DEFENSE ACTIVITIES.—Notwithstanding any other provision of this Act, the total amount authorized to be appropriated by section 3103 is hereby increased by $56,000,000.

(g) INCREASE IN AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF ENERGY FOR ARMS CONTROL.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 3103(1)(B) is hereby increased by $25,000,000 (in addition to any increase under subsection (e) that is allocated to the authorization of appropriations under such section 3103(1)(B)).

(h) AUTHORIZATION OF APPROPRIATIONS FOR DEPARTMENT OF ENERGY FOR INTERNATIONAL NUCLEAR SAFETY PROGRAMS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1998 for other defense activities in carrying out programs relating to international nuclear safety that are necessary for national security in the amount of $50,000,000.

(i) TRAINING FOR UNITED STATES BORDER SECURITY.—Section 1421 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2725; 50 U.S.C. 2331) is amended—

(1) by striking out ''and'' at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof ''; and''; and

(3) by adding at the end the following:

''(4) training programs and assistance relating to the use of such equipment, materials, and technology and for the development of programs relating to such use.''.

(j) INTERNATIONAL BORDER SECURITY THROUGH FISCAL YEAR 1999.—Section 1424(b) of the National Defense Authorization Act for Fiscal Year 1997 (110 Stat. 2726; 10 U.S.C. 2333(b)) is amended by adding at the end the following: ''Amounts available under the proceeding sentence shall be available until September 30, 1999.''.

(j) AUTHORITY TO VARY AMOUNTS AVAILABLE FOR COOPERATIVE THREAT REDUCTION PROGRAMS.—(1) Section 1502(b) of the National Defense Authorization Act for Fiscal Year 1997 (110 Stat. 2732) is amended—

(A) in the subsection heading, by striking out ''LIMITED''; and

(B) in the first sentence of paragraph (1), by striking out '', but not in excess of 115 percent of that amount''.

(2) Section 1202(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 469) is amended—

(A) in the subsection heading, by striking out ''LIMITED''; and

(B) in the first sentence of paragraph (1), by striking out '', but not in excess of 115 percent of that amount''.

LIEBERMAN AMENDMENT NO. 659

(Ordered to lie on the table.)

Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

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

SEC. 144. NATO JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM.

(a) FUNDING.—Amounts authorized to be appropriated under this title and title II are available for a NATO alliance ground surveillance capability that is based on the Joint Surveillance/Target Attack Radar System of the United States, as follows:

(1) Of the amount authorized to be appropriated under section 101(5), $26,153,000.

(2) Of the amount authorized to be appropriated under section 103(1), $10,000,000.

(3) Of the amount authorized to be appropriated under section 201(1), $13,500,000.

(4) Of the amount authorized to be appropriated under section 201(3), $26,061,000.

(b) AUTHORITY.—(1) Subject to paragraph (2), the Secretary of Defense may utilize authority under section 2350b of title 10, United States Code, for contracting for the purposes of Phase I of a NATO Alliance Ground Surveillance capability that is based on the Joint Surveillance/Target Attack Radar System of the United States, notwithstanding

the condition in such section that the authority be utilized for carrying out contracts or obligations incurred under section 27(d) of the Arms Export Control Act (22 U.S.C. 2767(d)).

(2) The authority under paragraph (1) applies during the period that the conclusion of a cooperative project agreement for a NATO Alliance Ground Surveillance capability under section 27(d) of the Arms Export Control Act is pending, as determined by the Secretary of Defense.

(c) MODIFICATION OF AIR FORCE AIRCRAFT.—Amounts available pursuant to paragraphs (2) and (4) of subsection (a) may be used to provide for modifying two Air Force Joint Surveillance/Target Attack Radar System production aircraft to have a NATO Alliance Ground Surveillance capability that is based on the Joint Surveillance/Target Attack Radar System of the United States.

BREAUX (AND OTHERS) AMENDMENT NO. 660

(Ordered to lie on the table.)

Mr. BREAUX (for himself, Mr. LOTT, Mr. THURMOND, Mr. STEVENS, Mr. BYRD, Mr. INOUYE, Mr. FORD, Mr. CLELAND, Mr. MURKOWSKI, Mr. AKAKA, Ms. MOSELEY-BRAUN, Mr. DURBIN, Ms. LANDRIEU, Mr. COCHRAN, Mr. FAIRCLOTH, Mr. ROCKEFELLER, Mr. KOHL, Mr. BURNS, Mr. HOLLINGS, Mr. CAMPBELL, Mr. REID, and Mr. WYDEN) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

Strike out section 1052, and insert in lieu thereof the following:

SEC. 1052. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PROGRAM.

(a) THREE-YEAR EXTENSION OF PROGRAM.—Subsection (a) of section 1091 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 32 U.S.C. 501 note) is amended by striking out ''During fiscal years 1993 through 1995'' and inserting in lieu thereof ''(1) During fiscal years 1993 through 2000''.

(b) NEW STATE PROGRAMS FOR FISCAL YEAR 1998.—Subsection (a) of such section, as amended by subsection (a), is further amended by adding at the end the following:

''(2) The Secretary of Defense shall enter into agreements under subsection (d) to initiate participation in the program by at least five additional States in fiscal year 1998. The Secretary shall enter into the agreements with those States in the order in which applications for the agreements have been received by the National Guard Bureau from those States.''.

(c) COST-SHARING WITH SOURCES OUTSIDE THE DEPARTMENT OF DEFENSE.—(1) Such section is amended by striking out subsection (k) and inserting in lieu thereof the following:

''(k) COST-SHARING.—(1) The Secretary of Defense shall pay the share of the total cost of carrying out the program in a State that is not required to be paid by sources outside the Department of Defense under this subsection.

''(2) In the case of a State that begins to participate in the program after fiscal year 1997, the Secretary of Defense shall pay the total cost of carrying out the program in that State in the first fiscal year.

''(3) Except as provided in paragraph (2), sources outside the Department of Defense shall pay a share of the total cost of carrying out the program in a State in any fiscal year after fiscal year 1997 as follows:

''(A) For fiscal year 1998, 25 percent.

''(B) For a fiscal year after fiscal year 1998, 50 percent.

''(4) The fair market value (as determined under regulations prescribed by the Secretary) of in-kind contributions to the program by a source or sources outside the Department of Defense shall be counted toward satisfaction of the share of the cost of the program required under paragraph (3) to be paid by sources outside the Department of Defense.''.

(2) Subsection (d)(3) of such section is amended by inserting '', subject to subsection (k),'' after ''provide funds''.

(d) RECHARACTERIZATION OF PROGRAM.—(1) Such section is further amended by striking out ''pilot'' each place it appears.

(2) The heading of such section is amended by striking out ''**PILOT**''.

(e) CONFORMING REPEAL.—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 repealed.

(f) FUNDING.—(1) Of the amount authorized to be appropriated under section 301(5), $48,000,000 is available only for the National Guard Civilian Youth Opportunities Program established under section 1091 of the National Defense Authorization Act for Fiscal Year 1993.

(2) The amount authorized to be appropriated under section 421 is hereby reduced by $28,000,000.

HARKIN AMENDMENT NO. 661

(Ordered to lie on the table.)

Mr. HARKIN submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

After section 3, insert the following:

SEC. 4. GENERAL LIMITATION.

Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for fiscal year 1998 for the national defense function under the provisions of this Act is $265,600,000,000.

HARKIN (AND DURBIN) AMENDMENT NO. 662

(Ordered to lie on the table.)

Mr. HARKIN (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

On page 59, after line 14, add the following new paragraph (3):

''(3) The Secretary of a military department may conduct a pilot program, consistent with applicable requirements of law, to test any practices referred to in paragraph (2) that the Secretary determines could improve the efficiency and effectiveness of depot-level operations, improve the support provided by depot-level activities for the armed forces user of the services of such activities, and enhance readiness by reducing the time that it takes to repair equipment.

On page 101, between lines 21 and 22, insert the following:

(3) For the purposes of this section, the term ''best commercial inventory practice'' includes a so-called prime vendor arrangement and any other practice that the Director determines will enable the Defense Logistics Agency to reduce inventory levels and holding costs while improving the responsiveness of the supply system to user needs.

On page 268, line 8, strike out ''(L)'' and insert in lieu thereof the following:

(L) Actions that can be taken to ensure that each comptroller position and each comparable position in the Department of Defense, whether filled by a member of the Armed Forces or a civilian employee, is filled by a person who, by reason of education, technical competence, and experience, has the core competencies for financial management.

(M)

ROBB AMENDMENTS NOS. 663–664

(Ordered to lie on the table.)

Mr. ROBB submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 663

At the end of subtitle A of title VIII, add the following:

SEC. 809. ALLOWABILITY OF COSTS OF EMPLOYEE STOCK OWNERSHIP PLANS.

(a) PROHIBITION.—Under section 2324 of title 10, United States Code, the Secretary of Defense may not determine the allowability of costs of employee stock ownership plans under contracts with the Department of Defense in accordance with the rule described in subsection (b).

(b) RULE.—The rule referred to in subsection (a) is the rule that was—

(1) proposed by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council on November 7, 1995, and referred to as FAR Case 92–024, Employee Stock Ownership Plans (60 Federal Register 56216); and

(2) withdrawn by such Councils on April 8, 1996 (61 Federal Register 14944).

AMENDMENT NO. 664

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

SEC. 1009. TRANSFER FOR ELECTRON SCRUBBER TECHNOLOGY.

Not later than January 1, 1998, the Secretary of Defense shall transfer $10,000,000, out of funds appropriated for the Environmental Security Technology Certification Program under title IV of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104–208), to the Department of Energy for the Pittsburgh Energy Technology Center for the project on electron scrubbing to remove unwanted by-products.

HARKIN AMENDMENT NO. 665

(Ordered to lie on the table.)

Mr. HARKIN submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

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

SEC. 664. SUBSISTENCE OF MEMBERS OF THE ARMED FORCES ABOVE THE POVERTY LEVEL.

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

(1) The morale and welfare of members of the Armed Forces and their families are key components of the readiness of the Armed Forces.

(2) Several studies have documented significant instances of members of the Armed Forces and their families relying on various forms of income support under programs of the Federal Government, including assistance under the Food Stamp Act of 1977 (7 U.S.C. 2012(o) and assistance under the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should strive—

(1) to eliminate the need for members of the Armed Forces and their families to subsist at, near, or below the poverty level; and

(2) to improve the wellbeing and welfare of members of the Armed Forces and their families by implementing, and programming full

funding for, programs that have proven effective in elevating the standard of living of members and their families significantly above the poverty level.

(c) STUDY REQUIRED.—(1) The Secretary of Defense shall conduct a study of members of the Armed Forces and their families who subsist at, near, or below the poverty level.

(2) The study shall include the following:

(A) An analysis of potential solutions for mitigating or eliminating the need for members of the Armed Forces and their families to subsist at, near, or below the poverty level, including potential solutions involving changes in the systems and rates of basic allowance for subsistence, basic allowance for quarters, and variable housing allowance.

(B) Identification of the populations most likely to need income support under Federal Government programs, including—

(i) the populations living in areas of the United States where housing costs are notably high;

(ii) the populations living outside the United States; and

(iii) the number of persons in each identified population.

(C) The desirability of increasing rates of basic pay and allowances over a defined period of years by a range of percentages that provides for higher percentage increases for lower ranking personnel than for higher ranking personnel.

(d) IMPLEMENTATION OF DEPARTMENT OF DEFENSE SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR PERSONNEL OUTSIDE THE UNITED STATES.—(1) Section 1060a(a) of title 10, United States Code, is amended by striking out ''may'' and inserting in lieu thereof ''shall''.

(2) The Secretary of Defense shall implement the program required under section 1060a of title 10, United States Code, not later than the date that is 180 days after the date of the enactment of this Act.

(3) Section 1060a(b) of title 10, United States Code, is amended to read as follows:

''(b) FEDERAL PAYMENTS AND COMMODITIES.—For the purpose of obtaining Federal payments and commodities in order to carry out the program referred to in subsection (a), the Secretary of Agriculture shall make available to the Secretary of Defense the same payments and commodities as are made for the special supplemental food program in the United States under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786). The Secretary of Agriculture shall use funds appropriated for such program under section 17 of such Act to make the payments and commodities available. Funds available for the Department of Defense shall be used for carrying out the program under subsection (a) pending receipt of funds from the Secretary of Agriculture.''.

(4) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan for implementing the program referred to in paragraph (2).

WELLSTONE AMENDMENTS NOS. 666–668

(Ordered to lie on the table.)

Mr. WELLSTONE submitted three amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 666

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

SEC. . TRANSFER OF FUNDS FOR FEDERAL PELL GRANTS.

(a) TRANSFER REQUIRED.—The Secretary of Defense shall transfer to the Secretary of Education $2,600,000,000 of the funds appropriated for the Department of Defense for fiscal year 1998.

(b) USE OF TRANSFERRED FUNDS.—Funds transferred to the Secretary of Education pursuant to subsection (a) shall be available to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a) for fiscal year 1998.

AMENDMENT NO. 667

At the end of Division A, add the following:

TITLE XII—SCHOOL CONSTRUCTION ASSISTANCE

SEC. 12001. SHORT TITLE.

This title may be cited as the ''Partnership to Rebuild America's Schools Act of 1997''.

SEC. 12002. TABLE OF CONTENTS.

The table of contents for this title is as follows:

SEC. 12003. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds as follows:

(1) According to the General Accounting Office, one-third of all elementary and secondary schools in the United States, serving 14,000,000 students, need extensive repair or renovation.

(2) School infrastructure problems exist across the country, but are most severe in central cities and in schools with high proportions of poor and minority children.

(3) Many States and school districts will need to build new schools in order to accommodate increasing student enrollments; the Department of Education has predicted that the Nation will need 6,000 more schools by the year 2006.

(4) Many schools do not have the physical infrastructure to take advantage of computers and other technology needed to meet the challenges of the next century.

(5) While school construction and maintenance are primarily a State and local concern, States and communities have not, on their own, met the increasing burden of providing acceptable school facilities for all students, and the poorest communities have had the greatest difficulty meeting this need.

(6) The Federal Government, by providing interest subsidies and similar types of support, can lower the costs of State and local school infrastructure investment, creating an incentive for States and localities to increase their own infrastructure improvement efforts and helping ensure that all students are able to attend schools that are equipped for the 21st century.

(b) PURPOSE.—The purpose of this title is to provide Federal interest subsidies, or similar assistance, to States and localities to help them bring all public school facilities up to an acceptable standard and build the additional public schools needed to educate the additional numbers of students who will enroll in the next decade.

SEC. 12004. DEFINITIONS.

Except as otherwise provided, as used in this title, the following terms have the following meanings:

(1) CHARTER SCHOOL.—The term ''charter school'' has the meaning given that term in section 10306 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8066).

(2) COMMUNITY SCHOOL.—The term ''community school'' means a school, or part of a school, that serves as a center for after-school and summer programs and delivery of education, tutoring, cultural, and recreational services, and as a safe haven for all members of the community by—

(A) collaborating with other public and private nonprofit agencies (including libraries and other educational, human-service, cultural, and recreational entities) and private businesses in the provision of services;

(B) providing services such as literacy and reading programs; senior citizen programs; children's day-care services; nutrition services; services for individuals with disabilities; employment counseling, training, and placement; and other educational, health, cultural, and recreational services; and

(C) providing those services outside the normal school day and school year, such as through safe and drug-free safe havens for learning.

(3) CONSTRUCTION.—(A) The term ''construction'' means—

(i) the preparation of drawings and specifications for school facilities;

(ii) erecting, building, acquiring, remodeling, renovating, improving, repairing or extending school facilities;

(iii) demolition, in preparation for rebuilding school facilities; and

(iv) the inspection and supervision of the construction of school facilities.

(B) The term ''construction'' does not include the acquisition of any interest in real property.

(4) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the meaning given that term in subparagraphs (A) and (B) of section 14101(18) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(18)).

(5) SCHOOL FACILITY.—(A) Term ''school facility'' means—

(i) a public structure suitable for use as a classroom, laboratory, library, media center, or related facility, whose primary purpose is the instruction of public elementary or secondary students; and

(ii) initial equipment, machinery, and utilities necessary or appropriate for school purposes.

(B) The term ''school facility'' does not include an athletic stadium, or any other structure or facility intended primarily for athletic exhibitions, contests, games, or events for which admission is charged to the general public.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(7) STATE.—The term ''State'' means each of the 50 States and the Commonwealth of Puerto Rico.

(8) STATE EDUCATIONAL AGENCY.—The term ''State educational agency'' has the meaning given that term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

Subtitle A—School Construction Assistance Program

CHAPTER 1—FUNDING; ALLOCATION OF FUNDS

SEC. 12111. FUNDING.

The Secretary of Defense shall transfer to the Secretary of Education, for the purpose of carrying out this title, $2,600,000,000 of the funds appropriated for the Department of Defense for fiscal year 1998.

SEC. 12112. ALLOCATION OF FUNDS.

(a) RESERVATION FOR THE SECRETARY OF THE INTERIOR AND THE OUTLYING AREAS.—(1) The Secretary of Education shall reserve up to 2 percent of the funds made available by section 12111 to—

(A) provide assistance to the Secretary of the Interior, which the Secretary of the Interior shall use for the school construction priorities described in section 1125(c) of the Education Amendments of 1978 (25 U.S.C. 2005(c)); and

(B) make grants to American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, in accordance with their respective needs, as determined by the Secretary.

(2) Grants provided under paragraph (1)(B) shall be used for activities that the Secretary of Education determines best meet the school infrastructure needs of the areas identified in that paragraph, subject to the terms and conditions, consistent with the purpose of this title, that the Secretary may establish.

(b) ALLOCATION OF REMAINING FUNDS.—Of the remaining funds made available by section 12111—

(1) 50 percent shall be used for formula grants to States under section 12121;

(2) 35 percent shall be used for direct formula grants to local educational agencies under section 12136; and

(3) 15 percent shall be used for competitive grants to local educational agencies under section 12137.

CHAPTER 2—GRANTS TO STATES

SEC. 12121. ALLOCATION OF FUNDS.

(a) FORMULA GRANTS TO STATES.—Subject to subsection (b), the Secretary of Education shall allocate the funds available under section 12112(b)(1) among the States in proportion to the relative amounts each State would have received for basic grants under subpart 2 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6331 et seq.) for the most recent fiscal year if the Secretary had disregarded the numbers of children counted under that subpart who were enrolled in schools of local educational agencies that are eligible to receive formula grants under section 12136 of this title.

(b) ADJUSTMENTS TO ALLOCATIONS.—The Secretary shall adjust the allocations under subsection (a), as necessary, to ensure that, of the total amount allocated to States under subsection (a) and to local educational agencies under section 12136, the percentage allocated to a State under this section and to localities in the State under section 12136 is at least the minimum percentage for the State described in section 1124(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6334(d)) for the previous fiscal year.

