

PROVIDING FOR THE CONSIDERATION OF H.R. 1119, THE  
NATIONAL DEFENSE AUTHORIZATION ACT OF FISCAL  
YEARS 1998 AND 1999

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JUNE 19 (Legislative day, JUNE 18), 1997.—Referred to the House Calendar and  
ordered to be printed

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Mr. SOLOMON, from the Committee on Rules,  
submitted the following

REPORT

[To accompany 169]

The Committee on Rules, having had under consideration House Resolution 169, by a recorded vote of 9-4, report the same to the House with the recommendation that the resolution be adopted.

BREIF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for the consideration of H.R. 1119, the National Defense Authorization Act for fiscal year 1998 and 1999, under a structured rule. The rule waives all points of order against the bill and against its consideration and provides for two hours of general debate divided equally between the chairman and ranking minority member of the Committee on National Security.

The rule makes in order the committee amendment in the nature of a substitute printed in the bill as an original bill for the purpose of amendment and waives all points of order against the substitute. No amendment to the committee amendment in the nature of a substitute shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

The rule also provides that, except as specified in section 5 of the resolution, amendments will be considered only in the order and manner specified in this report. Except as otherwise provided in this report, amendments shall be debatable for 10 minutes equally divided between a proponent and an opponent. Amendments shall be considered as read and are not amendable (except for pro forma amendments offered by the Chairman and ranking minority member of the National Security Committee). All points of order against amendments printed in this report or those described in section 3

of this resolution are waived. This rule also provides for an extra 60 minutes debate on the subject of U.S. forces in Bosnia, equally divided between the Chairman and ranking minority member of the Committee on National Security.

The rule authorizes the Chairman of the National Security Committee or his designee to offer amendments en bloc consisting of amendments in part 2 of this report or germane modifications thereto, which shall be considered as read except that modifications shall be reported, shall be debatable for 20 minutes divided equally between the Chairman and ranking member of the National Security Committee or their designees and shall not be subject to amendment or demand for division of the question.

The rule further provides that, for the purposes of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the en bloc amendments.

The rule permits the Chairman of the Committee of the Whole to postpone votes on any amendment and to reduce to 5 minutes the time for voting after the first of a series of votes provided that the first vote is not less than 15 minutes. The rule also permits the Chairman of the Committee of the Whole to recognize for consideration any amendment out of the order in which it is printed in this report, but not sooner than one hour after the Chairman of the National Security Committee or a designee announces from the floor a request to that effect. The rule provides one motion to recommit with or without instructions.

Finally, the rule provides that House Resolutions 161, 162 and 165 are laid on the table.

#### COMMITTEE VOTES

Pursuant to clause 2(1)(2)(B) of House rule XI the results of each rollcall vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

##### *Rules Committee Rollcall No. 25*

Date: June 18, 1997.

Measure: Rule for consideration of H.R. 1119, National Defense Authorization Act.

Motion by: Mr. Moakley.

Summary of motion: to increase general debate time to a total of six hours.

Results: Rejected 4 to 9.

Vote by Members: Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Hastings—Nay; Myrick—Nay; Moakley—Yea; Frost—Yea; Hall—Yea; Slaughter—Yea; Solomon—Nay.

##### *Rules Committee Rollcall No. 26*

Date: June 18, 1997.

Measure: Rule for consideration of H.R. 1119, National Defense Authorization Act.

Motion by: Mr. Moakley.

Summary of motion: Make in order Dellums/Kasich/Foley amendment No. 104 to cut the B-2 bomber and increase National Guard funding.

Results: Rejected 4 to 9.

Vote by Members: Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Hastings—Nay; Myrick—Nay; Moakley—Yea; Frost—Yea; Hall—Yea; Slaughter—Yea; Solomon—Nay.

*Rules Committee Rollcall No. 27*

Date: June 18, 1997.

Measure: Rule for consideration of H.R. 1119, National Defense Authorization Act.

Motion by: Mr. Solomon.

Summary of motion: Make in order Dellums amendment to cut the B-2 bomber.

Results: Rejected 9 to 3.

Vote by Members: Dreier—Yea; Goss—Yea; Linder—Yea; Pryce—Yea; Diaz-Balart—Yea; McInnis—Yea; Hastings—Yea; Myrick—Yea; Moakley—Nay; Hall—Nay; Slaughter—Nay; Solomon—Yea.

*Rules Committee Rollcall No. 28*

Date: June 18, 1997.

Measure: Rule for consideration of H.R. 1119, National Defense Authorization Act.

Motion by: Mr. Moakley.

Summary of motion: Make in order Frank amendment No. 85 to limit U.S. financial contributions toward NATO expansion.

Results: Rejected 5 to 8.

Vote by Members: Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Hastings—Nay; Myrick—Nay; Moakley—Yea; Frost—Yea; Hall—Yea; Slaughter—Yea; Solomon—Nay.

*Rules Committee Rollcall No. 29*

Date: June 18, 1997.

Measure: Rule for consideration of H.R. 1119, National Defense Authorization Act.

Motion by: Mr. Moakley.

Summary of motion: Make in order Frank amendment No. 84 to cut the overall funding in the bill.

Results: Rejected 4 to 9.

Vote by Members: Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Hastings—Nay; Myrick—Nay; Moakley—Yea; Frost—Yea; Hall—Yea; Slaughter—Yea; Solomon—Nay.

*Rules Committee Rollcall No. 30*

Date: June 18, 1997.

Measure: Rule for consideration of H.R. 1119, National Defense Authorization Act.

Motion by: Mr. Frost.

Summary of motion: Make in order Everett amendment No. 77 to strike the section of the bill concerning military depots.

Results: Rejected 4 to 9.

Vote by Members: Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Hastings—Nay; Myrick—Nay; Moakley—Yea; Frost—Yea; Hall—Yea; Slaughter—Yea; Solomon—Nay.

*Rules Committee Rollcall No. 31*

Date: June 18, 1997.

Measure: Rule for consideration of H.R. 1119, National Defense Authorization Act.

Motion by: Mr. Frost.

Summary of motion: Strike amendment No. 120 by Mr. Spence and Mr. Dellums concerning the export of supercomputers.

Results: Rejected 4 to 9.

Vote by Members: Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Hastings—Nay; Myrick—Nay; Moakley—Yea; Frost—Yea; Hall—Yea; Slaughter—Yea; Solomon—Nay.

*Rules Committee Rollcall No. 32*

Date: June 18, 1997.

Measure: Rule for consideration of H.R. 1119, National Defense Authorization Act.

Motion by: Mr. Frost.

Summary of motion: Make in order Green amendment No. 73 concerning the Uniformed Services Treatment Facilities.

Results: Rejected 4 to 9.

Vote by Members: Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Hastings—Nay; Myrick—Nay; Moakley—Yea; Frost—Yea; Hall—Yea; Slaughter—Yea; Solomon—Nay.

*Rules Committee Rollcall No. 33*

Date: June 18, 1997.

Measure: Rule for consideration of H.R. 1119, National Defense Authorization Act.

Motion by: Mr. Dreier.

Summary of motion: Order the rule reported.

Results: Adopted 9 to 4.

Vote by Members: Dreier—Yea; Goss—Yea; Linder—Yea; Pryce—Yea; Diaz-Balart—Yea; McInnis—Yea; Hastings—Yea; Myrick—Yea; Moakley—Nay; Frost—Nay; Hall—Nay; Slaughter—Nay; Solomon—Yea.

HOUSE RULES COMMITTEE SUMMARY OF AMENDMENTS MADE IN ORDER FOR H.R. 1119 THE NATIONAL DEFENSE AUTHORIZATION ACT OF 1997

Part 1

Sanders No. 102—30 minutes: Adds a new section at the end of the bill—Section 3606. Reduces by 5% the total amount of author-

ized spending under Divisions A, B, and C of the bill respectively in each of the fiscal years 1998 and 1999.

Spence/Dellums No. 100—60 minutes: Consists of the text of H.R. 1778, the Defense Reform Act of 1997, with minor modifications, minus title III, Environmental Reforms.

Spence/Dellums No. 120—40 minutes: Consists of a Subtitle on Matters Relating to Prevention of Technology Diversion. Among other things, requires that any export or re-export of U.S. supercomputers with a computing capability in excess of 2,000 million theoretical operations per second (MTOPS) to countries of proliferation concern receive the prior written approval of the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, the Secretary of State and the Director of the Arms Control and Disarmament Agency; requires the President to submit to Congress a report on all U.S. supercomputer exports above 2,000 MTOPS to all countries since Jan. 25, 1996.

Harman—40 minutes: Restores prior policy affording equal access to health care for female service members and military dependents by removing restrictions on privately-funded abortions at overseas military medical facilities.