(c) REALLOCATIONS.—If a State does not apply for its allocation, applies for less than its full allocation, or fails to submit an approvable application, the Secretary may reallocate all or a portion of the State's allocation, as the case may be, to the remaining States in the same proportions as the original allocations were made to those States under subsections (a) and (b).

SEC. 12122. ELIGIBLE STATE AGENCY.

The Secretary shall award each State's grant to the State agency, such as a State educational agency, a State school construction agency, or a State bond bank, that the Governor, with the agreement of the chief State school officer, designates as best able to administer the grant.

SEC. 12123. ALLOWABLE USES OF FUNDS.

Each State shall use its grant under this chapter only for one or more of the following activities to subsidize the cost of eligible school construction projects described in section 12124:

(1) Providing a portion of the interest cost (or of another financing cost approved by the Secretary) on bonds, certificates of participation, purchase or lease arrangements, or other forms of indebtedness issued or entered into by a State or its instrumentality for the purpose of financing eligible projects.

(2) State-level expenditures approved by the Secretary for credit enhancement for the debt or financing instruments described in paragraph (1).

(3) Making subgrants, or making loans through a State revolving fund, to local educational agencies or (with the agreement of the affected local educational agency) to other qualified public agencies to subsidize—

(A) the interest cost (or another financing cost approved by the Secretary) of bonds, certificates of participation, purchase or lease arrangements, or other forms of indebtedness issued or entered into by a local educational agency or other agency or unit of local government for the purpose of financing eligible projects; or

(B) local expenditures approved by the Secretary for credit enhancement for the debt or financing instruments described in subparagraph (A).

(4) Other State and local expenditures approved by the Secretary that leverage funds for additional school construction.

SEC. 12124. ELIGIBLE CONSTRUCTION PROJECTS; PERIOD FOR INITIATION.

(a) ELIGIBLE PROJECTS.—States and their subgrantees may use funds under this chapter, in accordance with section 12123, to subsidize the cost of—

(1) construction of elementary and secondary school facilities in order to ensure the health and safety of all students, which may include the removal of environmental hazards; improvements in air quality, plumbing, lighting, heating and air conditioning, electrical systems, or basic school infrastructure; and building improvements that increase school safety;

(2) construction activities needed to meet the requirements of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(3) construction activities that increase the energy efficiency of school facilities;

(4) construction that facilitates the use of modern educational technologies;

(5) construction of new school facilities that are needed to accommodate growth in school enrollments; or

(6) construction projects needed to facilitate the establishment of charter schools and community schools.

(b) PERIOD FOR INITIATION OF PROJECT.—(1) Each State shall use its grant under this chapter only to subsidize construction projects described in subsection (a) that the State or its localities have chosen to initiate, through the vote of a school board, passage of a bond issue, or similar public decision, made between July 11, 1996 and September 30, 2001.

(2) If a State determines, after September 30, 2001, that an eligible project for which it has obligated funds under this chapter will not be carried out, the State may use those funds (or any available portion of those funds) for other eligible projects selected in accordance with this chapter.

(c) REALLOCATION.—If the Secretary determines, by a date before September 30, 2001, selected by the Secretary, that a State is not making satisfactory progress in carrying out its plan for the use of the funds allocated to it under this chapter, the Secretary may reallocate all or part of those funds, including any interest earned by the State on those funds, to one or more other States that are making satisfactory progress.

SEC. 12125. SELECTION OF LOCALITIES AND PROJECTS.

(a) PRIORITIES.—In determining which localities and activities to support with grant funds, each State shall give the highest priority to—

(1) localities with the greatest needs, as demonstrated by inadequate educational facilities, coupled with a low level of resources available to meet school construction needs; and

(2) localities that will achieve the greatest leveraging effect on school construction from assistance under this chapter.

(b) ADDITIONAL CRITERIA.—In addition to the priorities required by subsection (a), each State shall consider each of the following in determining the use of its grant funds under this chapter:

(1) The condition of the school facilities in different communities in the State.

(2) The energy efficiency and the effect on the environment of projects proposed by communities, and the extent to which these projects use cost-efficient architectural design.

(3) The commitment of communities to finance school construction and renovation projects with assistance from the State's grant, as demonstrated by their incurring indebtedness or by similar public or private commitments for the purposes described in section 12124(a).

(4) The ability of communities to repay bonds or other forms of indebtedness supported with grant funds.

(5) The particular needs, if any, of rural communities in the State for assistance under this title.

(6) The receipt by local educational agencies in the State of grants under chapter 3, except that a local educational agency is not ineligible for a subgrant under this chapter solely because it receives such a grant.

SEC. 12126. STATE APPLICATIONS.

(a) APPLICATION REQUIRED.—A State that wishes to receive a grant under this chapter shall submit an application to the Secretary, in the manner the Secretary may require, not later than two years after the date of enactment of this Act.

(b) DEVELOPMENT OF APPLICATION.—(1) The State agency designated under section 12122 shall develop the State's application under this chapter only after broadly consulting

with the State board of education, and representatives of local school boards, school administrators, the business community, parents, and teachers in the State about the best means of carrying out this chapter.

(2) If the State educational agency is not the State agency designated under section 12122, the designated agency shall consult with the State educational agency and obtain its approval before submitting the State's application.

(c) STATE SURVEY.—(1) Before submitting the State's application, the State agency designated under section 12122, with the involvement of local school officials and experts in building construction and management, shall survey the needs throughout the State (including in localities receiving grants under chapter 3) for construction and renovation of school facilities, including, at a minimum—

(A) the overall condition of school facilities in the State, including health and safety problems;

(B) the capacity of the schools in the State to house projected enrollments; and

(C) the extent to which the schools in the State offer the physical infrastructure needed to provide a high-quality education to all students.

(2) A State need not conduct a new survey under paragraph (1) if it has previously completed a survey that meets the requirements of that paragraph and that the Secretary finds is sufficiently recent for the purpose of carrying out this chapter.

(d) APPLICATION CONTENTS.—Each State application under this chapter shall include—

(1) an identification of the State agency designated by the Governor under section 12122 to receive the State's grant under this chapter;

(2) a summary of the results of the State's survey of its school facility needs, as described in subsection (c);

(3) a description of how the State will implement its program under this chapter;

(4) a description of how the State will allocate its grant funds, including a description of how the State will implement the priorities and criteria described in section 12125;

(5)(A) a description of the mechanisms that will be used to finance construction projects supported by grant funds; and

(B) a statement of how the State will determine the amount of the Federal subsidy to be applied, in accordance with section 12127(a), to each local project that the State will support;

(6) a description of how the State will ensure that the requirements of this chapter are met by subgrantees under this chapter;

(7) a description of the steps the State will take to ensure that local educational agencies will adequately maintain the facilities that are constructed or improved with funds under this chapter;

(8) an assurance that the State will use its grant only to supplement the funds that the State, and the localities receiving subgrants, would spend on school construction and renovation in the absence of a grant under this chapter, and not to supplant those funds;

(9) an assurance that, during the four-year period beginning with the year the State receives its grant, the combined expenditures for school construction by the State and the localities that benefit from the State's program under this chapter (which, at the State's option, may include private contributions) will be at least 125 percent of those combined expenditures for that purpose for the four preceding years; and

(10) other information and assurances that the Secretary may require.

(e) WAIVER OF REQUIREMENT TO INCREASE EXPENDITURES.—The Secretary may waive or modify the requirement of subsection (d)(9) for a particular State if the State demonstrates to the Secretary's satisfaction that that requirement is unduly burdensome because the State or its localities have incurred a particularly high level of school construction expenditures during the previous four years.

SEC. 12127. AMOUNT OF FEDERAL SUBSIDY.

(a) PROJECTS FUNDED WITH SUBGRANTS.—For each construction project assisted by a State through a subgrant to a locality, the State shall determine the amount of the Federal subsidy under this chapter, taking into account the number or percentage of children from low-income families residing in the locality, subject to the following limits:

(1) If the locality will use the subgrant to help meet the costs of repaying bonds issued for a school construction project, the Federal subsidy shall be not more than one-half of the total interest cost of those bonds, determined in accordance with paragraph (4).

(2) If the bonds to be subsidized are general obligation bonds issued to finance more than one type of activity (including school construction), the Federal subsidy shall be not more than one-half of the interest cost for that portion of the bonds that will be used for school construction purposes, determined in accordance with paragraph (4).

(3) If the locality elects to use its subgrant for an allowable activity not described in paragraph (1) or (2), such as for certificates of participation, purchase or lease arrangements, reduction of the amount of principal to be borrowed, or credit enhancements for individual construction projects, the Federal subsidy shall be not more than one-half of the interest cost, as determined by the State in accordance with paragraph (4), that would have been incurred if bonds had been used to finance the project.

(4) The interest cost referred to in paragraphs (1), (2), and (3) shall be—

(A) calculated on the basis of net present value; and

(B) determined in accordance with an amortization schedule and any other criteria and conditions the Secretary considers necessary, including provisions to ensure comparable treatment of different financing mechanisms.

(b) STATE-FUNDED PROJECTS.—For a construction project under this chapter funded directly by the State through the use of State-issued bonds or other financial instruments, the Secretary shall determine the Federal subsidy in accordance with subsection (a).

(c) NON-FEDERAL SHARE.—A State, and localities in the State receiving subgrants under this chapter, may use any non-Federal funds, including State, local, and private-sector funds, for the financing costs that are not covered by the Federal subsidy under subsection (a).

SEC. 12128. SEPARATE FUNDS OR ACCOUNTS; PRUDENT INVESTMENT.

(a) SEPARATE FUNDS OR ACCOUNTS REQUIRED.—Each State that receives a grant, and each recipient of a subgrant under this chapter, shall deposit the grant or subgrant proceeds in a separate fund or account, from which it shall make bond repayments and pay other expenses allowable under this chapter.

(b) PRUDENT INVESTMENT REQUIRED.—Each State that receives a grant, and each recipient of a subgrant under this chapter, shall—

(1) invest the grant or subgrant in a fiscally prudent manner, in order to generate amounts needed to make repayments on bonds and other forms of indebtedness described in section 12123; and

(2) notwithstanding section 6503 of title 31, United States Code or any other law, use the proceeds of that investment to carry out this chapter.

SEC. 12129. STATE REPORTS.

(a) REPORTS REQUIRED.—

(1) Each State receiving a grant under this chapter shall report to the Secretary on its activities under this chapter, in the form and manner the Secretary may prescribe.

(2) If the State educational agency is not the State agency designated under section 12122, the State's report shall include the approval of the State educational agency or its comments on the report.

(b) CONTENTS.—Each report shall—

(1) describe the State's implementation of this chapter, including how the State has met the requirements of this chapter;

(2) identify the specific school facilities constructed, renovated, or modernized with support from the grant, and the mechanisms used to finance those activities;

(3) identify the level of Federal subsidy provided to each construction project carried out with support from the State's grant; and

(4) include any other information the Secretary may require.

(c) FREQUENCY.—(1) Each State shall submit its first report under this section not later than 24 months after it receives its grant under this chapter.

(2) Each State shall submit an annual report for each of the three years after submitting its first report, and subsequently shall submit periodic reports as long as the State or localities in the State are using grant funds.

CHAPTER 3—DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES

SEC. 12131. ELIGIBLE LOCAL EDUCATIONAL AGENCIES.

(a) ELIGIBLE AGENCIES.—Except as provided in subsection (b), the local educational agencies that are eligible to receive formula grants under section 12136 and competitive grants under section 12137 from the Secretary are the 100 local educational agencies with the largest numbers of children aged 5 through 17 from families living below the poverty level, as determined by the Secretary using the most recent data available from the Department of Commerce that are satisfactory to the Secretary.

(b) CERTAIN JURISDICTIONS INELIGIBLE.—For the purpose of this chapter, the local educational agencies for Hawaii and the Commonwealth of Puerto Rico are not eligible local educational agencies.

SEC. 12132. GRANTEES.

For each local educational agency described in section 12131(a) for which an approvable application is submitted, the Secretary shall make any grant under this chapter to the local educational agency or to another public agency, on behalf of the local educational agency, if the Secretary determines, on the basis of the local educational agency's recommendation, that the other agency is better able to carry out activities under this chapter.

SEC. 12133. ALLOWABLE USES OF FUNDS.

Each grantee under this chapter shall use its grant only for one or more of the following activities to reduce the cost of financing eligible school construction projects described in section 12134:

(1) Providing a portion of the interest cost (or of any other financing cost approved by the Secretary) on bonds, certificates of participation, purchase or lease arrangements, or other forms of indebtedness issued or entered into by a local educational agency or other unit or agency of local government for the purpose of financing eligible school construction projects.

(2) Local expenditures approved by the Secretary for credit enhancement for the

debt or financing instruments described in paragraph (1).

(3) Other local expenditures approved by the Secretary that leverage funds for additional school construction.

SEC. 12134. ELIGIBLE CONSTRUCTION PROJECTS; REDISTRIBUTION.

(a) ELIGIBLE PROJECTS.—A grantee under this chapter may use its grant, in accordance with section 12133, to subsidize the cost of the activities described in section 12124(a) for projects that the local educational agency has chosen to initiate, through the vote of the school board, passage of a bond issue, or similar public decision, made between July 11, 1996 and September 30, 2001.

(b) REDISTRIBUTION.—If the Secretary determines, by a date before September 30, 2001 selected by the Secretary, that a local educational agency is not making satisfactory progress in carrying out its plan for the use of funds awarded to it under this chapter, the Secretary may redistribute all or part of those funds, and any interest earned by that agency on those funds, to one or more other local educational agencies that are making satisfactory progress.

SEC. 12135. LOCAL APPLICATIONS.

(a) APPLICATION REQUIRED.—A local educational agency, or an alternative agency described in section 12132 (both referred to in this chapter as the ''local agency''), that wishes to receive a grant under this chapter shall submit an application to the Secretary, in the manner the Secretary may require, not later than two years after the date of enactment of this Act.

(b) DEVELOPMENT OF APPLICATION.—(1) The local agency shall develop the local application under this chapter only after broadly consulting with parents, administrators, teachers, the business community, and other members of the local community about the best means of carrying out this chapter.

(2) If the local educational agency is not the applicant, the applicant shall consult with the local educational agency, and shall obtain its approval before submitting its application to the Secretary.

(c) LOCAL SURVEY.—(1) Before submitting its application, the local agency, with the involvement of local school officials and experts in building construction and management, shall survey the local need for construction and renovation of school facilities, including, at a minimum—

(A) the overall condition of school facilities in the local educational agency, including health and safety problems;

(B) the capacity of the local educational agency's schools to house projected enrollments; and

(C) the extent to which the local educational agency's schools offer the physical infrastructure needed to provide a high-quality education to all students.

(2) A local educational agency need not conduct a new survey under paragraph (1) if it has previously completed a survey that meets the requirements of that paragraph and that the Secretary finds is sufficiently recent for the purpose of carrying out this chapter.

(d) APPLICATION CONTENTS.—Each local application under this chapter shall include—

(1) an identification of the local agency to receive the grant under this chapter;

(2) a summary of the results of the survey of school facility needs, as described in subsection (c);

(3) a description of how the local agency will implement its program under this chapter;

(4) a description of the criteria the local agency has used to determine which construction projects to support with grant funds;

(5) a description of the construction projects that will be supported with grant funds;

(6) a description of the mechanisms that will be used to finance construction projects supported by grant funds;

(7) a requested level of Federal subsidy, with a justification for that level, for each construction project to be supported by the grant, in accordance with section 12138(a), including the financial and demographic information the Secretary may require;

(8) a description of the steps the agency will take to ensure that facilities constructed or improved with funds under this chapter will be adequately maintained;

(9) an assurance that the agency will use its grant only to supplement the funds that the locality would spend on school construction and renovation in the absence of a grant under this chapter, and not to supplant those funds;

(10) an assurance that, during the four-year period beginning with the year the local educational agency receives its grant, its expenditures for school construction (which, at that agency's option, may include private contributions) will be at least 125 percent of its expenditures for that purpose for the four preceding years; and

(11) other information and assurances that the Secretary may require.

(e) WAIVER OF REQUIREMENT TO INCREASE EXPENDITURES.—The Secretary may waive or modify the requirement of subsection (d)(10) for a local educational agency that demonstrates to the Secretary's satisfaction that that requirement is unduly burdensome because that agency has incurred a particularly high level of school construction expenditures during the previous four years.

SEC. 12136. FORMULA GRANTS.

(a) ALLOCATIONS.—The Secretary shall allocate the funds available under section 12112(b)(2) to the local educational agencies identified under section 12131(a) on the basis of their relative allocations under section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) in the most recent year for which that information is available to the Secretary.

(b) REALLOCATIONS.—If a local educational agency does not apply for its allocation, applies for less than its full allocation, or fails to submit an approvable application, the Secretary may reallocate all or a portion of its allocation, as the case may be, to the remaining local educational agencies in the same proportions as the original allocations were made to those agencies under subsection (a).

SEC. 12137. COMPETITIVE GRANTS.

(a) GRANTS AUTHORIZED.—The Secretary shall use funds available under section 12112(b)(3) to make additional grants, on a competitive basis, to recipients of formula grants under section 12136.

(b) ADDITIONAL APPLICATION MATERIALS.—Any eligible applicant under section 12136 that wishes to receive additional funds under this section shall include in its application under section 12135 the following additional information:

(1) The amount of funds requested under this section, in accordance with ranges or limits that the Secretary may establish based on factors such as relative size of the eligible applicants.

(2) A description of the additional construction activities that the applicant would carry out with those funds.

(3) Information on the current financial effort the applicant is making for elementary and secondary education, including support from private sources, relative to its resources.

(4) Information on the extent to which the applicant will increase its own (or other public or private) spending for school construction in the year in which it receives a grant under this section, above the average annual amount for construction activity during the preceding four years.

(5) A description of the energy efficiency and the effect on the environment of the projects that the applicant will undertake, both with its grant under this section and its grant under section 12136, and of the extent to which those projects will use cost-efficient architectural design.

(6) Other information that the Secretary may require.

(c) SELECTION OF GRANTEES.—The Secretary shall select grantees under this section on the basis of criteria, consistent with the purpose of this title, that the Secretary may establish, which shall include—

(1) the relative need of applicants, as demonstrated by inadequate educational facilities and a low level of resources to meet their school construction needs; and

(2) the commitment of applicants to meet their school construction needs and the leveraging effect that assistance under this chapter would have, as demonstrated by the additional resources that they will provide, from non-Federal sources, to meet those needs, in accordance with subsection (b)(4).

SEC. 12138. AMOUNT OF FEDERAL SUBSIDY.

(a) AMOUNT OF FEDERAL SUBSIDY.—For each construction project assisted under this chapter, the Secretary shall determine the amount of the Federal subsidy in accordance with section 12127(a).

(b) NON-FEDERAL SHARE.—A grantee under this chapter may use any non-Federal funds, including State, local, and private-sector funds, for the financing costs that are not covered by the Federal subsidy under subsection (a).