Shays/Frank (MA)/Gephardt/Dellums—30 minutes: Requires the President to seek increases in defense burdensharing by U.S. allies.

Luther No. 68—30 minutes: Terminates further production of the Trident D-5 submarine launched ballistic missile.

Dellums No. 104—60 minutes: Strikes \$331.2 million which was added for the B-2 aircraft program; prohibits obligation of appropriations for advanced procurement of aircraft beyond 21 aircraft previously authorized; prohibits obligation of appropriations for production line reestablishment and make available \$21.8 million for the production line curtailment.

Buyer No. 109—20 minutes: Compels the Administration to honor its commitment to withdraw ground elements of the U.S. Armed Forces in the Republics of Bosnia and Herzegovina. Cuts off funds as of June 30, 1998 unless Congress approves an extension.

Hilleary No. 126—20 minutes: Prohibits DoD funds from being obligated or expended for ground deployment of U.S. troops in Bosnia after 12/31/97; provides for an extension of 6 months if Congress approves. Prohibits DoD funds from being used for the conduct of law enforcement or other activities by U.S. troops. To be offered as a substitute to Buyer No. 109.

Gilman—60 minutes: Requires military commanders to report and initiate searching for missing service personnel member within 48 hours, rather than the current 10 days, unless prevented by combat conditions; provides that if a body is recovered that could not be identified by visual means, it should receive certification by a credible forensic authority; establishes personnel files for Korean conflict cases of any unaccounted personnel; and applies these provisions to civilian employees and contractors of the DoD.

Buyer/Kennedy (RI) No. 19—60 minutes: Provide for a series of initiatives to improve the Department of Defense and the Department of Veterans Affairs investigation of Persian Gulf illnesses, and the treatment of ill Gulf War veterans such as: (1) provides \$4.5 million to establish a cooperative DoD/VA program of clinical

trials to evaluate treatments which might relieve the symptoms of Gulf War illnesses; (2) requires the Secretary's of both Departments to develop a comprehensive plan for providing health care to all veterans, active-duty members and reservists suffering from symptoms of Gulf War illnesses, among other things.

Part 2 (10 minutes each)

Bachus: Denies military funeral benefits to any person that has been convicted of a state or federal crime where death is a possible punishment.

Barrett (NE): Requires the DoD to conduct an industrial assessment study of the domestic capacitor and resistor industries to determine their importance to the national defense and the defense industrial mobilization base and if they are in danger of being critically weakened due to removal of tariffs on imports under the Information Technology Agreement.

Bartlett: Strikes section 217, which concerned placement of IDECM on the F/A-18C/D, but which is no longer applicable.

Bereuter: Sense of Congress that maintaining the existing presence of approximately 100,000 U.S. troops in the Asia and Pacific region is critical to maintaining the peace and stability of the area.

Brady: Prevents American troops from being used for environmental activities on foreign lands.

Buyer No. 52: Authorizes the Secretary of the Treasury to pay a bonus under section 308e of Title 37, United States Code for affiliating with a unit of the Coast Guard Reserve to current or former active duty members of the Coast Guard. Currently such bonuses are authorized to be paid to current or former active duty members of the Army, Navy, Air Force and Marine Corps.

Coburn: Prevents any funds authorized under this act from being used to support the United States Man and the Biosphere Program.

Everett No. 78: Endorses the Army's efforts to reduce cost and technical risk to the Comanche engine development through the National Guard's UH-1H engine technology insertion program.

Faleomavaega: Clarifies the eligibility of U.S. nationals for participation in Senior Reserve Officers' Training Corps (ROTC).

Frelinghuysen No. 35: Requires that an existing tank vessel's gross tonnage is that listed on its tonnage certificate as of July 1, 1997 for purposes of the double hull phase-out date.

Farr No. 75: Extends authorization of two weapons ranges at Camp Roberts, California for one year.

Fowler No. 118: Expands the scope of the report that the SecDef is required by the bill to provide to Congress concerning military developments in the People's Republic of China; requires the Secretary to address the additional areas of nuclear weapons development, electronic warfare, certain telecommunications technologies, advanced aerospace technologies with military applications, and anti-submarine warfare technologies in the report.

Fox No. 8: Requires that the POW/MIA flag be flown at all Department of Veterans Affairs Medical Centers on every day that the flag of the United States is flown.

Fox No. 17: Awards reservist veterans of the Persian Gulf War not serving in the theater of operations with Veterans Employment

Preference points if they were deployed in aircraft support of Operation Desert Storm.

Frank (MA) No. 83: Prohibits additional stationing of U.S. forces in Europe as a consequence of NATO expansion.

Gallegly: Requires the Secretaries to report to Congress in 6 months on the feasibility of transferring ownership of the Modular Airborne Fire Fighting (MAAFS) units from the DoA to the DoD.

Gekas: Extends an FY95 project authorization which has run into unexpected delays. The project is phase 1 of a multi-phase endeavor to improve the infrastructure of Fort Indiantown Gap and make it a viable training site.

Hall (OH): Requires the Secretary of Energy to issue guidelines for the sale or lease of real and personal property, at or below market value, in conjunction with communities' reuse plans, at certain DoE facilities being closed or reconfigured, and grants the Secretary the authority to exempt property recipients at those DoE facilities from liability for environmental contamination caused by DoE activities.

Hastert: Requires the Director of the Office of National Drug Control Policy to report the development and deployment of narcotics detection technologies by federal agencies in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Transportation, and the Secretary of the Treasury.

Hastings (WA) No. 87: Strengthens existing streamlining provisions for the Department of Energy by making a number of the management provisions mandatory, instead of voluntary; specifically environmental cleanup programs.

Hastings (WA) No. 89: Extends temporarily the Workforce Transition Programs and allow the Secretary of Energy to provide \$44 million in additional funding for the program.

Hefley/McInnis/Skaggs: Transfers jurisdiction of the Naval Oil Shale Reserves numbered 1 and 3 from the Department of Energy to the Department of Interior for the purposes of leasing for petroleum and natural gas exploration, development and production.

Johnson, E.B. (TX): Requires the Secretary of Defense to issue a study and report to Congress on the feasibility and desirability of conversion of Active Guard Reserve (AGR) personnel to military technicians.

Metcalf: Sense of the Congress relating to Gulf War illnesses regarding the current status of the investigation of causes and the search for treatment and a commitment for a speedy resolution.

Pickett No. 61: Authorizes \$15 million in funding for the Navy's Land Attack Standard Missile (LASM) program and offsets that with a \$15 million cut in the Navy SSN-21 program.

Pickett No. 62: Assures that the Defense Contract Audit Agency must comply with government policy governing allowable costs under defense contracts.

Riley: Provides that the Director of Operational Test and Evaluation shall be the responsible official in the DoD to manage the Operational Field Assessments program for the Commanders of the Unified Combatant Commands.

Saxton No. 24: Replaces Title 29 of H.R. 1119 with compromise text (between DoD, DoI, and the International Association of Fish and Wildlife Agencies) that amends and reauthorizes the Sikes Act

which provides mechanisms for cooperative wildlife management of approximately 900 military installations.

Saxton No. 113: Replaces Sec. 2839 with language that clarifies the land transfer from Fort Dix, New Jersey.

Sisisky: Requires the Comptroller General to do a study of military medical facility requirements in the National Capital Region.

Skelton No. 121: Requires the SecDef to submit to Congress a report describing the efforts of the DoD to protect U.S. personnel stationed abroad.

Skelton No. 122: Provides authorization to the Community College of the Air Force for awarding associate degrees to members of the Armed Forces in attendance.

Skelton No. 123: Requires the Director of the Office of Management and Budget to submit to Congress an appropriate report regarding the programs and funding levels throughout the federal system on the efforts of the U.S. government to combat international terrorism.

Skelton No. 129: Expands prohibition on the burial of veterans to include those veterans convicted of crimes involving weapons of mass destruction against federal properties, law enforcement officers or employees.

Solomon/Rohrabacher: Denies any of the Nunn-Lugar aid funds in the bill to Russia if Russia transfers an SST-N-22 missile system to the People's Republic of China.

Spratt No. 127: Expands eligibility for personnel to participate in the Integrated Product Team demonstration project.

Thune: Authorizes the Secretary of the Air Force to transfer land (approximately 215 acres) from Ellsworth Air Force Base to the Greater Box Elder Economic Development Corporation and to the Douglas School District, to be used in compliance with Ellsworth's Air Installation Compatibility Use Zone.

Traficant No. 4: Directs the Inspector General of the Department of Defense to conduct a random audit of military installations in the U.S. to determine the extent of which U.S. military bases are using base funds to purchase foreign-made goods.