SEC. 12139. SEPARATE FUNDS OR ACCOUNTS; PRUDENT INVESTMENT.

(a) SEPARATE FUNDS OR ACCOUNTS REQUIRED.—Each grantee under this chapter shall deposit the grant proceeds in a separate fund or account, from which it shall make bond repayments and pay other expenses allowable under this chapter.

(b) PRUDENT INVESTMENT REQUIRED.—Each grantee under this chapter shall—

(1) invest the grant funds in a fiscally prudent manner, in order to generate amounts needed to make repayments on bonds and other forms of indebtedness; and

(2) notwithstanding section 6503 of title 31, United States Code or any other law, use the proceeds of that investment to carry out this chapter.

SEC. 12140. LOCAL REPORTS.

(a) REPORTS REQUIRED.—(1) Each grantee under this chapter shall report to the Secretary on its activities under this chapter, in the form and manner the Secretary may prescribe.

(2) If the local educational agency is not the grantee under this chapter, the grantee's report shall include the approval of the local educational agency or its comments on the report.

(b) CONTENTS.—Each report shall—

(1) describe the grantee's implementation of this chapter, including how it has met the requirements of this chapter;

(2) identify the specific school facilities constructed, renovated, or modernized with support from the grant, and the mechanisms used to finance those activities; and

(3) other information the Secretary may require.

(c) FREQUENCY.—(1) Each grantee shall submit its first report under this section not later than 24 months after it receives its grant under this chapter.

(2) Each grantee shall submit an annual report for each of the three years after submitting its first report, and subsequently shall

submit periodic reports as long as it is using grant funds.

Subtitle B—General Provisions

SEC. 12201. TECHNICAL EMPLOYEES.

For the purpose of carrying out this title, the Secretary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, may appoint not more than 10 technical employees who may be paid without regard to the provisions of chapter 51 and subchapter IV of chapter 53 of that title relating to classification and General Schedule pay rates.

SEC. 12202. WAGE RATES.

(a) PREVAILING WAGE.—The Secretary shall ensure that all laborers and mechanics employed by contractors and subcontractors on any project assisted under this title are paid wages at rates not less than those prevailing as determined by the Secretary of Labor in accordance with the Act of March 3, 1931, as amended (40 U.S.C. 276a et seq.). The Secretary of Labor has, with respect to this section, the authority and functions established in Reorganization Plan Numbered 14 of 1950 (effective May 24, 1950, 64 Stat. 1267) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

(b) WAIVER FOR VOLUNTEERS.—Section 7305 of the Federal Acquisition Streamlining Act of 1994 (40 U.S.C. 276d–3) is amended—

(1) in paragraph (4), by striking out the ''and'' at the end thereof;

(2) in paragraph (5), by striking out the period at the end thereof and inserting a semicolon and ''and''; and

(3) by adding at the end thereof the following new paragraph:

''(6) the Partnership to Rebuild America's Schools Act of 1997.''.

SEC. 12203. NO LIABILITY OF FEDERAL GOVERNMENT.

(a) NO FEDERAL LIABILITY.—Any financial instruments, including but not limited to contracts, bonds, bills, notes, certificates of participation, or purchase or lease arrangements, issued by States, localities or instrumentalities thereof in connection with any assistance provided by the Secretary under this title are obligations of such States, localities or instrumentalities and not obligations of the United States and are not guaranteed by the full faith and credit of the United States.

(b) NOTICE REQUIREMENT.—Documents relating to any financial instruments, including but not limited to contracts, bonds, bills, notes, offering statements, certificates of participation, or purchase or lease arrangements, issued by States, localities or instrumentalities thereof in connection with any assistance provided under this title, shall include a prominent statement providing notice that the financial instruments are not obligations of the United States and are not guaranteed by the full faith and credit of the United States.

SEC. 12204. CONSULTATION WITH SECRETARY OF THE TREASURY.

The Secretary of Education shall consult with the Secretary of the Treasury in carrying out this title.

AMENDMENT NO. 668

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

SEC. . TRANSFER FOR VETERANS' HEALTH CARE AND OTHER PURPOSES.

(a) TRANSFER REQUIRED.—The Secretary of Defense shall transfer to the Secretary of Veterans' Affairs $400,000,000 of the funds appropriated for the Department of Defense for fiscal year 1998.

(b) USE OF TRANSFERRED FUNDS.—Funds transferred to the Secretary of Veterans' Affairs shall be for the purposes of providing benefits under the laws administered by the Secretary of Veterans' Affairs, other than compensation and pension benefits provided under Chapters 11 and 13 of title 38, United States Code.

WELLSTONE (AND ROCKEFELLER) AMENDMENT NO. 669

(Ordered to lie on the table.)

Mr. WELLSTONE (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

On page 46, between lines 6 and 7, insert the following:

SEC. 220. BIOASSAY TESTING OF VETERANS EXPOSED TO IONIZING RADIATION DURING MILITARY SERVICE.

(a) NUCLEAR TEST PERSONNEL PROGRAM.—Of the amount provided in section 201(4), $500,000 shall be available for testing described in subsection (b) at the Brookhaven National Laboratory in support of the Nuclear Test Personnel Program conducted by the Defense Special Weapons Agency.

(b) COVERED TESTING.—Subsection (a) applies to the third phase of bioassay testing of individuals who are radiation-exposed veterans (as defined in section 1112(c)(3) of title 38, United States Code) who participated in radiation-risk activities (as defined in such paragraph).

WELLSTONE AMENDMENT NO. 670

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

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

SEC. ___. TRANSFER FOR OUTREACH AND STARTUP FOR THE SCHOOL BREAKFAST PROGRAM.

(a) TRANSFER REQUIRED.—In each of fiscal years 1998, 1999, 2000, 2001, and 2002, the Secretary of Defense shall transfer to the Secretary of Agriculture—

(1) $5,000,000 of the funds appropriated for the Department of Defense for that fiscal year; and

(2) any additional amount that the Secretary of Agriculture determines necessary to pay any increase in the cost of the meals provided to children under the school breakfast program as a result of the amendment made by subsection (b).

(b) USE OF TRANSFERRED FUNDS.—Section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) is amended by adding at the end the following:

''(f) STARTUP AND EXPANSION COSTS.—

''(1) DEFINITIONS.—In this subsection:

''(A) ELIGIBLE SCHOOL.—The term 'eligible school' means a school—

''(i) attended by children, a significant percentage of whom are members of low-income families;

''(ii)(I) as used with respect to a school breakfast program, that agrees to operate the school breakfast program established or expanded with the assistance provided under this subsection for a period of not less than 3 years; and

''(II) as used with respect to a summer food service program for children, that agrees to operate the summer food service program for children established or expanded with the assistance provided under this subsection for a period of not less than 3 years.

''(B) SERVICE INSTITUTION.—The term 'service institution' means an institution or organization described in paragraph (1)(B) or (7) of section 13(a) of the National School Lunch Act (42 U.S.C. 1761(a)).

''(C) SUMMER FOOD SERVICE PROGRAM FOR CHILDREN.—The term 'summer food service program for children' means a program authorized by section 13 of the National School Lunch Act (42 U.S.C. 1761).

''(2) USE OF FUNDS.—Out of any amounts made available under section ___(a)(1) of the National Defense Authorization Act for Fiscal Year 1998, the Secretary of Agriculture shall make payments on a competitive basis and in the following order of priority (subject to the other provisions of this subsection), to—

''(A) State educational agencies in a substantial number of States for distribution to eligible schools to assist the schools with nonrecurring expenses incurred in—

''(i) initiating a school breakfast program under this section; or

''(ii) expanding a school breakfast program; and

''(B) a substantial number of States for distribution to service institutions to assist the institutions with nonrecurring expenses incurred in—

''(i) initiating a summer food service program for children; or

''(ii) expanding a summer food service program for children.

''(3) PAYMENTS ADDITIONAL.—Payments received under this subsection shall be in addition to payments to which State agencies are entitled under subsection (b) of this section and section 13 of the National School Lunch Act (42 U.S.C. 1761).

''(4) STATE PLAN.—To be eligible to receive a payment under this subsection, a State educational agency shall submit to the Secretary of Agriculture a plan to initiate or expand school breakfast programs conducted in the State, including a description of the manner in which the agency will provide technical assistance and funding to schools in the State to initiate or expand the programs.

''(5) SCHOOL BREAKFAST PROGRAM PREFERENCES.—In making payments under this subsection for any fiscal year to initiate or expand school breakfast programs, the Secretary shall provide a preference to State educational agencies that—

''(A) have in effect a State law that requires the expansion of the programs during the year;

''(B) have significant public or private resources that have been assembled to carry out the expansion of the programs during the year;

''(C) do not have a school breakfast program available to a large number of low-income children in the State; or

''(D) serve an unmet need among low-income children, as determined by the Secretary.

''(6) SUMMER FOOD SERVICE PROGRAM PREFERENCES.—In making payments under this subsection for any fiscal year to initiate or expand summer food service programs for children, the Secretary shall provide a preference to States—

''(A)(i) in which the numbers of children participating in the summer food service program for children represent the lowest percentages of the number of children receiving free or reduced price meals under the school lunch program established under the National School Lunch Act (42 U.S.C. 1751 et seq.); or

''(ii) that do not have a summer food service program for children available to a large number of low-income children in the State; and

''(B) that submit to the Secretary a plan to expand the summer food service programs for children conducted in the State, including a description of—

''(i) the manner in which the State will provide technical assistance and funding to service institutions in the State to expand the programs; and

''(ii) significant public or private resources that have been assembled to carry out the expansion of the programs during the year.

''(7) RECOVERY AND REALLOCATION.—The Secretary shall act in a timely manner to recover and reallocate to other States any amounts provided to a State educational agency or State under this subsection that are not used by the agency or State within a reasonable period (as determined by the Secretary).

''(8) ANNUAL APPLICATION.—The Secretary shall allow States to apply on an annual basis for assistance under this subsection.

''(9) GREATEST NEED.—Each State agency and State, in allocating funds within the State, shall give preference for assistance under this subsection to eligible schools and service institutions that demonstrate the greatest need for a school breakfast program or a summer food service program for children, respectively.

''(10) MAINTENANCE OF EFFORT.—Expenditures of funds from State and local sources for the maintenance of the school breakfast program and the summer food service program for children shall not be diminished as a result of payments received under this subsection.''.

LIEBERMAN AMENDMENT NO. 671

(Ordered to lie on the table.)

Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the appropriate place, insert the following:

SEC. . STUDY CONCERNING THE PROVISION OF COMPARATIVE INFORMATION.

(a) STUDY.—The Secretary of Defense shall conduct a study concerning the provision of the information described in subsection (b) to beneficiaries under the TRICARE program established under the authority of chapter 55 of title 10, United States Code, and prepare and submit to the appropriate committees of Congress a report concerning such study.

(b) PROVISION OF COMPARATIVE INFORMATION.—Information described in this subsection, with respect to a managed care entity that contracts with the Secretary of Defense to provide medical assistance under the program described in subsection (a), shall include the following:

(1) BENEFITS.—The benefits covered by the entity involved, including—

(A) covered items and services beyond those provided under a traditional free-for-service program;

(B) any beneficiary cost sharing; and

(C) any maximum limitations on out-of-pocket expenses.

(2) PREMIUMS.—The net monthly premium, if any, under the entity.

(3) SERVICE AREA.—The service area of the entity.

(4) QUALITY AND PERFORMANCE.—To the extent available, quality and performance indicators for the benefits under the entity (and how they compare to such indicators under the traditional fee-for-service programs in the area involved), including—

(A) disenrollment rates for enrollees electing to receive benefits through the entity for the previous 2 years (excluding disenrollment due to death or moving outside the service area of the entity);

(B) information on enrollee satisfaction;

(C) information on health process and outcomes;

(D) grievance procedures;

(E) the extent to which an enrollee may select the health care provider of their choice, including health care providers within the network of the entity and out-of-network health care providers (if the entity covers out-of-network items and services); and

(F) an indication of enrollee exposure to balance billing and the restrictions on coverage of items and services provided to such enrollee by out-of-network health care provider.

(5) SUPPLEMENTAL BENEFITS OPTIONS.—Whether the entity offers optional supplemental benefits and the terms and conditions (including premiums) for such coverage.

(6) PHYSICIAN COMPENSATION.—An overall summary description as to the method of compensation of participating physicians.

BUMPERS AMENDMENT NO. 672

(Ordered to lie on the table.)

Mr. BUMPERS submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

Strike line 10 on page 310 through line 10 on page 315.

GRASSLEY AMENDMENT NO. 673

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the appropriate place insert:

Chapter 27 of title 18, United States Code, is amended by inserting the following new section:

''Whoever fraudulently or knowlingly exports or sends from the United States, or attempts to export or send from the United States, any merchandise, article or object contrary to any law or regulation of the United States, or receives, conceals, buys sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States, shall be fined under this title or imprisoned not more than five years, or both. Proof of defendant's possession of such goods, unless explained to the satisfaction of the jury, may be deemed evidence sufficient to authorize conviction for violation of this section. The term 'United States' as used in this section shall have the same meaning as that provided in section 545 of this title.''

FEINGOLD AMENDMENTS NOS. 674–677

(Ordered to lie on the table.)

Mr. FEINGOLD submitted four amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 674

On page 53, line 14, after ''follows'', add the following: '': *Provided*, That none of the funds authorized pursuant to this section may be obligated for the deployment of any ground elements of the United States Armed Forces in the Republic of Bosnia and Herzegovina after June 30, 1998, except that the limitation in this clause shall not apply to the extent necessary to support a limited number of United States military personnel sufficient only to protect United States diplomatic facilities in existence on the date of the enactment of this Act, and noncombat military personnel sufficient only to advise the commanders North Atlantic Treaty Organization peacekeeping operations in the Republic of Bosnia and Herzegovina, or actions taken by the President in order to protect the lives of United States citizens''.

AMENDMENT NO. 675

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

SEC. 125. F/A–18 E/F TACTICAL FIGHTER AIRCRAFT PROGRAM.

Amounts authorized to be appropriated by this Act may not be used to provide for the procurement of more than 12 F/A–18 E/F tactical fighter aircraft.

AMENDMENT NO. 676

On page 16, on line 1, insert before the period the following: '', of which funds may not be obligated for the procurement of more than 12 F/A–18 E/F tactical fighter aircraft''

AMENDMENT NO. 677

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

SEC. 144. NEW TACTICAL FIGHTER AIRCRAFT PROGRAMS.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act. The Secretary of Defense shall submit to Congress a report containing the Secretary's recommendation on which one of the three new tactical fighter aircraft programs should be terminated if only two of such programs were to be funded. The report shall also contain an analysis of how the two remaining new tactical fighter aircraft programs (not including the tactical fighter aircraft program recommended for termination), together with the current tactical aircraft assets of the Armed Forces, will provide the Armed Forces with an effective, affordable tactical fighter force structure that is capable of meeting projected threats well into the twenty-first century.

(b) COVERED AIRCRAFT PROGRAMS.—The three new tactical fighter aircraft programs referred to in subsection (a) are as follows:

(1) The F/A–18 E/F aircraft program.

(2) The F–22 aircraft program.

(3) The Joint Strike Fighter aircraft program.

FEINSTEIN (AND BOXER) AMENDMENT NO. 678

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

On page 347, between lines 15 and 16, insert the following:

SEC. 1075. AUTHORITY TO TRANSFER SURPLUS PROPERTY FOR USE FOR LAW ENFORCEMENT OR FIRE AND RESCUE PURPOSES.

Section 203(p)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(p)(1)) is amended in the first sentence by striking out ''required'' and all that follows through ''as approved by the Attorney General'' and inserting in lieu thereof ''needed for use by the transferee or grantee for a law enforcement or fire and rescue purpose''.

FEINSTEIN AMENDMENT NO. 679

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill, S. 936, supra; as follows:

At the end of Subtitle B of Title XXVIII, add the following,

SEC. . LAND CONVEYANCE, HAMILTON FIELD, NOVATO, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—The Secretary of the Navy shall convey to the City of Novato, California (in this section referred to as the ''City''), or a department or agency of the City, all right, title, and interest of the United States in and to the surplus Department of Defense housing facilities at former Hamilton Field in the City of Novato.

(b) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the real property, as determined in accordance with this subsection. The fair market value shall be determined on the basis of the assumption that the property will be developed in accordance with the approved redevelopment plan prepared by the local redevelopment authority for the property.

(c) TIME FOR CONVEYANCE.—The Secretary shall endeavor to complete the conveyance under subsection (a) on or before November 15, 1997.

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

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

KERRY AMENDMENTS NOS. 680–681

(Ordered to lie on the table.)

Mr. KERRY submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 680

Beginning on page 336, line 20, strike all beginning ''SEC. 1067. POW/MIA'' through ''(50 U.S.C. 401a).'' on line 3 of page 338.

AMENDMENT NO. 681

Add at the appropriate point in the bill the following

SEC. . AUTHORITY OF THE SECRETARY OF DEFENSE CONCERNING DISPOSAL OF ASSETS UNDER COOPERATIVE AGREEMENTS ON AIR DEFENSE IN CENTRAL EUROPE.

(a) GENERAL AUTHORITIES.—The Secretary of Defense, pursuant to an amendment or amendments to the European air defense agreements, may dispose of any defense articles owned by the United States and acquired to carry out such agreements by providing such articles to the Federal Republic of Germany. In carrying out such disposal, the Secretary—

(1) may provide without monetary charge to the Federal Republic of Germany articles specified in the agreements; and

(2) may accept from the Federal Republic of Germany (in exchange for the articles provided under paragraph (1)) articles, services, or any other consideration, as determined appropriate by the Secretary.

(b) DEFINITION OF EUROPEAN AIR DEFENSE AGREEMENTS.—For the purposes of this section the term ''European air defense agreements'' means

(1) the agreement entitled ''Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany on Cooperative Measures for Enhancing Air Defense for Central Europe'', signed on December 6, 1983; and

(2) the agreement entitled ''Agreement between the Secretary of Defense of the United States of America and the Minister of Defense of the Federal Republic of Germany in implementation of the 6 December 1983 Agreement on Cooperative Measures for Enhancing Air Defense for Central Europe'', signed on July 12, 1984.

D'AMATO AMENDMENT NO. 682

(Ordered to lie on the table.)

Mr. D'AMATO submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

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

None of the funds authorized for development of the ALR–69 radar warning receiver may be obligated or expended until the active Air Force, the Air National Guard and the Air Force Reserve conduct a Cost and Operation Effectiveness Analysis (COEA) to determine the best path to follow in making this upgrade and report their findings to the Congressional Defense Committees.

DOMENICI AMENDMENTS NOS. 683–684

(Ordered to lie on the table.)

Mr. DOMENICI submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 683

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

In addition to the amount authorized to be appropriated for the Department of Defense health care program, add $7 million for the Gerald Champion Memorial Hospital/Holloman Air Force Base shared hospital facility.