Traficant No. 5: Requires the DoD to submit a report to Congress on the number and amount of foreign purchases made by the DoD in FY 1998.

Wamp: Encourages the Army to partner with communities in order to develop portions of Army ammunition sites participating in the Armament and Retooling and Manufacturing Support Initiative (ARMS) program. It will allow communities to lease portions of the land and/or facilities so that they can attract commercial business to the property, and the revenue generated from these leases will be used to modernize, develop and restore the site.

Weldon (PA) No. 94: Requires the President to certify whether it is possible to verify that no Russian ICBMs are pointed at America; certify the length of time it would take to retarget ICBMs if they were detargeted; and certify whether a detargeted missile would automatically be retargeted in the event of an accidental launch.

## PART 1

1. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE SANDERS OF VERMONT OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 30 MINUTES

At the end of the bill (page 540, after line 21) insert the following new section:

**Sec. 3606. Reduction of Overall Authorized Spending Levels.**

The total amount provided under Divisions A, B, and C respectively of this bill shall each be reduced by 5% in each of the fiscal years 1998 and 1999.

2. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE SPENCE OF SOUTH CAROLINA OR REPRESENTATIVE DELLUMS OF CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 60 MINUTES

Strike out section 308 (page 47, lines 14 through 21) and, at the end of division A (page 379, after line 19), insert the following new titles:

## TITLE XIII—DEFENSE PERSONNEL REFORMS

**SEC. 1301. REDUCTION IN PERSONNEL ASSIGNED TO MANAGEMENT HEADQUARTERS AND HEADQUARTERS SUPPORT ACTIVITIES.**

(a) IN GENERAL.—(1) Chapter 3 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 130a. Management headquarters and headquarters support activities personnel: limitation**

“(a) LIMITATION.—Effective October 1, 2001, the number of management headquarters and headquarters support activities personnel in the Department of Defense may not exceed the 75 percent of the baseline number.

“(b) PHASED REDUCTION.—The number of management headquarters and headquarters support activities personnel in the Department of Defense—

“(1) as of October 1, 1998, may not exceed 90 percent of the baseline number;

“(2) as of October 1, 1999, may not exceed 85 percent of the baseline number; and

“(3) as of October 1, 2000, may not exceed 80 percent of the baseline number.

“(c) BASELINE NUMBER.—In this section, the term ‘baseline number’ means the number of management headquarters and headquarters support activities personnel in the Department of Defense as of October 1, 1997.

“(d) MANAGEMENT HEADQUARTERS AND HEADQUARTERS SUPPORT ACTIVITIES PERSONNEL DEFINED.—In this section:

“(1) The term ‘management headquarters and headquarters support activities personnel’ means military and civilian personnel of the Department of Defense who are assigned to, or employed in, functions in management headquarters activities or in management headquarters support activities.

“(2) The terms ‘management headquarters activities’ and ‘management headquarters support activities’ have the meanings given those terms in Department of Defense Directive 5100.73, entitled ‘Department of Defense Management Headquarters and Headquarters Support Activities’, as in effect on November 12, 1996.

“(e) LIMITATION ON REASSIGNMENT OF FUNCTIONS.—In carrying out reductions in the number of personnel assigned to, or employed in, management headquarters and headquarters support activities in order to comply with this section, the Secretary of Defense and the Secretaries of the military departments may not reassign functions in order to evade the requirements of this section.

“(f) FLEXIBILITY.—If the Secretary of Defense determines, and certifies to Congress, that the limitation in subsection (b) with respect to any fiscal year would adversely affect United States national security, the Secretary may waive the limitation under that subsection with respect to that fiscal year. If the Secretary of Defense determines, and certifies to Congress, that the limitation in subsection (a) during fiscal year 2001 would adversely affect United States national security, the Secretary may waive the limitation under that subsection with respect to that fiscal year. The authority under this subsection may be used only once, with respect to a single fiscal year.”.

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

“130a. Management headquarters and headquarters support activities personnel: limitation.”.

(b) IMPLEMENTATION REPORT.—Not later than January 15, 1998, the Secretary of Defense shall submit to Congress a report—

(1) containing a plan to achieve the personnel reductions required by section 130a of title 10, United States Code, as added by subsection (a); and

(2) including the recommendations of the Secretary regarding—

(A) the revision, replacement, or augmentation of Department of Defense Directive 5100.73, entitled “Department of Defense Management Headquarters and Headquarters Support Activities”, as in effect on November 12, 1996; and

(B) the revision of the definitions of the terms “management headquarters activities” and “management headquarters support activities” under that Directive so that those terms apply uniformly throughout the Department of Defense.