AMENDMENT NO. 684

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

On page 53, title III, Operations and Maintenance, line 18, Air Force Operations and Maintenance, strike ''$18,861,685,000'' and insert ''$18,871,685,000''.

COATS (AND OTHERS) AMENDMENT NO. 685

(Ordered to lie on the table.)

Mr. COATS (for himself, Mr. BREAUX, Mr. SMITH of Oregon, and Mr. BROWNBACK) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

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

SEC. 1075. SENSE OF THE SENATE REGARDING EXPANSION OF THE NORTH ATLANTIC TREATY ORGANIZATION.

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

(1) The North Atlantic Treaty Organization (NATO) will meet July 8 and 9, 1997, in Madrid, Spain, to issue invitations to several countries in Central Europe and Eastern Europe to begin accession talks to join NATO.

(2) Congress has expressed its support for the process of NATO enlargement by approving the NATO Enlargement Facilitation Act of 1996 (Public Law 104–208; 22 U.S.C. 1928 note) by a vote of 81–16 in the Senate, and 353–65 in the House of Representatives.

(3) The Clinton Administration has determined that the United States Government will support inviting three countries—Poland, Hungary, and the Czech Republic—to join NATO at the Madrid summit.

(4) The United States should ensure that the process of enlarging NATO continues after the first round of invitations are issued this July.

(5) Romania and Slovenia are to be commended for their progress toward political and economic reform and their meeting the guidelines for prospective NATO membership.

(6) In furthering NATO's purpose and objective of promoting stability and well-being in the North Atlantic area, Romania, Slovenia, and any other democratic states of Central and Eastern Europe should be invited to become NATO members as expeditiously as possible upon satisfaction of all relevant criteria.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that NATO should set a date certain by which the heads of state of NATO members will meet to issue a second round of invitations to Central and Eastern European states that have met the criteria for NATO membership.

SNOWE AMENDMENT NO. 686

(Ordered to lie on the table.)

Ms. SNOWE submitted an amendment intended to be proposed by her to the bill, S. 936, supra; as follows:

On page 410, between lines 2 and 3, insert the following:

SEC. 2832. UTILIZATION OF SAVINGS DERIVED FROM BASE CLOSURE PROCESS.

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

(1) Since 1988, the Department of Defense has conducted 4 rounds of closures and realignments of military installations in the United States, resulting in the closure of 97 installations.

(2) The cost of carrying out the closure or realignment of installations covered by such rounds is estimated by the Secretary of Defense to be $23,000,000,000.

(3) The savings expected as a result of the closure or realignment of such installations are estimated by the Secretary to be $10,300,000,000 through fiscal year 1996 and $36,600,000,000 through 2001.

(4) In addition to such savings, the Secretary has estimated recurring savings as a result of the closure or realignment of such installations of approximately $5,600,000,000 annually.

(5) The fiscal year 1997 budget request for the Department assumes a savings of between $2,000,000,000 and $3,000,000,000 as a result of the closure or realignment of such installations, which savings were to be dedicated to modernization of the Armed Forces. The savings assumed in the budget request were not realized.

(6) The fiscal year 1998 budget request for the Department assumes a savings of $5,000,000,000 as a result of the closure or realignment of such installations, which savings are to be dedicated to modernization of the Armed Forces.

(b) REPORT ON PRIOR COSTS AND SAVINGS.—The Secretary of Defense shall submit to Congress in 1998, together with the President's budget for fiscal year 1999 under section 1105(a) of title 31, United States Code, a report containing a complete accounting of the costs attributable to and the savings realized as a result of the closure and realignment of military installations under the base closure laws through fiscal year 1997.

(c) REPORTS ON FUTURE COSTS AND SAVINGS.—The Secretary shall submit to Congress in 1999 and each year thereafter, together with the President's budget for the succeeding fiscal year under that section, a report containing a complete accounting of the costs attributable to and the savings realized as a result of the closure and realignment of installations under the base closure laws during the preceding fiscal year.

(d) ADDITIONAL REPORT REQUIREMENTS.—(1) Each report under subsections (b) and (c) shall contain, in addition to the matters required under such subsections, a statement of the estimated costs to be attributed to and savings to be realized as a result of the closure and realignment of installations under the base closure laws during the six-year period beginning on the date of the report.

(2) Each report shall set forth costs and savings, using data consistent with budget data, by Armed Force, type of installation, and fiscal year.

(3) The Secretary shall, to the maximum extent practicable, ensure that the military departments utilize a common methodology in determining costs attributable to and savings realized as a result of the closure and realignment of installations under the base closure laws.

(e) PURPOSE OF REPORTS.—The purpose of the reports under this section is to provide Congress with an full and accurate accounting of the costs attributable to and the savings realized as a result of the base closure process.

(f) SENSE OF SENATE ON USE OF SAVINGS.—It is the sense of the Senate that the savings reported under this section be made available to the Department solely for purposes of modernization of new weapon systems (including research, development, test, and evaluation relating to such modernization) and be used by the Department solely for such purposes.

(g) DEFINITIONS.—In this section:

(1) BASE CLOSURE LAWS.—The term ''base closure laws'' means the following:

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

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

(C) Any Act enacted after the date of enactment of this Act the provisions of which authorize or require the closure or realignment of a military installation.

(2) SAVINGS REALIZED.—The term ''savings realized'', with respect to military installations closed or realigned under the base closure laws, means the costs the Department would otherwise have incurred with respect to such installations if not for the closure or realignment of such installations under such laws.

JEFFORDS AMENDMENT NO. 687

(Ordered to lie on the table.)

Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill, S. 936, supra: as follows:

On page 84, after line 23, add the following:

SEC. 340. PROCUREMENT OF RECYCLED COPIER PAPER.

(a) REQUIREMENT.—(1) Except as provided in subsection (b), a department or agency of the Department of Defense may not procure copying machine paper after a date set forth in paragraph (2) unless the percentage of post-consumer recycled content of the paper meets the percentage set forth with respect to such date in that paragraph.

(2) The percentage of post-consumer recycled content of paper required under paragraph (1) is as follows:

(A) 20 percent as of January 1, 1998.

(B) 30 percent as of January 1, 1999.

(C) 50 percent as of January 1, 2004.

(b) EXCEPTIONS.—A department or agency may procure copying machine paper having a percentage of post-consumer recycled content that does not meet the applicable requirement in subsection (a) if—

(1) the cost of procuring copying machine paper under such requirement would exceed by more than 7 percent the cost of procuring copying machine paper having a percentage of post-consumer recycled content that does not meet such requirement;

(2) copying machine paper having a percentage of post-consumer recycled content meeting such requirement is not reasonably available within a reasonable period of time;

(3) copying machine paper having a percentage of post-consumer recycled content meeting such requirement does not meet performance standards of the department or agency for copying machine paper; or

(4) in the case of the requirement in paragraph (2)(C) of that subsection, the Secretary of Defense makes the certification described in subsection (c).

(c) CERTIFICATION OF INABILITY TO MEET GOAL IN 2004.—If the Secretary determines that any department or agency of the Department will be unable to meet the goal specified in subsection (a)(2)(C) by the date specified in that subsection, the Secretary shall certify that determination to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The Secretary shall submit such certification, if at all, not later than January 1, 2003.

HUTCHISON AMENDMENTS NOS. 688–696

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted nine amendments intended to be proposed by her to the bill, S. 936, supra; as follows:

AMENDMENT NO. 688

At the end of title XXV, add the following (and conform the table of contents accordingly:)

SEC. . SENSE OF CONGRESS REGARDING THE NORTH ATLANTIC TREATY.

(a) FINDINGS.—Congress finds the following:

(1) The NATO alliance is expected to expand its membership;

(2) The unity, resolve, and strength of the North Atlantic Treaty Organization was the principle factor behind that victory;

(3) The North Atlantic Treaty was signed in April 1949 and remains substantively unchanged for nearly a half-century, despite the dramatic changes it has wrought;

(4) The President of the United States and leaders of other NATO countries have indicated their intention to expand alliance membership to include at least three new countries;

(5) The period since the end of the Cold War has been marked by tragic and violent border, ethnic, religious, and nationalist disputes in Europe;

(6) Current and prospective NATO members are not immune to such disputes, and share borders with countries directly involved in the ongoing military standoff in the former Yugoslavia;

(7) The United States has spent more than $6 billion for its share of the peacekeeping responsibilities in the former Yugoslavia;

(8) The United States is bound by Article Five of the North Atlantic Treaty to respond to an attack on any NATO member as it would to an attack on the United States itself;

(9) The North Atlantic Treaty does not provide for dispute resolution process by which members can resolve differences among themselves without undermining Article Five obligations;

(b) SENSE OF CONGRESS.—It is the sense of Congress that the North Atlantic Treaty Organization should undertake to renegotiate the underlying treaty to provide for a process of internal dispute resolution as a precondition for the final entry of any additional members into the alliance.

AMENDMENT NO. 689

At the end of title XXV, add the following (and conform the table of contents accordingly:)

SEC. . SENSE OF CONGRESS REGARDING THE NORTH ATLANTIC TREATY.

(a) FINDINGS.—Congress finds the following:

(1) The NATO alliance is expected to expand its membership by an as yet undetermined number of nations over the next several years;

(2) The nations seeking entry into the Atlantic alliance deploy militaries that are badly in need of modernization;

(3) Seamless command and control abilities are needed if the militaries of NATO's member nations are to be inter-operable;

(4) Candidates for NATO membership are expecting U.S. foreign assistance in order to upgrade their command and control capabilities;

(5) Estimates of annual costs to the U.S. for NATO expansion have varied from $150 million to over $5 billion dollars;

(6) The present Administration has consistently failed to provide modernization funds of anywhere near the $60 billion annual expenditure that is widely considered to be the baseline figure needed to modernize America's military;

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense related expenditures for the purpose of facilitating the expansion of NATO shall not exceed $150 million a year between Fiscal Years 1998 and 2005.

AMENDMENT NO. 690

Beginning on page 32, line 16, strike all starting with ''Section 212'' through page 34, end of line 24.

AMENDMENT NO. 691

At the appropriate place, insert:

SEC. 544. LEGAL SERVICES CORPORATION.

PUBLIC DISCLOSURE.—(1) Not later than January 1, 1998, the Legal Services Corporation shall implement a system of case information disclosure which shall apply to all basic field programs which receive funds from the Legal Services Corporation from funds appropriated by the Congress.

(2) Any basic field program which receives federal funds from the Legal Services Corporation from the funds appropriated in this Act must disclose to the public in written form, upon request, and to the Legal Services Corporation in quarterly reports, the following information about each case by its attorneys in any court—

(A) the name and full address of each party to the legal action;

(B) the cause(s) of action in the case;

(C) the name and address of the court in which the case was filed and the case number assigned to the legal action.

(3) The case information disclosed in quarterly reports to the Legal Services Corporation shall be subject to disclosure under the Freedom of Information Act (5 U.S.C. Sec. 552).

AMENDMENT NO. 692

On page 68, between lines 17 and 18, insert the following:

SEC. 319. LIMITATION ON USE OF FUNDS FOR CONSTRUCTION OF INDUSTRIAL FACILITIES AT MILITARY DEPOTS.

Notwithstanding any other provision of law, no funds authorized to be appropriated

or otherwise made available to the Department of Defense may be obligated or expended for the construction of industrial facilities at a military depot in order to provide for the transfer of additional workload to the depot until the Secretary of the military department concerned certifies that—

(1) there is not available in the private sector sufficient industrial capacity to perform the additional workload;

(2) the private sector cannot perform the additional workload in a satisfactory manner for less cost;

(3) the additional workload cannot be performed in an existing military depot or military facility without construction of the facilities concerned;

(4) the additional workload is inherently public in nature; and

(5) the military readiness of the military department concerned will be adversely affected if the facilities are not constructed.

AMENDMENT NO. 693

On page 308, between lines 20 and 21, insert the following:

(d) TREATMENT OF SEABORNE CONSERVATION CORPS AS CIVILIAN YOUTH OPPORTUNITIES PROGRAM.—The Secretary of Defense shall treat the Seaborne Conservation Corps, a youth opportunities program sponsored by the Department of Defense, the Department of the Navy, and the Texas National Guard, as a program carried out under subsection (d) of section 1091 of the National Defense Authorization Act for Fiscal Year 1993 for purposes of the pilot program under that section.

AMENDMENT NO. 694

At the end of the subtitle of title III relating to depot-level activities, add the following:

SEC. ___. REQUIREMENT FOR COMPETITION IN SECURING PERFORMANCE OF CERTAIN DEPOT-LEVEL MAINTENANCE AND REPAIR.

Notwithstanding any other provision of law, in any case in which the Secretary of the military department concerned, or the Secretary of Defense in the case of a Defense Agency, proposes to enter into a contract for the performance of depot-level maintenance and repair in excess of $3,000,000, or provide for the transfer of the performance of such maintenance and repair in excess of that amount, such Secretary shall—

(1) provide for full and open competition between any appropriate depot of the Department of Defense and the private sector with respect to the performance of such maintenance and repair; and

(2) provide for the performance of such maintenance and repair by the depot or private contractor submitting the lowest-cost bid for such performance.

AMENDMENT NO. 695

At the end of the subtitle in title III relating to depot-level activities, add the following:

SEC. ___. LIMITATION ON TRANSFER OF WORKLOADS TO FACILITIES ON THE NATIONAL PRIORITIES LIST.

Notwithstanding any other provision of law, the Secretary of the military department concerned, or the Secretary of Defense in the case of a Defense Agency, may not transfer any depot-level maintenance and repair workload to a facility listed on the National Priorities List until a plan has been developed for remedial action with respect to the facility.

AMENDMENT NO. 696

In title II, beginning with the heading of section 221, strike out all through the heading of section 222, and insert in lieu thereof the following:

SEC. 221. SHORT TITLE.

This subtitle may be cited as the ''Defend America Act of 1997''.

SEC. 222. FINDINGS.

Congress makes the following findings:

(1) Although the United States possesses the technological means to develop and deploy defensive systems that would be highly effective in countering limited ballistic missile threats to its territory, the United States has not deployed such systems and currently has no policy to do so.

(2) The threat that is posed to the national security of the United States by the proliferation of ballistic missiles is significant and growing, both quantitatively and qualitatively.

(3) The trend in ballistic missile proliferation is toward longer range and increasingly sophisticated missiles.

(4) Several countries that are hostile to the United States (including North Korea, Iran, Libya, and Iraq) have demonstrated an interest in acquiring ballistic missiles capable of reaching the United States.

(5) The Intelligence Community of the United States has confirmed that North Korea is developing an intercontinental ballistic missile that will be capable of reaching Alaska or beyond once deployed.

(6) There are ways for determined countries to acquire missiles capable of threatening the United States with little warning by means other than indigenous development.

(7) Because of the dire consequences to the United States of not being prepared to defend itself against a rogue missile attack and the long-lead time associated with preparing an effective defense, it is prudent to commence a national missile defense deployment effort before new ballistic missile threats to the United States are unambiguously confirmed.

(8) The timely deployment by the United States of an effective national missile defense system will reduce the incentives for countries to develop or otherwise acquire intercontinental ballistic missiles, thereby inhibiting as well as countering the proliferation of missiles and weapons of mass destruction.

(9) Deployment by the United States of a national missile defense system will reduce concerns about the threat of an accidental or unauthorized ballistic missile attack on the United States.

(10) The offense-only approach to strategic deterrence presently followed by the United States and Russia is fundamentally adversarial and is not a suitable basis for stability in a world in which the United States and the states of the former Soviet Union are seeking to normalize relations and eliminate Cold War attitudes and arrangements.

(11) Pursuing a transition to a form of strategic deterrence based increasingly on defensive capabilities and strategies is in the interest of all countries seeking to preserve and enhance strategic stability.

(12) The deployment of a national missile defense system capable of defending the United States against limited ballistic missile attacks would (A) strengthen deterrence at the levels of forces agreed to by the United States and Russia under the START I Treaty, and (B) further strengthen deterrence if reductions below START I levels are implemented in the future.

(13) Article XIII of the ABM Treaty envisions ''possible changes in the strategic situation which have a bearing on the provisions of this treaty''.

(14) Articles XIII and XIV of the treaty establish means for the parties to amend the treaty, and the parties have in the past used those means to amend the treaty.

(15) Article XV of the treaty establishes the means for a party to withdraw from the treaty, upon six months notice ''if it decides that extraordinary events related to the subject matter of this treaty have jeopardized its supreme interests''.

(16) Previous discussions between the United States and Russia, based on Russian President Yeltsin's proposal for a Global Protection System, envisioned an agreement to amend the ABM Treaty to allow (among other measures) deployment of as many as four ground-based interceptor sites in addition to the one site permitted under the ABM Treaty and unrestricted exploitation of sensors based within the atmosphere and in space.

SEC. 223. NATIONAL MISSILE DEFENSE POLICY.

(a) It is the policy of the United States to deploy by the end of 2003 a National Missile Defense system that—

(1) is capable of providing a highly-effective defense of the territory of the United States against limited, unauthorized, or accidental ballistic missile attacks; and

(2) will be augmented over time to provide a layered defense against larger and more sophisticated ballistic missile threats as they emerge.

(b) It is the policy of the United States to seek a cooperative transition to a regime that does not feature an offense-only form of deterrence as the basis for strategic stability.

SEC. 224. NATIONAL MISSILE DEFENSE SYSTEM ARCHITECTURE.

(a) REQUIREMENT FOR DEVELOPMENT OF SYSTEM.—To implement the policy established in section 223(a), the Secretary of Defense shall develop for deployment an affordable and operationally effective National Missile Defense (NMD) system which shall achieve an initial operational capability (IOC) by the end of 2003.

(b) ELEMENTS OF THE NMD SYSTEM.—The system to be developed for deployment shall include the following elements:

(1) An interceptor system that optimizes defensive coverage of the continental United States, Alaska, and Hawaii against limited, accidental, or unauthorized ballistic missile attacks and includes one or a combination of the following:

(A) Ground-based interceptors.

(B) Sea-based interceptors.

(C) Space-based kinetic energy interceptors.

(D) Space-based directed energy systems.

(2) Fixed ground-based radars.

(3) Space-based sensors, including the Space and Missile Tracking System.

(4) Battle management, command, control, and communications (BM/C^3).

SEC. 225. IMPLEMENTATION OF NATIONAL MISSILE DEFENSE SYSTEM.

The Secretary of Defense shall—

(1) upon the enactment of this Act, promptly initiate required preparatory and planning actions that are necessary so as to be capable of meeting the initial operational capability (IOC) date specified in section 224(a);

(2) plan to conduct by the end of 1998 an integrated systems test which uses elements (including BM/C^3 elements) that are representative of, and traceable to, the national missile defense system architecture specified in section 224(b);

(3) prescribe and use streamlined acquisition policies and procedures to reduce the cost and increase the efficiency of developing the system specified in section 224(a); and

(4) develop an affordable national missile defense follow-on program that—

(A) leverages off of the national missile defense system specified in section 224(a), and

(B) augments that system, as the threat changes, to provide for a layered defense.