(c) CODIFICATION OF PRIOR PERMANENT LIMITATION ON OSD PERSONNEL.—(1) Chapter 4 of title 10, United States Code, is amended by adding at the end a new section 143 consisting of—

(A) a heading as follows:

**“§ 143. Office of the Secretary of Defense personnel: limitation”;**

and

(B) a text consisting of the text of subsections (a) through (f) of section 903 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2617).

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

“143. Office of the Secretary of Defense personnel: limitation.”.

(3) Section 903 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2617) is repealed.

**SEC. 1302. ADDITIONAL REDUCTION IN DEFENSE ACQUISITION WORKFORCE.**

(a) IN GENERAL.—(1) Chapter 87 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 1765. Limitations on number of personnel**

“(a) LIMITATION.—Effective October 1, 2001, the number of defense acquisition personnel may not exceed the baseline number reduced by 124,000.

“(b) PHASED REDUCTION.—The number of the number of defense acquisition personnel—

“(1) as of October 1, 1998, may not exceed the baseline number reduced by 40,000;

“(2) as of October 1, 1999, may not exceed the baseline number reduced by 80,000; and

“(3) as of October 1, 2000, may not exceed the baseline number reduced by 102,000.

“(c) BASELINE NUMBER.—For purposes of this section, the baseline number is the total number of defense acquisition personnel as of October 1, 1997.

“(d) DEFENSE ACQUISITION PERSONNEL DEFINED.—(1) In this section, the term ‘defense acquisition personnel’ means military and civilian personnel (other than civilian personnel described in paragraph (2)) who are assigned to, or employed in, acquisition organizations of the Department of Defense (as specified in Department of Defense Instruction numbered 5000.58 dated January 14, 1992).

“(2) Such term does not include civilian employees of the Department of Defense who are employed at a maintenance depot.”.

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

“1765. Limitations on number of personnel.”.

(b) IMPLEMENTATION REPORT.—Not later than January 15, 1998, the Secretary of Defense shall submit to Congress a report—

(1) containing a plan to achieve the personnel reductions required by section 1765 of title 10, United States Code, as added by subsection (a); and

(2) containing any recommendations (including legislative proposals) that the Secretary considers necessary to fully achieve such reductions.

(c) TECHNICAL REFERENCE CORRECTION.—Section 1721(c) of title 10, United States Code, is amended by striking out “November 25, 1988” and inserting in lieu thereof “November 12, 1996”.

**SEC. 1303. AVAILABILITY OF FUNDS FOR SEPARATION PAY FOR DEFENSE ACQUISITION PERSONNEL.**

Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities, \$100,000,000 shall be available only for the payment of separation pay under section 5597 of title 5, United States Code, to civilian employees of the Department of Defense who are defense acquisition personnel (as defined in section 1765(d) of title 10, United States Code).

**SEC. 1304. PERSONNEL REDUCTIONS IN UNITED STATES TRANSPORTATION COMMAND.**

(a) PURPOSE OF REDUCTION.—The purpose of the reduction in the number of United States Transportation Command personnel is to recognize and continue the effort of the Secretary of Defense to achieve the United States Transportation Command reengineering reform plan to eliminate administrative duplication and process inefficiencies.

(b) REDUCTION IN UNITED STATES TRANSPORTATION COMMAND PERSONNEL.—(1) Effective October 1, 1998, the number of United States Transportation Command personnel may not exceed the number equal to the baseline number reduced by 1,000.

(2) For purposes of this section, the baseline number is the total number of United States Transportation Command personnel as of September 30, 1997.

(c) UNITED STATES TRANSPORTATION COMMAND PERSONNEL DEFINED.—For purposes of this section, the term “United States Transportation Command personnel” means military and civilian personnel who are assigned to, or employed in, the United States Transportation Command Headquarters, Air Force Air Mobility Command, Navy Military Sealift Command, Army Military Traffic Management Command, and Defense Courier Service.