SEC. 226. REPORT ON PLAN FOR NATIONAL MISSILE DEFENSE SYSTEM DEVELOPMENT AND DEPLOYMENT.

Not later than March 15, 1998, the Secretary of Defense shall submit to Congress a report on the Secretary's plan for development and deployment of a national missile defense system pursuant to this subtitle. The report shall include the following matters:

(1) The Secretary's plan for carrying out this subtitle, including—

(A) a detailed description of the system architecture selected for development under section 224(b); and

(B) a discussion of the justification for the selection of that particular architecture.

(2) The Secretary's estimate of the amount of appropriations required for research, development, test, evaluation, and for procurement, for each of fiscal years 1998 through 2003 in order to achieve the initial operational capability date specified in section 224(a).

(3) A cost and operational effectiveness analysis of follow-on options to improve the effectiveness of such system.

(4) A determination of the point at which any activity that is required to be carried out under this subtitle would conflict with the terms of the ABM Treaty, together with a description of any such activity, the legal basis for the Secretary's determination, and an estimate of the time at which such point would be reached in order to meet the initial operational capability date specified in section 224(a).

SEC. 227. POLICY REGARDING THE ABM TREATY.

(a) ABM TREATY NEGOTIATIONS.—In light of the findings in section 222 and the policy established in section 223, Congress urges the President to pursue high-level discussions with the Russian Federation to achieve an agreement to amend the ABM Treaty to allow deployment of the national missile defense system being developed for deployment under section 224.

(b) REQUIREMENT FOR SENATE ADVICE AND CONSENT.—If an agreement described in subsection (a) is achieved in discussions described in that subsection, the President shall present that agreement to the Senate for its advice and consent. No funds appropriated or otherwise available for any fiscal year may be obligated or expended to implement such an amendment to the ABM Treaty unless the amendment is made in the same manner as the manner by which a treaty is made.

(c) ACTION UPON FAILURE TO ACHIEVE NEGOTIATED CHANGES WITHIN ONE YEAR.—If an agreement described in subsection (a) is not achieved in discussions described in that subsection within one year after the date of the enactment of this Act, the President and Congress, in consultation with each other, shall consider exercising the option of withdrawing the United States from the ABM Treaty in accordance with the provisions of Article XV of that treaty.

SEC. 228. FUNDING FOR FISCAL YEAR 1998.

Of the funds authorized to be appropriated under section 201(4), $1,840,606,000 shall be available for the national missile defense program.

SEC. 229. ABM TREATY DEFINED.

For purposes of this subtitle, the term ''ABM Treaty'' means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, and signed at Moscow on May 26, 1972, and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974.

SEC. 230. REVERSAL OF DECISION TO TRANSFER PROCUREMENT FUNDS FROM THE BALLISTIC MISSILE DEFENSE ORGANIZATION.

GRAMM AMENDMENTS NO. 697–698

(Ordered to lie on the table.)

Mr. GRAMM submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 697

At the appropriate place, add the following:

SEC. . CONTINUATION OF SUPPORT TO SENIOR MILITARY COLLEGES.

(a) DEFINITION OF SENIOR MILITARY COLLEGES.—For purposed of this section, the term ''senior military colleges'' means the following:

(1) Texas A&M University.

(2) Norwich University.

(3) The Virginia Military Institute.

(4) The Citadel.

(5) Virginia Polytechnic Institute and State University.

(6) North Georgia College and State University.

(b) FINDINGS.—Congress finds the following:

(1) The senior military colleges consistently have provided substantial numbers of highly qualified, long-serving leaders to the Armed Forces.

(2) The quality of the military leaders produced by the senior military colleges is, in part, the result of the rigorous military environment imposed on students attending the senior military colleges by the colleges, as well as the result of the long-standing close support relationship between the Corps of Cadets at each college and the Reserve Officer Training Corps personnel at the colleges who serve a effective leadership role models and mentors.

(3) In recognition of the quality of the young leaders produced by the senior military colleges, the Department of Defense and the military service have traditionally maintained special relationships with the colleges, including the policy to grant active duty service in the Army to graduates of the colleges who desire such service and who are recommended for such service by their ROTC professors of military science.

(4) Each of the senior military colleges has demonstrated an ability to adapt its systems and operations to changing conditions in, and requirements of, the Armed Forces without compromising the quality of leaders produced and without interruption of the close relationship between the colleges and the Department of Defense.

(c) SENSE OF CONGRESS.—In light of the findings in subsection (b), it is the sense of Congress that—

(1) the proposed initiative of the Secretary of the Army to end the commitment to active duty service for all graduates of senior military colleges who desire such service and who are recommended for such service by their ROTC professors of military science is short-sighted and contrary to the long-term interests of the Army;

(2) as they have in the past, the senior military colleges can and will continue to accommodate to changing military requirements to ensure that future graduates entering military service continue to be officers of superb quality who are quickly assimilated by the Armed Forces and fully prepared to make significant contributions to the Armed Forces through extended military careers; and

(3) decisions of the Secretary of Defense or the Secretary of a military department that fundamentally and unilaterally change the long-standing relationship of the Armed Forces with the senior military colleges are not in the best interests of the Department of Defense or the Armed Forces and are patently unfair to students who made decisions to enroll in the senior military colleges on the basis of existing Department and Armed Forces policy.

(d) CONTINUATION OF SUPPORT FOR SENIOR MILITARY COLLEGES.—Section 2111a of title 10, United States Code, is amended—

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

(2) by inserting after subsection (c) the following new subsections:

''(d) ADDITIONAL SUPPORT.—(1) The Secretaries of the military departments shall ensure that each unit of the Senior Reserve Officers' Training Corps at a senior military college provides support to the Corps of Cadets at the college over and above the level of support associated with the conduct of the formal Senior Reserve Officers' Training Corps course of instruction.

''(2) This additional support shall include the following:

''(A) Mentoring, teaching, coaching, counseling and advising cadets and cadet leaders in the areas of leadership, military, and academic performance.

''(B) Involvement in cadet leadership training, development, and evaluation, as well as drill, ceremonies, parades, and inspections.

''(3) This additional support may include the following:

''(A) Advising cadet teams, clubs, and organizations.

''(B) Involvement in matters of discipline and administration of the Corps of Cadets so long as such involvement does not interfere with the conduct of the formal Senior Reserve Officers' Training Corps course of instruction or the support required by paragraph (2).

''(e) TERMINATION OR REDUCTION OF PROGRAM PROHIBITED.—The Secretary of Defense and the Secretaries of the military departments may not take or authorize any action to terminate or reduce a unit of the Senior Reserve Officers' Training Corps at a senior military college unless the termination or reduction is specifically requested by the college.

''(f) ASSIGNMENT TO ACTIVE DUTY.—(1) The Secretary of the Army shall ensure that a graduate of a senior military college who desires to serve as a commissioned officer on active duty upon graduation from the college, who is medically and physically qualified for active duty, and who is recommended for such duty by the professor of military science at the college, shall be assigned to active duty. This paragraph shall apply to a member of the program at a senior military college who graduates from the college after March 31, 1997.

''(2) Nothing in this section shall be construed to prohibit the Secretary of the Army from requiring a member of the program who graduates from a senior military college to serve on active duty.''.

(e) TECHNICAL CORRECTIONS.—Subsection (g) of such section, as redesignated by subsection (d)(1), is amended—

(1) in paragraph (2), by striking out ''College'' and inserting in lieu thereof ''University''; and

(2) in paragraph (6), by inserting before the period the following: ''and State University''.

(f) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

''§2111a. Support for senior military colleges''.

(2) The item relating to such section in the table of sections at the beginning of chapter

103 of title 10, United States Code, is amended to read as follows:

''2111a. Support for senior military colleges.''.

AMENDMENT NO. 698

At the appropriate place, add the following:

SEC. . WAIVER OF PERCENTAGE LIMITATION

(a) Notwithstanding any other provision of law, the percentage limitation of Title 10 U.S. Code, Section 2466(a) [the ''60/40 rule''] is hereby waived for any DoD depot facility where, after a full and open public-private competition, it is determined by the Defense Depot Maintenance Council that savings of at least 10% can be realized by awarding work currently performed at the depot at the depot to a private contractor.

(b) When calculating the cost savings, DoD shall include all costs to operate DoD depots, including all overhead and retirement costs, in order to provide the best value to the taxpayer.

HELMS AMENDMENT NO. 699

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At §2813, add the following:

(a) CONVEYANCE AUTHORIZED.—Subject to the provisions of this section and notwithstanding any other law, the Secretary of the Army shall convey, without consideration, by fee simple absolute deed to Harnett County, North Carolina, all right, title, and interest of the United States of America in and to two parcels of land containing a total of 300 acres, more or less, located at Fort Bragg, North Carolina, together with any improvements thereon, for educational and economic development purposes.

(b) TERMS AND CONDITIONS.—The conveyance by the United States under this section shall be subject to the following conditions to protect the interests of the United States, including:

(1) the County shall pay all costs associated with the conveyance, authorized by this section, including but not limited to environmental analysis and documentation, survey costs and recording fees.

(2) not withstanding the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 USC 9601) et the Solid Waste Disposal Act, as amended (42 USC 6901 et seq.) or any other law, the County, and not the United States, shall be responsible for any environmental restoration or remediation required on the property conveyed and the United States shall be forever released and held harmless from any obligation to conduct such restoration or remediation and any claims or causes of action stemming from such remediation.

(c) LEGAL DESCRIPTION OF REAL PROPERTY AND PAYMENT OF COSTS.—The exact acreage and legal description of the real property described in subsection (a) shall be determined by a survey, the costs of which the County shall bear.

MCCAIN AMENDMENT NO. 700

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

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

SEC. 1042. REPORT ON ESTABLISHMENT OF FOREIGN-OWNED BUSINESS ACTIVITIES AT MILITARY INSTALLATIONS IN THE UNITED STATES.

(a) REPORT REQUIRED.—The President shall submit to Congress a report on the national security implications of the establishment of any foreign-owned business activity on or in the vicinity of a military installation within the United States.

(b) INAPPLICABILITY TO CERTAIN CASES.—This section does not apply in the case of a foreign business entity if the principal place of business of that entity is in a country that does not restrict the establishment of United States-owned business activities in the vicinity of military installations of that country.

CAMPBELL AMENDMENT NO. 701

(Ordered to lie on the table.)

Mr. CAMPBELL submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

In title XXXIV, strike out the heading of section 3402 and all that follows through the heading of section 3403 and insert in lieu thereof the following:

SEC. 3402. TRANSFER OF JURISDICTION, NAVAL OIL SHALE RESERVES NUMBERED 1 AND 3.

(a) TRANSFER REQUIRED.—Chapter 641 of title 10, United States Code, is amended by adding at the end the following new section:

''§7439. Certain oil shale reserves: transfer of jurisdiction and petroleum exploration, development, and production

''(a) TRANSFER REQUIRED.—(1) Upon the enactment of the National Defense Authorization Act for Fiscal Year 1998, the Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction over all public domain lands included within Oil Shale Reserve Numbered 1.

''(2) Not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998, the Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction over those public domain lands included within the developed tract of Oil Shale Reserve Numbered 3, which consists of approximately 6,000 acres and 24 natural gas wells, together with pipelines and associated facilities.

''(3)(A) Except as provided in subparagraph (B), the Secretary of Energy shall continue after the transfer of administrative jurisdiction over public domain lands within an oil shale reserve under this subsection to be responsible for taking any actions that are necessary to ensure that the oil shale reserve is in compliance with the requirements of Federal and State environmental laws that are applicable to the reserve.

''(B) The responsibility of the Secretary of Energy with respect to public domain lands of an oil shale reserve under subparagraph (A) shall terminate upon certification by the Secretary to the Secretary of the Interior that the oil shale reserve is in compliance with the requirements of Federal and State environmental laws that are applicable to the reserve.

''(4) Upon the transfer to the Secretary of the Interior of jurisdiction over public domain lands under this subsection, the other sections of this chapter shall cease to apply with respect to the transferred lands.

''(b) AUTHORITY TO LEASE.—(1) Beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998, or as soon thereafter as practicable, the Secretary of the Interior shall enter into leases with one or more private entities for the purpose of exploration for, and development and production of, petroleum (other than in the form of oil shale) located on or in public domain lands in Oil Shale Reserve Numbered 1 and the developed tract of Oil Shale Reserve Numbered 3. Any such lease shall be made in accordance with the requirements of the Act entitled ''An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain'', approved February 25, 1920 (commonly known as the ''Mineral Leasing Act'') (30 U.S.C. 181 et seq.), regarding the lease of oil and gas lands and shall be subject to valid existing rights.

''(2) Notwithstanding the delayed transfer of the developed tract of Oil Shale Reserve Numbered 3 under subsection (a)(2), the Secretary of the Interior shall enter into a lease under paragraph (1) with respect to the developed tract before the end of the one-year period beginning on the date of the enactment of this section.

''(c) MANAGEMENT.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management, shall manage the lands transferred under subsection (a) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other laws applicable to the public lands.

''(d) TRANSFER OF EXISTING EQUIPMENT.—The lease of lands by the Secretary of the Interior under this section may include the transfer, at fair market value, of any well, gathering line, or related equipment owned by the United States on the lands transferred under subsection (a) and suitable for use in the exploration for, or development or production of, petroleum on the lands.

''(e) COST MINIMIZATION.—The cost of any environmental assessment required pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) in connection with a proposed lease under this section shall be paid out of unobligated amounts available for administrative expenses of the Bureau of Land Management.

''(f) DISTRIBUTION OF RECEIPTS.—Notwithstanding any other provision of law, all moneys received from a lease under this section (including sales, bonuses, royalties (including interest charges collected under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.)), and rentals) shall be paid and distributed under section 35 of the Act entitled ''An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain'', approved February 25, 1920 (commonly known as the ''Mineral Leasing Act'') (30 U.S.C. 191), in the same manner as moneys derived from other oil and gas leases involving public domain lands other than naval petroleum reserves.''.

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

''7439. Certain oil shale reserves: transfer of jurisdiction and petroleum exploration, development, and production.''.

SEC. 3403. LEASING OF OIL SHALE RESERVE NUMBERED 2.

(a) AUTHORITY TO LEASE.—The Secretary of Energy may lease, subject to valid existing rights, the United States interest in Oil Shale Reserve Numbered 2 to one or more private entities for the purpose of providing for the exploration of such reserve for, and the development and production of, petroleum.

(b) MAXIMIZATION OF FINANCIAL RETURN TO THE UNITED STATES.—A lease under this section shall be made under terms that result in the maximum practicable financial return to the United States, without regard to production limitations provided under chapter 641 of title 10, United States Code.

(c) DISPOSITION OF WELLS, GATHERING LINES, AND EQUIPMENT.—A lease of a reserve under subsection (a) may include the sale or other disposition, at fair market value, of

any well, gathering line, or related equipment owned by the United States that is located at the reserve and is suitable for use in the exploration for, or development or production of, petroleum on the reserve.

(d) DISPOSITION OF ROYALTIES AND OTHER PROCEEDS.—All royalties and other proceeds accruing to the United States from a lease under this section shall be disposed of in accordance with section 7433 of title 10, United States Code.

(e) INAPPLICABILITY OF CERTAIN SECTIONS OF TITLE 10, UNITED STATES CODE.—The following provisions of chapter 641 of title 10, United States Code, do not apply to the leasing of a reserve under this section nor to a reserve while under a lease entered into under this section: section 7422(b), subsections (d), (e), (g), and (k) of section 7430, section 7431, and section 7438(c)(1).

(f) DEFINITIONS.—In this section:

(1) The term ''Oil Shale Reserve Numbered 2'' means the oil shale reserves identified as Oil Shale Reserve Numbered 2 in section 7420(2) of title 10, United States Code.

(2) The term ''petroleum'' has the meaning given such term in section 7420(3) of such title.

SEC. 3404. REPEAL OF REQUIREMENT TO ASSIGN NAVY OFFICERS TO OFFICE OF NAVAL PETROLEUM AND OIL SHALE RESERVES.

McCAIN AMENDMENTS NOS. 702–704

(Ordered to lie on the table.)

Mr. MCCAIN submitted three amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 702

Insert after title XI, the following new title:

TITLE XII—FEDERAL CHARTER FOR THE AIR FORCE SERGEANTS ASSOCIATION

SEC. 1201. RECOGNITION AND GRANT OF FEDERAL CHARTER.

The Air Force Sergeants Association, a nonprofit corporation organized under the laws of the District of Columbia, is recognized as such and granted a Federal charter.

SEC. 1202. POWERS.

The Air Force Sergeants Association (in this title referred to as the ''association'') shall have only those powers granted to it through its bylaws and articles of incorporation filed in the District of Columbia and subject to the laws of the District of Columbia.

SEC. 1203. PURPOSES.

The purposes of the association are those provided in its bylaws and articles of incorporation and shall include the following:

(1) To help maintain a highly dedicated and professional corps of enlisted personnel within the United States Air Force, including the United States Air Force Reserve, and the Air National Guard.

(2) To support fair and equitable legislation and Department of the Air Force policies and to influence by lawful means departmental plans, programs, policies, and legislative proposals that affect enlisted personnel of the Regular Air Force, the Air Force Reserve, and the Air National Guard, its retirees, and other veterans of enlisted service in the Air Force.

(3) To actively publicize the roles of enlisted personnel in the United States Air Force.

(4) To participate in civil and military activities, youth programs, and fundraising campaigns that benefit the United States Air Force.

(5) To provide for the mutual welfare of members of the association and their families.

(6) To assist in recruiting for the United States Air Force.

(7) To assemble together for social activities.

(8) To maintain an adequate Air Force for our beloved country.

(9) To foster among the members of the association a devotion to fellow airmen.

(10) To serve the United States and the United States Air Force loyally, and to do all else necessary to uphold and defend the Constitution of the United States.

SEC. 1204. SERVICE OF PROCESS.

With respect to service of process, the association shall comply with the laws of the District of Columbia and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 1205. MEMBERSHIP.

Except as provided in section 1208(g), eligibility for membership in the association and the rights and privileges of members shall be as provided in the bylaws and articles of incorporation of the association.

SEC. 1206. BOARD OF DIRECTORS.

Except as provided in section 1208(g), the composition of the board of directors of the association and the responsibilities of the board shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the District of Columbia.

SEC. 1207. OFFICERS.

Except as provided in section 1208(g), the positions of officers of the association and the election of members to such positions shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the District of Columbia.

SEC. 1208. RESTRICTIONS.

(a) INCOME AND COMPENSATION.—No part of the income or assets of the association may inure to the benefit of any member, officer, or director of the association or be distributed to any such individual during the life of this charter. Nothing in this subsection may be construed to prevent the payment of reasonable compensation to the officers and employees of the association or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The association may not make any loan to any member, officer, director, or employee of the association.