(d) SOURCE OF REDUCTIONS.—In reducing the number of United States Transportation Command personnel as required by subsection (b), the Secretary of Defense shall limit such reductions to the United States Transportation Command personnel who are in the following occupational classifications established to group similar occupations and work positions into a consistent structure:

(1) Enlisted members in the Functional Support and Administration classification (designated as occupational code 5XX), as described in Department of Defense Instruction 1312.1, dated August 9, 1995, regarding “Department of Defense Occupational Information Collection and Reporting”.

(2) Officers in the General Officers and Executives classification (designated as occupational code 1XX), Administrators (designated as occupational code 7XX), and Supply, Procurement, and Allied Officers classification (designated as occupational code 8XX), as described in such instruction.

(3) Civilian personnel in the Program Management classification (designated as occupational code GS-0340), Accounting and Budget classification (designated as occupational code GS-0500 and related codes), Business and Industry classification

(designated as occupational code GS-1100 and related codes), and Supply classification (designated as occupational code GS-2000 and related codes), as described in Office of Personnel Management document EI-12, dated November 1, 1995, entitled “Federal Occupational Groups”.

(e) WAIVER AUTHORITY.—The Secretary of Defense may waive or suspend operation of this section in the event of a war or national emergency.

## **TITLE XIV—DEFENSE BUSINESS PRACTICES REFORMS**

### **Subtitle A—Competitive Procurement Requirements**

#### **SEC. 1401. COMPETITIVE PROCUREMENT OF FINANCE AND ACCOUNTING SERVICES.**

(a) COMPETITIVE PROCUREMENT REQUIRED.—Chapter 165 of title 10, United States Code, is amended by adding at the end the following new section:

#### **“§ 2784. Competitive procurement of finance and accounting services**

“(a) STUDY AND REPORT.—(1) Not later than December 1, 1997, the Secretary of Defense shall initiate a study regarding the competitive procurement of finance and accounting services for the Department of Defense, including non-appropriated fund instrumentalities of the Department of Defense. The study shall analyze the conduct of competitions among private-sector sources and the Defense Finance and Accounting Service and other interested Federal agencies.

“(2) Not later than June 1, 1998, the Secretary of Defense shall submit to Congress a report containing the results of the study conducted under paragraph (1).

“(b) COMPETITIVE PROCUREMENT REQUIRED.—Beginning not later than October 1, 1999, the Secretary of Defense shall competitively procure finance and accounting services for the Department of Defense, including nonappropriated fund instrumentalities of the Department of Defense. The Secretary shall conduct competitions among private-sector sources and the Defense Finance and Accounting Service and other interested Federal agencies. Such a competition shall not involve competition between components of the Defense Finance and Accounting Service.

“(c) IMPROVEMENT OF COMPETITIVE ABILITY.—Before conducting a competition under subsection (b) for the procurement of finance and accounting services that are being provided by a component of the Defense Finance and Accounting Service, the Secretary of Defense shall provide the component with an opportunity to establish its most efficient organization.”.

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

“2784. Competitive procurement of finance and accounting services.”.

**SEC. 1402. COMPETITIVE PROCUREMENT OF SERVICES TO DISPOSE OF SURPLUS DEFENSE PROPERTY.**

(a) COMPETITIVE PROCUREMENT REQUIRED.—(1) Chapter 153 of title 10, United States Code, is amended by inserting after section 2572 the following new section:

**“§ 2573. Competitive procurement of services to dispose of surplus property**

“(a) COMPETITIVE PROCUREMENT OF SERVICES.—Beginning not later than October 1, 1998, the Secretary of Defense shall competitively procure services for the Department of Defense in connection with the disposal of surplus property at each site at which the Defense Reutilization and Marketing Service operates. The Secretary shall conduct competitions among private-sector sources and the Defense Reutilization and Marketing Service and other interested Federal agencies for the performance of all such services at a particular site.

“(b) IMPROVEMENT OF COMPETITIVE ABILITY.—Before conducting a competition under subsection (a) for the procurement of services described in such subsection that are being provided by a component of the Defense Reutilization and Marketing Service, the Secretary of Defense shall provide the component with an opportunity to establish its most efficient organization.

“(c) REPORTING REQUIREMENTS.—Not later than 90 days after the end of each fiscal year in which services for the disposal of surplus property are competitively procured under subsection (a), the Secretary of Defense shall submit to Congress a report specifying—

“(1) the type and volume of such services procured by the Department of Defense during that fiscal year from the Defense Reutilization and Marketing Service and from other sources;

“(2) the former sites of the Defense Reutilization and Marketing Service operated during that fiscal year by contractors (other than the Defense Reutilization and Marketing Service); and

“(3) the total amount of any fees paid by such contractors in connection with the performance of such services during that fiscal year.