(c) ISSUANCE OF STOCK AND PAYMENT OF DIVIDENDS.—The association may not issue any shares of stock or declare or pay any dividends.

(d) DISCLAIMER OF CONGRESSIONAL OR FEDERAL APPROVAL.—The association may not claim the approval of the Congress or the authorization of the Federal Government for any of its activities by virtue of this title.

(e) CORPORATE STATUS.—The association shall maintain its status as a corporation organized and incorporated under the laws of the District of Columbia.

(f) CORPORATE FUNCTION.—The association shall function as an educational, patriotic, civic, historical, and research organization under the laws of the District of Columbia.

(g) NONDISCRIMINATION.—In establishing the conditions of membership in the association and in determining the requirements for serving on the board of directors or as an officer of the association, the association may not discriminate on the basis of race, color, religion, sex, handicap, age, or national origin.

SEC. 1209. LIABILITY.

The association shall be liable for the acts of its officers, directors, employees, and agents whenever such individuals act within the scope of their authority.

SEC. 1210. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) BOOKS AND RECORDS OF ACCOUNT.—The association shall keep correct and complete books and records of account and minutes of any proceeding of the association involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) NAMES AND ADDRESSES OF MEMBERS.—The association shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the association.

(c) RIGHT TO INSPECT BOOKS AND RECORDS.—All books and records of the association may be inspected by any member having the right to vote in any proceeding of the association, or by any agent or attorney of such member, for any proper purpose at any reasonable time.

(d) APPLICATION OF STATE LAW.—This section may not be construed to contravene any applicable State law.

SEC. 1211. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled ''An Act to provide for audit of accounts of private corporations established under Federal law'', approved August 30, 1964 (36 U.S.C. 1101), is amended—

(1) by redesignating the paragraph (77) added by section 1811 of Public Law 104–201 (110 Stat. 2762) as paragraph (78); and

(2) by adding at the end the following:

''(79) Air Force Sergeants Association.''.

SEC. 1212. ANNUAL REPORT.

The association shall annually submit to Congress a report concerning the activities of the association during the preceding fiscal year. The annual report shall be submitted on the same date as the report of the audit required by reason of the amendment made in section 1211. The annual report shall not be printed as a public document.

SEC. 1213. RESERVATION OF RIGHT TO ALTER, AMEND, OR REPEAL CHARTER.

The right to alter, amend, or repeal this title is expressly reserved to Congress.

SEC. 1214. TAX-EXEMPT STATUS REQUIRED AS CONDITION OF CHARTER.

If the association fails to maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986 the charter granted in this title shall terminate.

SEC. 1215. TERMINATION.

The charter granted in this title shall expire if the association fails to comply with any of the provisions of this title.

SEC. 1216. DEFINITION OF STATE.

For purposes of this title, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

AMENDMENT NO. 703

At the end of subtitle A of title VIII, add the following:

SEC. 809. BLANKET WAIVER OF CERTAIN DOMESTIC SOURCE REQUIREMENTS FOR FOREIGN COUNTRIES WITH CERTAIN COOPERATIVE OR RECIPROCAL RELATIONSHIPS WITH THE UNITED STATES.

(a) AUTHORITY.—(1) Section 2534 of title 10, United States Code, is amended by adding at the end the following:

''(i) WAIVER GENERALLY APPLICABLE TO A COUNTRY.—The Secretary of Defense shall waive the limitation in subsection (a) with respect to a foreign country generally if the Secretary determines that the application of the limitation with respect to that country would impede cooperative programs entered into between the Department of Defense and the foreign country, or would impede the reciprocal procurement of defense items entered into under section 2531 of this title, and the country does not discriminate

against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.''.

(2) The amendment made by paragraph (1) shall apply with respect to—

(A) contracts entered into on or after the date of the enactment of this Act; and

(B) options for the procurement of items that are exercised after such date under contracts that are entered into before such date.

(b) CONFORMING AMENDMENT.—The heading of subsection (d) of such section is amended by inserting ''FOR PARTICULAR PROCUREMENTS'' after ''WAIVER AUTHORITY''.

AMENDMENT NO. 704

At the appropriate place, insert:

''(a) PRIORITY.—The Comptroller General may commence an audit, evaluation, other review, or report in a fiscal year on any issue under the jurisdiction of the Committee on Armed Services of the Senate or the Committee on National Security of the House of Representatives only after the Comptroller General certifies in writing to Congress during such fiscal year that the General Accounting Office has completed all audits, evaluations, other reviews, and reports on any such issue that were requested of that office by Congress before the date of the certification.

MCCAIN (AND OTHERS) AMENDMENT NO. 705

(Ordered to lie on the table.)

Mr. MCCAIN (for himself, Mr. LEVIN, Mr. COATS, and Mr. ROBB) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

On page 410, between lines 2 and 3, insert the following:

SEC. 2832. AUTHORITY TO CARRY OUT BASE CLOSURE ROUNDS IN 1999 AND 2001.

(a) COMMISSION MATTERS.—

(1) APPOINTMENT.—Subsection (c)(1) of section 2902 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(A) in subparagraph (B)—

(i) by striking out ''and'' at the end of clause (ii);

(ii) by striking out the period at the end of clause (iii) and inserting in lieu thereof a semicolon; and

(iii) by adding at the end the following:

''(iv) by no later than January 3, 1999, in the case of members of the Commission whose terms will expire at the end of the first session of the 106th Congress; and

''(v) by no later than January 3, 2001, in the case of members of the Commission whose terms will expire at the end of the first session of the 107th Congress.''; and

(B) in subparagraph (C), by striking out ''or for 1995 in clause (iii) of such subparagraph'' and inserting in lieu thereof '', for 1995 in clause (iii) of that subparagraph, for 1999 in clause (iv) of that subparagraph, or for 2001 in clause (v) of that subparagraph''.

(2) MEETINGS.—Subsection (e) of that section is amended by striking out ''and 1995'' and inserting in lieu thereof ''1995, 1999, and 2001''.

(3) STAFF.—Subsection (i)(6) of that section is amended in the matter preceding subparagraph (A) by striking out ''and 1994'' and inserting in lieu thereof '', 1994, 1998, and 2000''.

(4) TERMINATION.—Subsection (l) of that section is amended by striking out ''December 31, 1995'' and inserting in lieu thereof ''December 31, 2001''.

(b) PROCEDURES.—

(1) FORCE-STRUCTURE PLAN.—Subsection (a)(1) of section 2903 of that Act is amended by striking out ''and 1996,'' and inserting in lieu thereof ''1996, 2000, and 2002,''.

(2) SELECTION CRITERIA.—Subsection (b)(1) of such section 2903 is amended by inserting ''and not later than December 31, 1998, for purposes of activities of the Commission under this part in 1999 and 2001,'' after ''December 31, 1990,''.

(3) DEPARTMENT OF DEFENSE RECOMMENDATIONS.—Subsection (c)(1) of such section 2903 is amended by striking out ''and March 1, 1995,'' and inserting in lieu thereof ''March 1, 1995, March 1, 1999, and March 1, 2001,''.

(c) PRIVATIZATION IN PLACE.—Section 2904(a) of that Act is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

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

''(3) carry out the privatization in place of a military installation recommended for closure or realignment by the Commission in each such report only if privatization in place is a method of closure or realignment of the installation specified in the recommendation of the Commission in such report and is determined to be the most-cost effective method of implementation of the recommendation;''.

(d) REQUIREMENTS APPLICABLE TO ROUNDS AFTER 1997.—

(1) REQUIREMENTS.—That Act is further amended by inserting after section 2904 the following new section:

''SEC. 2904A. REQUIREMENTS APPLICABLE TO BASE CLOSURE ROUNDS AFTER 1997.

''(a) REPORT ON NEED FOR ADDITIONAL ROUNDS.—The President may not transmit nominations for members of the Commission under section 2902(c)(1)(B) after 1997 until 180 days after the date on which the Secretary submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the need, if any, the closure or realignment of military installations after such date. The report shall include the following:

''(1) An estimate of excess capacity at military installations as of the date of the report, set forth—

''(A) as a percentage of the total capacity of the installations of the Armed Forces with respect to all installations of the Armed Forces;

''(B) as a percentage of the total capacity of the installations of each armed force with respect to the installations of such armed force; and

''(C) as a percentage of the total capacity of a type of installation with respect to installations of such type.

''(2) The types of installations that would be recommended for closure or realignment in the event of one or more additional base closure rounds, set forth by armed force.

''(3) The criteria to be used by the Secretary in evaluating installations for closure or realignment in such event.

''(4) The methodologies to be used by the Secretary in identifying installations for closure or realignment in such event.

''(5) An estimate of the costs and savings to be achieved as a result of the closure or realignment of installations in such event, set forth by armed force and by year.

''(6) The status of the report required by section 277(e) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 242), including the additional legislation to be identified in that report.

''(b) SELECTION CRITERIA.—The selection criteria used by the Secretary in making recommendations regarding the closure or realignment of military installations under section 2903(c) in any year after 1997 shall take into account the costs, if any, of any environmental activities that will be required with respect to such installations solely as a result of the closure or realignment of such installations under this part.

''(c) RECOMMENDATIONS.—

''(1) DOD RECOMMENDATIONS.—

''(A) NOTICE FROM LOCAL GOVERNMENTS.—In making recommendations to the Commission under section 2903(c) in any year after 1997, the Secretary shall consider any notice received from a local government in the vicinity of a military installation that the government would approve of the closure or realignment of the installation.

''(B) RELATIONSHIP TO SELECTION CRITERIA.—Notwithstanding the requirement in subparagraph (A), the Secretary shall make such recommendations based on the force-structure plan and final criteria otherwise applicable to such recommendations under section 2903.

''(C) PUBLICATION OF RESULTS.—The recommendations made by the Secretary under section 2903(c) in any year after 1997 shall include a statement of the result of the consideration of any notice received with respect to an installation covered by such recommendations. The statement shall set forth the reasons for the result.

''(2) COMMISSION RECOMMENDATIONS.—In making recommendations to the President under subsection (d) or (e)(3) of section 2903 in any year after 1997, the Commission may recommend only the following actions with respect to a military installation:

''(A) Closure of the installation.

''(B) Realignment of the installation.

''(C) No action with respect to the installation.

''(d) UTILIZATION OF SAVINGS.—(1) Not later than December 1, 1997, the Secretary shall credit to the accounts referred to in paragraph (3) an amount equal to the aggregate amount of savings estimated by the Secretary to have been achieved as a result of the closure or realignment of military installations under this part and the provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) as of September 30, 1997.

''(2) Not later than December 1 of each year after 1997, the Secretary shall credit to the accounts referred to in paragraph (3) an amount equal to the aggregate amount of savings estimated by the Secretary to have been achieved as a result of the closure or realignment of military installations under this part and the provisions of law referred to in paragraph (1) during the preceding fiscal year.

''(3)(A) The Secretary shall credit amounts under paragraphs (1) and (2) to such accounts providing funds for the Department of Defense for procurement, or for research, development, test, and evaluation, as the Secretary shall elect.

''(B) Amounts credited under subparagraph (A) shall be merged with the funds in the account to which credited and shall be available for the same purposes, and subject to the same limitations, as the funds with which merged.

''(e) REVIEW BY CONGRESSIONAL BUDGET OFFICE.—Not later than July 31 of any year after 1997 in which the Commission makes recommendations under section 2903(d), the Congressional Budget Office shall submit to the committees referred to in subsection (a) a detailed analysis of the costs to be incurred and the savings to be achieved as a result of the implementation of the recommendations.''.

(2) SENSE OF CONGRESS.—

(A) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense, in

making recommendations to the Commission on the closure or realignment of military installations under the 1990 base closure law after 1997, and the Commission, in determining whether to recommend installations for closure or realignment under that law in addition to those recommended by the Secretary, should consider in particular types of installations having the most excess capacity.

(B) DEFINITIONS.—In this paragraph:

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

(ii) The term ''Commission'' means the Defense Base Closure and Realignment Commission established by section 2902(a) of the 1990 base closure law.

(e) RELATIONSHIP TO OTHER BASE CLOSURE AUTHORITY.—Section 2909 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking out ''December 31, 1995,'' and inserting in lieu thereof ''December 31, 2001,''.

(f) TECHNICAL AND CLARIFYING AMENDMENTS.—

(1) COMMISSION FUNDING.—Section 2902(k) of that Act is amended by adding at the end the following:

''(4) If no funds are appropriated to the Commission by the end of the first session of the 105th Congress, the Secretary may transfer to the Commission funds from the account established by section 2906(a). Such funds shall remain available until expended.''.

(2) COMMENCEMENT OF PERIOD FOR NOTICE OF INTEREST IN PROPERTY FOR HOMELESS.—Section 2905(b)(7)(D)(ii)(I) of that Act is amended by striking out ''that date'' and inserting in lieu thereof ''the date of publication of such determination in a newspaper of general circulation in the communities in the vicinity of the installation under subparagraph (B)(i)(IV)''.

(3) OTHER CLARIFYING AMENDMENTS.—

(A) That Act is further amended by inserting ''or realignment'' after ''closure'' each place it appears in the following provisions:

(i) Section 2905(b)(3).

(ii) Section 2905(b)(4)(B)(ii).

(iii) Section 2905(b)(5).

(iv) Section 2905(b)(7)(B)(iv).

(v) Section 2905(b)(7)(N).

(vi) Section 2910(10)(B).

(B) That Act is further amended by inserting ''or realigned'' after ''closed'' each place in appears in the following provisions:

(i) Section 2905(b)(3)(C)(ii).

(ii) Section 2905(b)(3)(D).

(iii) Section 2905(b)(3)(E).

(iv) Section 2905(b)(4)(A).

(v) Section 2905(b)(5)(A).

(vi) Section 2910(9).

(vii) Section 2910(10).

(C) Section 2905(e)(1)(B) of that Act is amended by inserting '', or realigned or to be realigned,'' after ''closed or to be closed'.

CHAFEE (AND BAUCUS) AMENDMENT NO. 706

(Ordered to lie on the table.)

Mr. CHAFEE (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

At the end of title III, add the following:

Subtitle ____—Sikes Act Improvement

SEC. 3___1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This subtitle may be cited as the ''Sikes Act Improvement Act of 1997''.

(b) REFERENCES TO SIKES ACT.—In this subtitle, the term ''Sikes Act'' means the Act entitled ''An Act to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations'', approved September 15, 1960 (commonly known as the ''Sikes Act'') (16 U.S.C. 670a et seq.).

SEC. 3___2. PREPARATION OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.

(a) IN GENERAL.—Section 101 of the Sikes Act (16 U.S.C. 670a(a)) is amended by striking subsection (a) and inserting the following:

''(a) AUTHORITY OF SECRETARY OF DEFENSE.—

''(1) PROGRAM.—

''(A) IN GENERAL.—The Secretary of Defense shall carry out a program to provide for the conservation and rehabilitation of natural resources on military installations.

''(B) INTEGRATED NATURAL RESOURCES MANAGEMENT PLAN.—To facilitate the program, the Secretary of each military department shall prepare and implement an integrated natural resources management plan for each military installation in the United States under the jurisdiction of the Secretary, unless the Secretary determines that the absence of significant natural resources on a particular installation makes preparation of such a plan inappropriate.

''(2) COOPERATIVE PREPARATION.—The Secretary of a military department shall prepare each integrated natural resources management plan for which the Secretary is responsible in cooperation with the Secretary of the Interior, acting through the Director of the United States Fish and Wildlife Service, and the head of each appropriate State fish and wildlife agency for the State in which the military installation concerned is located. Consistent with paragraph (4), the resulting plan for the military installation shall reflect the mutual agreement of the parties concerning conservation, protection, and management of fish and wildlife resources.

''(3) PURPOSES OF PROGRAM.—Consistent with the use of military installations to ensure the preparedness of the Armed Forces, the Secretaries of the military departments shall carry out the program required by this subsection to provide for—

''(A) the conservation and rehabilitation of natural resources on military installations;

''(B) the sustainable multipurpose use of the resources, which shall include hunting, fishing, trapping, and nonconsumptive uses; and

''(C) subject to safety requirements and military security, public access to military installations to facilitate the use.

''(4) EFFECT ON OTHER LAW.—Nothing in this title—

''(A)(i) affects any provision of a Federal law governing the conservation or protection of fish and wildlife resources; or

''(ii) enlarges or diminishes the responsibility and authority of any State for the protection and management of fish and resident wildlife; or

''(B) except as specifically provided in the other provisions of this section and in section 102, authorizes the Secretary of a military department to require a Federal license or permit to hunt, fish, or trap on a military installation.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 101 of the Sikes Act (16 U.S.C. 670a) is amended—

(A) in subsection (b)(4), by striking ''cooperative plan'' each place it appears and inserting ''integrated natural resources management plan'';

(B) in subsection (c), in the matter preceding paragraph (1), by striking ''a cooperative plan'' and inserting ''an integrated natural resources management plan'';

(C) in subsection (d), in the matter preceding paragraph (1), by striking ''cooperative plans'' and inserting ''integrated natural resources management plans''; and

(D) in subsection (e), by striking ''Cooperative plans'' and inserting ''Integrated natural resources management plans''.

(2) Section 102 of the Sikes Act (16 U.S.C. 670b) is amended by striking ''a cooperative plan'' and inserting ''an integrated natural resources management plan''.

(3) Section 103 of the Sikes Act (16 U.S.C. 670c) is amended by striking ''a cooperative plan'' and inserting ''an integrated natural resources management plan''.

(4) Section 106 of the Sikes Act (16 U.S.C. 670f) is amended—

(A) in subsection (a), by striking ''cooperative plans'' and inserting ''integrated natural resources management plans''; and

(B) in subsection (c), by striking ''cooperative plans'' and inserting ''integrated natural resources management plans''.

(c) REQUIRED ELEMENTS OF PLANS.—Section 101(b) of the Sikes Act (16 U.S.C. 670a(b)) is amended—

(1) by striking ''(b) Each cooperative'' and all that follows through the end of paragraph (1) and inserting the following:

''(b) REQUIRED ELEMENTS OF PLANS.—Consistent with the use of military installations to ensure the preparedness of the Armed Forces, each integrated natural resources management plan prepared under subsection (a)—

''(1) shall, to the extent appropriate and applicable, provide for—

''(A) fish and wildlife management, land management, forest management, and fish- and wildlife-oriented recreation;

''(B) fish and wildlife habitat enhancement or modifications;

''(C) wetland protection, enhancement, and restoration, where necessary for support of fish, wildlife, or plants;

''(D) integration of, and consistency among, the various activities conducted under the plan;

''(E) establishment of specific natural resource management goals and objectives and time frames for proposed action;

''(F) sustainable use by the public of natural resources to the extent that the use is not inconsistent with the needs of fish and wildlife resources;

''(G) public access to the military installation that is necessary or appropriate for the use described in subparagraph (F), subject to requirements necessary to ensure safety and military security;

''(H) enforcement of applicable natural resource laws (including regulations);

''(I) no net loss in the capability of military installation lands to support the military mission of the installation; and

''(J) such other activities as the Secretary of the military department determines appropriate;'';

(2) in paragraph (2), by adding ''and'' at the end;

(3) by striking paragraph (3);

(4) by redesignating paragraph (4) as paragraph (3); and

(5) in paragraph (3)(A) (as so redesignated), by striking ''collect the fees therefor,'' and inserting ''collect, spend, administer, and account for fees for the permits,''.

SEC. 3___3. REVIEW FOR PREPARATION OF INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.

(a) DEFINITIONS.—In this section, the terms ''military installation'' and ''United States'' have the meanings provided in section 100 of the Sikes Act (as added by section 3___9).

(b) REVIEW OF MILITARY INSTALLATIONS.—

(1) REVIEW.—Not later than 270 days after the date of enactment of this Act, the Secretary of each military department shall—

(A) review each military installation in the United States that is under the jurisdiction of that Secretary to determine the military installations for which the preparation of an integrated natural resources management plan under section 101 of the Sikes Act (as amended by this subtitle) is appropriate; and

(B) submit to the Secretary of Defense a report on the determinations.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Defense shall submit to Congress a report on the reviews conducted under paragraph (1). The report shall include—

(A) a list of the military installations reviewed under paragraph (1) for which the Secretary of the appropriate military department determines that the preparation of an integrated natural resources management plan is not appropriate; and

(B) for each of the military installations listed under subparagraph (A), an explanation of each reason such a plan is not appropriate.

(c) DEADLINE FOR INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.—Not later than 3 years after the date of the submission of the report required under subsection (b)(2), the Secretary of each military department shall, for each military installation with respect to which the Secretary has not determined under subsection (b)(2)(A) that preparation of an integrated natural resources management plan is not appropriate—

(1) prepare and begin implementing such a plan in accordance with section 101(a) of the Sikes Act (as amended by this subtitle); or

(2) in the case of a military installation for which there is in effect a cooperative plan under section 101(a) of the Sikes Act on the day before the date of enactment of this Act, complete negotiations with the Secretary of the Interior and the heads of the appropriate State agencies regarding changes to the plan that are necessary for the plan to constitute an integrated natural resources management plan that complies with that section, as amended by this subtitle.

(d) PUBLIC COMMENT.—The Secretary of each military department shall provide an opportunity for the submission of public comments on—

(1) integrated natural resources management plans proposed under subsection (c)(1); and

(2) changes to cooperative plans proposed under subsection (c)(2).

SEC. 3___4. TRANSFER OF WILDLIFE CONSERVATION FEES FROM CLOSED MILITARY INSTALLATIONS.

Section 101(b)(3)(B) of the Sikes Act (16 U.S.C. 670a(b)) (as redesignated by section 3___2(c)(4)) is amended by inserting before the period at the end the following: '', unless the military installation is subsequently closed, in which case the fees may be transferred to another military installation to be used for the same purposes''.

SEC. 3___5. ANNUAL REVIEWS AND REPORTS.

Section 101 of the Sikes Act (16 U.S.C. 670a) is amended by adding at the end the following:

''(f) REVIEWS AND REPORTS.—

''(1) SECRETARY OF DEFENSE.—Not later than March 1 of each year, the Secretary of Defense shall review the extent to which integrated natural resources management plans were prepared or were in effect and implemented in accordance with this title in the preceding year, and submit a report on the findings of the review to the committees. Each report shall include—

''(A) the number of integrated natural resources management plans in effect in the year covered by the report, including the date on which each plan was issued in final form or most recently revised;

''(B) the amounts expended on conservation activities conducted pursuant to the plans in the year covered by the report; and

''(C) an assessment of the extent to which the plans comply with this title.

''(2) SECRETARY OF THE INTERIOR.—Not later than March 1 of each year and in consultation with the heads of State fish and wildlife agencies, the Secretary of the Interior shall submit a report to the committees on the amounts expended by the Department of the Interior and the State fish and wildlife agencies in the year covered by the report on conservation activities conducted pursuant to integrated natural resources management plans.

''(3) DEFINITION OF COMMITTEES.—In this subsection, the term 'committees' means—

''(A) the Committee on Resources and the Committee on National Security of the House of Representatives; and

''(B) the Committee on Armed Services and the Committee on Environment and Public Works of the Senate.''.

SEC. 3___6. COOPERATIVE AGREEMENTS.

Section 103a of the Sikes Act (16 U.S.C. 670c–1) is amended—

(1) in subsection (a), by striking ''Secretary of Defense'' and inserting ''Secretary of a military department'';

(2) by striking subsection (b);

(3) by redesignating subsection (c) as subsection (b); and

(4) by adding at the end the following:

''(c) MULTIYEAR AGREEMENTS.—Funds made available to the Department of Defense for a fiscal year may be obligated to cover the cost of goods and services provided under a cooperative agreement entered into under subsection (a) or through an agency agreement under section 1535 of title 31, United States Code, during any 18-month period beginning in the fiscal year, regardless of the fact that the agreement extends for more than 1 fiscal year.''.

SEC. 3___7. FEDERAL ENFORCEMENT.

Title I of the Sikes Act (16 U.S.C. 670a et seq.) is amended—

(1) by redesignating section 106 as section 108; and

(2) by inserting after section 105 the following:

''SEC. 106. FEDERAL ENFORCEMENT OF OTHER LAWS.

''All Federal laws relating to the management of natural resources on Federal land may be enforced by the Secretary of Defense with respect to violations of the laws that occur on military installations within the United States.''.

SEC. 3___8. NATURAL RESOURCE MANAGEMENT SERVICES.

Title I of the Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting after section 106 (as added by section 3___7) the following:

''SEC. 107. NATURAL RESOURCE MANAGEMENT SERVICES.

''To the extent practicable using available resources, the Secretary of each military department shall ensure that sufficient numbers of professionally trained natural resource management personnel and natural resource law enforcement personnel are available and assigned responsibility to perform tasks necessary to carry out this title, including the preparation and implementation of integrated natural resources management plans.''.

SEC. 3___9. DEFINITIONS.

Title I of the Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting before section 101 the following:

''SEC. 100. DEFINITIONS.

''In this title:

''(1) MILITARY INSTALLATION.—The term 'military installation'—

''(A) means any land or interest in land owned by the United States and administered by the Secretary of Defense or the Secretary of a military department, except land under the jurisdiction of the Assistant Secretary of the Army having responsibility for civil works;

''(B) includes all public lands withdrawn from all forms of appropriation under public land laws and reserved for use by the Secretary of Defense or the Secretary of a military department; and

''(C) does not include any land described in subparagraph (A) or (B) that is subject to an approved recommendation for closure under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

''(2) STATE FISH AND WILDLIFE AGENCY.—The term 'State fish and wildlife agency' means the 1 or more agencies of State government that are responsible under State law for managing fish or wildlife resources.

''(3) UNITED STATES.—The term 'United States' means the States, the District of Columbia, and the territories and possessions of the United States.''.

SEC. 3___0. REPEAL.

Section 2 of Public Law 99–561 (16 U.S.C. 670a–1) is repealed.

SEC. 3___1. TECHNICAL AMENDMENTS.

(a) The Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting before title I the following:

''SECTION 1. SHORT TITLE.

''This Act may be cited as the 'Sikes Act'.''.

(b) The title heading for title I of the Sikes Act (16 U.S.C. prec. 670a) is amended by striking ''MILITARY RESERVATIONS'' and inserting ''MILITARY INSTALLATIONS''.

(c) Section 101 of the Sikes Act (16 U.S.C. 670a) is amended—

(1) in subsection (b)(3) (as redesignated by section 3___2(c)(4))—

(A) in subparagraph (A), by striking ''the reservation'' and inserting ''the military installation''; and

(B) in subparagraph (B), by striking ''the military reservation'' and inserting ''the military installation'';

(2) in subsection (c)—

(A) in paragraph (1), by striking ''a military reservation'' and inserting ''a military installation''; and

(B) in paragraph (2), by striking ''the reservation'' and inserting ''the military installation''; and

(3) in subsection (e), by striking ''the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.)'' and inserting ''chapter 63 of title 31, United States Code''.

(d) Section 102 of the Sikes Act (16 U.S.C. 670b) is amended by striking ''military reservations'' and inserting ''military installations''.

(e) Section 103 of the Sikes Act (16 U.S.C. 670c) is amended—

(1) by striking ''military reservations'' and inserting ''military installations''; and

(2) by striking ''such reservations'' and inserting ''the installations''.

SEC. 3___2. AUTHORIZATIONS OF APPROPRIATIONS.

(a) CONSERVATION PROGRAMS ON MILITARY INSTALLATIONS.—Subsections (b) and (c) of section 108 of the Sikes Act (as redesignated by section 3___7(1)) are each amended by striking ''1983'' and all that follows through ''1993,'' and inserting ''1998 through 2003,''.

(b) CONSERVATION PROGRAMS ON PUBLIC LANDS.—Section 209 of the Sikes Act (16 U.S.C. 670o) is amended—

(1) in subsection (a), by striking ''the sum of $10,000,000'' and all that follows through

''to enable the Secretary of the Interior'' and inserting ''$4,000,000 for each of fiscal years 1998 through 2003, to enable the Secretary of the Interior''; and

(2) in subsection (b), by striking ''the sum of $12,000,000'' and all that follows through ''to enable the Secretary of Agriculture'' and inserting ''$5,000,000 for each of fiscal years 1998 through 2003, to enable the Secretary of Agriculture''.

THOMPSON (AND FRIST) AMENDMENT NO. 707

(Ordered to lie on the table.)

Mr. THOMPSON (for himself and Mr. FRIST) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

At the appropriate place, insert:

SEC. . DESIGNATING THE Y–12 PLANT IN OAK RIDGE, TENNESSEE AS THE NATIONAL PROTOTYPE CENTER.

The Y–12 plant in Oak Ridge, Tennessee is designated as the National Prototype Center. Other executive agencies are encouraged to utilize this center, where appropriate, to maximize their efficiency and cost effectiveness.

SPECTER AMENDMENTS NOS. 708–709

(Ordered to lie on the table.)

Mr. SPECTER submitted two amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 708

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

SEC. . FORCE PROTECTION PLAN AND ACCOUNTABILITY REPORT.

(a) Congress finds that:

(1) On June 25, 1996 a bomb detonated not more than 80 feet from the United States Air Force housing complex known as Khobar Towers in Dhahran, Saudi Arabia, killing 19 airmen and injuring hundreds more;

(2) On June 13, 1996, a Department of State Bureau of Intelligence and Research report highlighted security concerns in the region;

(3) On June 17, 1996 the Pentagon received an intelligence report detailing the high risk to the American military installation in Dhahran;

(4) Base commanders approached the Saudis in November, 1995 and requested to move the perimeter fence further out, a request that was still pending when the bombing occurred;

(5) In January, 1996, the Air Force Office of Special Investigations published its vulnerability assessment for Khobar Towers, which highlighted the vulnerability of perimeter security given the proximity of the fence to the housing complex and the lack of the protective coating Mylar on the windows;

(6) The Air Force recommendation concerning Mylar was made part of a five-year plan, but not implemented prior to the bombing, resulting in needless death and injury from flying glass;

(7) An Air Force investigation into the incident held no one accountable for the tragedy;

(8) Former Defense Secretary Perry and Chairman of the Joint Chiefs of Staff Shalikashvili have yet to acknowledge that such matters should be reported up the chain of command; and

(9) The Air Force did not cooperate with the Senate Intelligence Committee request to interview Air Force personnel or review Air Force material on the incident and has continued to fail to comply with Congressional requests to review Air Force reports on the incident;

(b) FORCE PROTECTION PLAN AND ACCOUNTABILITY PROCEDURES REPORT REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the relevant congressional committees:

(1) a plan to improve current policies and practices of the Department to protect United States armed forces from terrorism; and

(2) a report that assesses the accountability procedures within the armed forces governing incidents where there is loss of life due to terrorism in a noncombat situation at a United States armed forces facility.

(c) DEFINITION.—As used in this section, the term ''relevant congressional committee'' means—

(1) the Committee on National Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

AMENDMENT NO. 709

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

SEC. . Notwithstanding any other provision of this bill related to the question of privatization in place, the realignment of the ground communication-electronics work to Tobyhanna Army Depot in Pennsylvania will adhere to the schedule provided for by the Defense Depot Maintenance Council on March 13, 1997, which states that 20% of the transfer will begin in fiscal year 1998, 40% in fiscal year 1999 and 40% in fiscal year 2000.

BOND AMENDMENT NO. 710

(Ordered to lie on the table.)

Mr. BOND submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On page 382, line 15, strike out ''$155,416,000'' and insert in lieu thereof ''$158,626,000''.

DURBIN (AND ROCKEFELLER) AMENDMENT NO. 711

(Ordered to lie on the table.)

Mr. DURBIN (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

On page 46, between lines 6 and 7, insert the following:

SEC. 220. DOD/VA COOPERATIVE RESEARCH PROGRAM.

Of the amount authorized to be appropriated by section 201(4), $20,000,000 shall be available for the DoD/VA Cooperative Research Program.

CLELAND AMENDMENT NO. 712

(Ordered to lie on the table.)

Mr. CLELAND submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of title VII, add the following:

SEC. 708. SENSE OF CONGRESS REGARDING QUALITY HEALTH CARE FOR RETIREES.

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

(1) Many retired military personnel believe that they were promised lifetime health care in exchange for 20 or more years of service.

(2) Military retirees are the only Federal Government personnel who have been prevented from using their employer-provided health care at or after 65 years of age.

(3) Military health care has become increasingly difficult to obtain for military retirees as the Department of Defense reduces its health care infrastructure.

(4) Military retirees deserve to have a health care program at least comparable with that of retirees from civilian employment by the Federal Government.

(5) The availability of quality, lifetime health care is a critical recruiting incentive for the Armed Forces.

(6) Quality health care is a critical aspect of the quality of life of the men and women serving in the Armed Forces.

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

(1) the United States has incurred a moral obligation to provide health care to retirees from service in the Armed Forces;

(2) it is, therefore, necessary to provide quality, affordable health care to such retirees; and

(3) Congress and the President should take steps to address the problems associated with health care for such retirees within two years after the date of the enactment of this Act.

MURRAY AMENDMENT NO. 713

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill, S. 936, supra; as follows:

Section 3102(b)(2) is amended as follows—add—Project ___, tank farm characterization and remediation, Richland, Washington, $50,000,000.

Section 3104 is amended—

at line 7, change to read—$462,000,000 [increase of $247 mm];

at line 12, change to read—''age, Idaho Falls, Idaho, $37,000,000.'' [increase of $10 mm];

at line 17,change to read—''$35,000,000'' [increase of $10mm; SR];

at line 19, change to read—''tem phase 1, Hanford, Washington, $300,000,000.'' [increase of $191 mm];

after line 19, add—Project 98—PVT—___, waste disposal, Oak Ridge, Tennessee, $25,000,000. [increase of $25mm];

after line ___, add—Project 98—PVT—___, Ohio silo 3 waste treatement, Fernald, Ohio, $11,000,000. [increase of $11mm]

Offsets.—

Section 3102(c). Environmental Restoration and Waste Management—line 16, change—''grams in the amoutn of $252,881,000.'' [decrease of $15mm]

Section 3104. Defense Environmental Management Privatization—at line 10 [regarding Carlsbad, NM], change—''$21,000,000.'' [decrease of $8mm]

Title I Procurement.—An equal amount from each account to equal $274,000,000. [decrease of $274mm]

SESSIONS AMENDMENT NO. 714

(Ordered to lie on the table.)

Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows

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

SEC. 235. DEMONSTRATION PROGRAM ON EXPLOSIVES DEMILITARIZATION TECHNOLOGY.

(a) PROGRAM REQUIRED.—During fiscal year 1998, the Secretary of the Army shall conduct at Anniston Army Depot, Alabama, an alternative technology explosive munitions demilitarization demonstration program in accordance with this section.

(b) COMMERCIAL BLAST CHAMBER TECHNOLOGY.—Under the demonstration program,

the Secretary shall demonstrate the use of existing, commercially available blast chamber technology for incineration of explosive munitions as an alternative to the open burning, open pit detonation of such munitions.

(c) ASSESSMENT.—The Secretary shall assess the relative benefits of the blast chamber technology and the open burning, open pit detonation process with respect to the levels of emissions and noise resulting from use of the respective processes.

(d) REPORT.—Not later than the date on which the President submits the budget for fiscal year 2000 to Congress pursuant to section 1105(a) of title 31, United States Code, the Secretary of the Army shall submit a report on the results of the demonstration program to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report shall include the Secretary's assessment under subsection (c).

(e) FUNDING.—(1) Of the amount authorized to be appropriated under section 201(4), $6,000,000 is available for the demonstration program under this section.

(2) The amount provided under section 201(4) is hereby increased by $6,000,000.

(3) The amount provided under section ____ is hereby decreased by $6,000,000.

COVERDELL AMENDMENT NO. 715

(Ordered to lie on the table.)

Mr. COVERDELL submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

In section 103(1), strike out ''$6,048,915,000'' and insert in lieu thereof ''$6,038,915,000''.

In section 301, add at the end the following:

(25) Add for contracted flight training services, $10,000,000.

CHAFEE AMENDMENT NO. 716

(Ordered to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

Beginning on page 93, strike line 12 and all that follows through the end of the matter preceding line 15 on page 95.

DOMENICI AMENDMENT NO. 717

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

Insert where appropriate:

SEC. . LOS ALAMOS LAND TRANSFER.

(a) The Secretary of Energy on behalf of the federal government shall convey without consideration fee title to government-owned land under the administrative control of the Department of Energy to the Incorporated County of Los Alamos, Los Alamos, New Mexico, or its designee, and to the Secretary of the Interior in trust for the Pueblo of San Ildefonso for purposes of preservation, community self-sufficiency or economic diversification in accordance with this section.

(b) In order to carry out the requirement of subsection (a) the Secretary shall:

(1) within three months from the date of enactment of this Act, submit to the appropriate committees of Congress a report identifying parcels of land considered suitable for conveyance, taking into account the need to provide lands—

(A) which are not required to meet the national security missions of the Department of Energy;

(B) which are likely to be available for transfer within ten years, and;

(C) which have been identified by the Department, the County of Los Alamos, or the Pueblo of San Ildefonso, as being able to meet the purposes stated in subsection (a).

(2) within 21 months from the date of enactment of this Act, complete any review required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4375) with respect to anticipated environmental impact of the conveyance of the parcels of land identified in the report to Congress, and;

(3) within three months from completion of the review required by paragraph (2) submit to the appropriate committees of Congress an agreement between the Pueblo of San Ildefonso and the County of Los Alamos allocating the parcels of lands identified under paragraph (1); and

(4) as soon as possible, but no later than nine months after the date of submission of the agreement under paragraph (3), complete the conveyance of all portions of the lands identified in the agreement.

(c) If the Secretary finds that a parcel of land identified in section (b) continues to be necessary for national security purposes for a limited period of time or that remediation of hazardous substances in accordance with applicable laws has not been completed, and the finding will delay the parcel's conveyance beyond the time limits provided in paragraph (4), the Secretary shall convey title of the parcel upon completion of the remediation or after the parcel is no longer necessary for national security purposes.

SEC. . NORTHERN NEW MEXICO EDUCATIONAL FOUNDATION.

(a) Until June 30, 2003, the Secretary of Energy, to the extent provided in advance in appropriations Act, may make annual payments for the purpose of endowing a private not-for-profit educational foundation chartered to enhance the educational enrichment activities in public schools in the area around the Los Alamos National Laboratory. The amounts made available by appropriations for this purpose shall be used solely for the endowment fund corpus. The private not-for-profit educational foundation shall invest the endowment fund corpus and use the income generated from such an investment to fund programs designed to support the educational needs of public schools in Northern New Mexico educating children in the area around the Los Alamos National Laboratory.

THURMOND AMENDMENT NO. 718

Mr. THURMOND proposed an amendment to the bill, S. 936, supra; as follows:

On page 460, line 6, strike out ''$295,886,000'' and insert in lieu thereof ''$331,886,000''.

LEVIN AMENDMENT NO. 719

Mr. LEVIN proposed an amendment to the bill, S. 936, supra; as follows:

On page 339, line 14, strike out ''the executive branch or''.

On page 340, between lines 16 and 17, insert the following:

(d) DISCLOSURES OF CLASSIFIED INFORMATION TO CONGRESS OR THE DEPARTMENT OF JUSTICE BY CONTRACTOR EMPLOYEES.—It is the sense of Congress that the Inspector General of the Department of Defense should continue to exercise the authority provided in section 2409 of title 10, United States Code, regarding reprisals for disclosures of classified information as well as reprisals for disclosures of unclassified information.

THURMOND AMENDMENT NO. 720

Mr. THURMOND proposed an amendment to the bill, S. 936, supra; as follows:

At the end of title X, add the following:

SEC. . PROHIBITION ON PROVISION OF BURIAL BENEFITS TO INDIVIDUALS CONVICTED OF FEDERAL CAPITAL OFFENSES.

Notwithstanding any other provision of law, an individual convicted of a capital offense under Federal law shall not be entitled to the following:

(1) Interment or inurnment in Arlington National Cemetery, the Soldiers' and Airmen's National Cemetery, any cemetery in the National Cemetery System, or any other cemetery administered by the Secretary of a military department or by the Secretary of Veterans Affairs.

(2) Any other burial benefit under Federal law.

BYRD AMENDMENT NO. 721

Mr. LEVIN (for Mr. BYRD) proposed an amendment to the bill, S. 936, supra; as follows:

In section 301(9), strike out ''$1,624,420,000'' and insert in lieu thereof ''$1,631,200.000''.

In section 301(11), strike out ''$2,991,219,000'' and insert in lieu thereof ''$3,004,282,000''.

In section 411(a)(5), strike out ''107,377'' and insert in lieu thereof ''108,002''.

In section 411(a)(6), strike out ''73,431'' and insert in lieu thereof ''73,542''.

In section 412(5), strike out ''10,616'' and insert in lieu thereof ''10,671''.

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

SEC. 413. ADDITION TO END STRENGTHS FOR MILITARY TECHNICIANS.

(a) AIR NATIONAL GUARD.—In addition to the number of military technicians for the Air National Guard of the United States as of the last day of fiscal year 1998 for which funds are authorized to be appropriated in this Act, 100 military technicians are authorized for fiscal year 1998 for five Air National Guard C–130 aircraft units.

(b) AIR FORCE RESERVE.—In addition to the number of military technicians for the Air Force Reserve as of the last day of fiscal year 1998 for which funds are authorized to be appropriated in this Act, 21 military technicians are authorized for fiscal year 1998 for three Air Force Reserve C–130 aircraft units.

On page 108, line 11, reduce the amount by $20,000,000.

ALLARD AMENDMENT NO. 722

Mr. THURMOND (for Mr. ALLARD) proposed an amendment to the bill, S. 936, supra; as follows:

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

SEC. 28 . MODIFICATION OF LAND CONVEYANCE AUTHORITY, ROCKY MOUNTAIN ARSENAL, COLORADO.

Section 5(c)(1) of the Rocky Mountain Arsenal National Wildlife Refuge Act of 1992 (Public Law 102–402; 106 Stat. 1966; 16 U.S.C. 668dd note) is amended by striking out the second sentence and inserting in lieu thereof the following new sentence: ''The Administrator shall convey the transferred property to Commerce City, Colorado, upon the approval of the City, for consideration equal to the fair market value of the property (as determined jointly by the Administrator and the City).''.

ROCKEFELLER AMENDMENT NO. 723

Mr. LEVIN (for Mr. ROCKEFELLER) proposed an amendment to the bill, S. 936, supra; as follows:

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

SEC. . EYE SAFETY AT SMALL ARMS FIRING RANGES.

(a) ACTIONS REQUIRED.—The Secretary of the Defense shall—

(1) conduct a study of eye safety at small arms firing ranges of the Armed Forces; and

(2) develop for the use of the Armed Forces a protocol for reporting eye injuries incurred in small arms firing activities at the ranges.

(b) AGENCY TASKING.—The Secretary may delegate authority to carry out the responsibilities set forth in subsection (a) to the United States Army Center for Health Promotion and Preventive Medicine or any other element of the Department of Defense that the Secretary considers well qualified to carry out those responsibilities.

(c) CONTENT OF STUDY.—The study shall include the following:

(1) An evaluation of the existing policies, procedures, and practices of the Armed Forces regarding medical surveillance of eye injuries resulting from weapons fire at the small arms ranges.

(2) An examination of the existing policies, procedures, and practices of the Armed Forces regarding reporting on vision safety issues resulting from weapons fire at the small arms ranges.

(3) Determination of rates of eye injuries, and trends in eye injuries, resulting from weapons fire at the small arms ranges.

(4) An evaluation of the costs and benefits of a requirement for use of eye protection devices by all personnel firing small arms at the ranges.

(d) REPORT.—The Secretary shall submit a report on the activities required under this section to the Committees on Armed Services and on Veterans' Affairs of the Senate and the Committees on National Security and on Veterans' Affairs of the House of Representatives. The report shall include—

(1) the findings resulting from the study required under paragraph (1) of subsection (a); and

(2) the protocol developed under paragraph (2) of such subsection.

(e) SCHEDULE.—(1) The Secretary shall ensure that the study is commenced not later than October 1, 1997, and is completed within six months after it is commenced.

(2) The Secretary shall submit the report required under subsection (d) not later than 30 days after the completion of the study.

KEMPTHORNE AMENDMENT NO. 724

Mr. THURMOND (for Mr. KEMPTHORNE) proposed an amendment to the bill, S. 936. Supra; as follows:

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

SEC. 642. RESERVE AFFILIATION AGREEMENT BONUS FOR THE COAST GUARD.

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

(1) in subsection (a), by striking out ''Secretary of a military department'' in the matter preceding paragraph (1) and inserting in lieu thereof ''Secretary concerned''; and

(2) by adding at the end the following:

''(f) The authority in subsection (a) does not apply to the Secretary of Commerce and the Secretary of Health and Human Services.''.

KEMPTHORNE AMENDMENT NO. 725

Mr. THURMOND (for Mr. KEMPTHORNE) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle A of title V, add the following:

SEC. 505. INCREASED YEARS OF COMMISSIONED SERVICE FOR MANDATORY RETIREMENT OF REGULAR GENERALS AND ADMIRALS ABOVE MAJOR GENERAL AND REAR ADMIRAL.

(a) YEARS OF SERVICE.—Section 636 of title 10, United States Code, is amended—

(1) by striking out ''Except'' and inserting in lieu thereof ''(a) MAJOR GENERALS AND REAR ADMIRALS SERVING IN GRADE.—Except as provided in subsection (b) or (c) of this section and''; and

(2) by adding at the end the following:

''(b) LIEUTENANT GENERALS AND VICE ADMIRALS.—In the administration of subsection (a) in the case of an officer who is serving in the grade of lieutenant general or vice admiral, the number of years of active commissioned service applicable to the officer is 38 years.

''(c) GENERALS AND ADMIRALS.—In the administration of subsection (a) in the case of an officer who is serving in the grade of general or admiral, the number of years of active commissioned service applicable to the officer is 40 years.''.

(b) SECTION HEADING.—The heading of such section is amended to read as follows:

''§ 636. Retirement for years of service: regular officers in grades above brigadier general and rear admiral (lower half)''.

(c) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of subchapter III of chapter 36 of title 10, United States Code, is amended to read as follows:

''636. Retirement for years of service: regular officers in grades above brigadier general and rear admiral (lower half).''.

SHELBY AMENDMENT NO. 726

Mr. THURMOND (for Mr. SHELBY) proposed an amendment to the bill, S. 936, supra; as follows:

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

SEC. 2819. LAND CONVEYANCE, ARMY RESERVE CENTER, GREENSBORO, ALABAMA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Hale County, Alabama, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 5.17 acres and located at the Army Reserve Center, Greensboro, Alabama, that was conveyed by Hale County, Alabama, to the United States by warranty deed dated September 12, 1988.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a) shall be as described in the deed referred to in that subsection.

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

CAMPBELL AMENDMENT NO. 727

Mr. THURMOND (for Mr. CAMPBELL) proposed an amendment to the bill, S. 936, supra; as follows:

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

SEC. . NATIONAL POW/MIA RECOGNITION DAY.

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

(1) The United States has fought in many wars, and thousands of Americans who served in those wars were captured by the enemy or listed as missing in action.

(2) Many of these Americans are still missing and unaccounted for, and the uncertainty surrounding their fates has caused their families to suffer tragic and continuing hardships.

(3) As a symbol of the Nation's concern and commitment to accounting as fully as possible for all Americans still held prisoner, missing, or unaccounted for by reason of their service in the Armed Forces and to honor the Americans who in future wars may be captured or listed as missing or unaccounted for, Congress has officially recognized the National League of Families POW/MIA flag.

(4) The American people observe and honor with appropriate ceremony and activity the third Friday of September each year as National POW/MIA Recognition Day.

(b) DISPLAY OF POW/MIA FLAG—The POW/MIA flag shall be displayed on Armed Forces Day, Memorial Day, Flag Day, Independence Day, Veterans Day, National POW/MIA Recognition Day, and on the last business day before each of the preceding holidays, on the grounds or in the public lobbies of—

(1) major military installations (as designated by the Secretary of Defense);

(2) Federal national cemeteries;

(3) the National Korean War Veterans Memorial;

(4) the National Vietnam Veterans Memorial;

(5) the White House;

(6) the official office of the—

(A) Secretary of State;

(B) Secretary of Defense;

(C) Secretary of Veterans Affairs; and

(D) Director of the Selective Service System; and

(7) United States Postal Service post offices.

(c) POW/MIA FLAG DEFINED.—In this section, the term ''POW/MIA flag'' means the National League of Families POW/MIA flag recognized and designated by section 2 of Public Law 101–355 (104 Stat. 416).

(d) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the agency or department responsible for a location listed in subsection (b) shall prescribe any regulation necessary to carry out this section.

(e) REPEAL OF PROVISION RELATING TO DISPLAY OF POW/MIA FLAG.—Section 1084 of the National Defense Authorization Act for Fiscal years 1992 and 1993 (36 U.S.C. 189 note, Public Law 102–190) is repealed.

MCCAIN AMENDMENT NO. 728

Mr. THURMOND (for Mr. MCCAIN) proposed an amendment to the bill, S. 936, supra; as follows:

Insert after title XI, the following new title:

TITLE XII—FEDERAL CHARTER FOR THE AIR FORCE SERGEANTS ASSOCIATION

SEC. 1201. RECOGNITION AND GRANT OF FEDERAL CHARTER.

The Air Force Sergeants Association, a nonprofit corporation organized under the laws of the District of Columbia, is recognized as such and granted a Federal charter.

SEC. 1202. POWERS.

The Air Force Sergeants Association (in this title referred to as the ''association'') shall have only those powers granted to it through its bylaws and articles of incorporation filed in the District of Columbia and subject to the laws of the District of Columbia.

SEC. 1203. PURPOSES.

The purposes of the association are those provided in its bylaws and articles of incorporation and shall include the following:

(1) To help maintain a highly dedicated and professional corps of enlisted personnel within the United States Air Force, including the United States Air Force Reserve, and the Air National Guard.

(2) To support fair and equitable legislation and Department of the Air Force policies and to influence by lawful means departmental plans, programs, policies, and legislative proposals that affect enlisted personnel of the Regular Air Force, the Air Force Reserve, and the Air National Guard, its retirees, and other veterans of enlisted service in the Air Force.

(3) To actively publicize the roles of enlisted personnel in the United States Air Force.

(4) To participate in civil and military activities, youth programs, and fundraising campaigns that benefit the United States Air Force.

(5) To provide for the mutual welfare of members of the association and their families.

(6) To assist in recruiting for the United States Air Force.

(7) To assemble together for social activities.

(8) To maintain an adequate Air Force for our beloved country.

(9) To foster among the members of the association a devotion to fellow airmen.

(10) To serve the United States and the United States Air Force loyally, and to do all else necessary to uphold and defend the Constitution of the United States.

SEC. 1204. SERVICE OF PROCESS.

With respect to service of process, the association shall comply with the laws of the District of Columbia and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 1205. MEMBERSHIP.

Except as provided in section 1208(g), eligibility for membership in the association and the rights and privileges of members shall be as provided in the bylaws and articles of incorporation of the association.

SEC. 1206. BOARD OF DIRECTORS.

Except as provided in section 1208(g), the composition of the board of directors of the association and the responsibilities of the board shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the District of Columbia.

SEC. 1207. OFFICERS.

Except as provided in section 1208(g), the positions of officers of the association and the election of members to such positions shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the District of Columbia.

SEC. 1208. RESTRICTIONS.

(a) INCOME AND COMPENSATION.—No part of the income or assets of the association may inure to the benefit of any member, officer, or director of the association or be distributed to any such individual during the life of this charter. Nothing in this subsection may be construed to prevent the payment of reasonable compensation to the officers and employees of the association or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The association may not make any loan to any member, officer, director, or employee of the association.

(c) ISSUANCE OF STOCK AND PAYMENT OF DIVIDENDS.—The association may not issue any shares of stock or declare or pay any dividends.

(d) DISCLAIMER OF CONGRESSIONAL OR FEDERAL APPROVAL.—The association may not claim the approval of the Congress or the authorization of the Federal Government for any of its activities by virtue of this title.

(e) CORPORATE STATUS.—The association shall maintain its status as a corporation organized and incorporated under the laws of the District of Columbia.

(f) CORPORATE FUNCTION.—The association shall function as an educational, patriotic, civic, historical, and research organization under the laws of the District of Columbia.

(g) NONDISCRIMINATION.—In establishing the conditions of membership in the association and in determining the requirements for serving on the board of directors or as an officer of the association, the association may not discriminate on the basis of race, color, religion, sex, handicap, age, or national origin.

SEC. 1209. LIABILITY.

The association shall be liable for the acts of its officers, directors, employees, and agents whenever such individuals act within the scope of their authority.

SEC. 1210. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) BOOKS AND RECORDS OF ACCOUNT.—The association shall keep correct and complete books and records of account and minutes of any proceeding of the association involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) NAMES AND ADDRESSES OF MEMBERS.—The association shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the association.

(c) RIGHT TO INSPECT BOOKS AND RECORDS.—All books and records of the association may be inspected by any member having the right to vote in any proceeding of the association, or by any agent or attorney of such member, for any proper purpose at any reasonable time.

(d) APPLICATION OF STATE LAW.—This section may not be construed to contravene any applicable State law.

SEC. 1211. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled ''An Act to provide for audit of accounts of private corporations established under Federal law'', approved August 30, 1964 (36 U.S.C. 1101), is amended—

(1) by redesignating the paragraph (77) added by section 1811 of Public Law 104–201 (110 Stat. 2762) as paragraph (78); and

(2) by adding at the end the following:

''(79) Air Force Sergeants Association.''.

SEC. 1212. ANNUAL REPORT.

The association shall annually submit to Congress a report concerning the activities of the association during the preceding fiscal year. The annual report shall be submitted on the same date as the report of the audit required by reason of the amendment made in section 1211. The annual report shall not be printed as a public document.

SEC. 1213. RESERVATION OF RIGHT TO ALTER, AMEND, OR REPEAL CHARTER.

The right to alter, amend, or repeal this title is expressly reserved to Congress.

SEC. 1214. TAX-EXEMPT STATUS REQUIRED AS CONDITION OF CHARTER.

If the association fails to maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986 the charter granted in this title shall terminate.

SEC. 1215. TERMINATION.

The charter granted in this title shall expire if the association fails to comply with any of the provisions of this title.

SEC. 1216. DEFINITION OF STATE.

For purposes of this title, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

COVERDELL AMENDMENT NO. 729

(Ordered to lie on the table.)

Mr. COVERDELL submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On page 276, line 19, insert '', with the concurrence of the Secretary of State,'' after ''Secretary of Defense may''.

On page 278, line 20, strike out ''paragraph (2)'' and insert in lieu thereof ''paragraph (3)''.

On page 280, line 24, strike out ''(2)'', and insert in lieu thereof the following:

''(2) The Secretary may not obligate or expend funds to provide a government with support under this section until the Secretary of Defense, in coordination with the heads of other Federal agencies involved in international counter-drug activities, has developed a riverine counter-drug plan and submitted the plan to the committees referred to in paragraph (3). The plan shall set forth a riverine counter-drug program that can be sustained by the supported governments within five years, a schedule for establishing the program, and a detailed discussion of how the riverine counter-drug program supports national drug control strategy of the United States.

''(3)''.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet on Thursday, July 10, 1997 at 2:00 p.m. to conduct an oversight hearing on the Administration's proposal to restructure Indian gaming fee assessments. The hearing will be held in room 562 of the Dirksen Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will hold a Business Meeting in SR–301, Russell Senate Office Building, on Wednesday, July 9, 1997, at 2:30 p.m. for a briefing on the status of the investigation into the contested Louisiana Senate election. The meeting will continue at 9:30 a.m. on Friday, July 11, 1997.

For further information concerning this hearing, please contact Bruce Kasold of the Rules Committee staff at 224–3448.

ORDERS FOR TUESDAY, JULY 8, 1997

Mr. THURMOND. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 o'clock a.m. on Tuesday, July 8. I further ask unanimous consent that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted, and there then be a period of morning business