“(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter the requirements regarding the identification or demilitarization of an item of excess property or surplus property of the Department of Defense before the disposal of the item.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘surplus property’ means any personal excess property which is not required for the needs and the discharge of the responsibilities of all Federal agencies and the disposal of which is the responsibility of the Department of Defense.

“(2) The term ‘excess property’ means any personal property under the control of the Department of Defense which is not required for its needs and the discharge of its responsibilities, as determined by the Secretary of Defense.”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2572 the following new item:

“2573. Competitive procurement of services to dispose of surplus property.”.

(b) IMPLEMENTATION REPORT.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report—

(1) containing a plan to implement the competitive procurement requirements of section 2573 of title 10, United States Code, as added by subsection (a); and

(2) identifying other functions of the Defense Reutilization and Marketing Service that the Secretary considers suitable for performance by private-sector sources.

**SEC. 1403. COMPETITIVE PROCUREMENT OF FUNCTIONS PERFORMED BY DEFENSE INFORMATION SYSTEMS AGENCY.**

(a) COMPETITIVE PROCUREMENT REQUIRED.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2474. Competitive procurement of information services**

“(a) STUDY AND REPORT.—(1) Not later than December 1, 1997, the Secretary of Defense shall initiate a study regarding the competitive procurement of those commercial and industrial type functions performed before the date of the enactment of this Act by the Defense Information Systems Agency, with particular regard to the functions performed at the entities known as megacenters. The study shall analyze the conduct of competitions among private-sector sources and the Defense Information Systems Agency and other interested Federal agencies.

“(2) Not later than June 1, 1998, the Secretary of Defense shall submit to Congress a report containing the results of the study conducted under paragraph (1).

“(b) COMPETITIVE PROCUREMENT REQUIRED.—Beginning not later than October 1, 1999, the Secretary of Defense shall competitively procure those commercial and industrial type functions performed before that date by the Defense Information Systems Agency. The Secretary shall conduct competitions among private-sector sources and the Defense Information Systems Agency and other interested Federal agencies.

“(c) IMPROVEMENT OF COMPETITIVE ABILITY.—Before conducting a competition under subsection (b) for the procurement of information services that are being provided by a component of the Defense Information Systems Agency, the Secretary of Defense shall provide the component with an opportunity to establish its most efficient organization.

“(d) EXCEPTION FOR CLASSIFIED FUNCTIONS.—(1) The requirement of subsection (b) shall not apply to the procurement of services involving a classified function performed by the Defense Information Systems Agency.

“(2) In this subsection, the term ‘classified function’ means any telecommunications or information services that—

“(A) involve intelligence activities;

“(B) involve cryptologic activities related to national security;

“(C) involve command and control of military forces;

“(D) involve equipment that is an integral part of a weapon or weapons system; or

“(E) are critical to the direct fulfillment of military or intelligence missions (other than routine administrative and business applications, such as payroll, finance, logistics, and personnel management applications).”.

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

“2474. Competitive procurement of information services.”.

**SEC. 1404. COMPETITIVE PROCUREMENT OF PRINTING AND DUPLICATION SERVICES.**

(a) EXTENSION.—Subsection (a) of section 351 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 266) is amended—

(1) by striking out “and 1997” and inserting in lieu thereof “through 1998”; and

(2) by striking out “Defense Printing Service” and inserting in lieu thereof “Defense Automation and Printing Service”.

(b) PROHIBITION ON SURCHARGE FOR SERVICES.—Such section is further amended by adding at the end the following new subsection:

“(d) PROHIBITION ON IMPOSITION OF SURCHARGE.—The Defense Automation and Printing Service may not impose a surcharge on any printing and duplication service for the Department of Defense that is procured from a source outside of the Department.”.

**SEC. 1405. COMPETITIVE PROCUREMENT OF CERTAIN OPHTHALMIC SERVICES.**

(a) COMPETITIVE PROCUREMENT REQUIRED.—Beginning not later than October 1, 1998, the Secretary of Defense shall competitively procure from private-sector sources, or other sources outside of the Department of Defense, all ophthalmic services related to the provision of single vision and multivision eyewear for members of the Armed Forces, retired members, and certain covered beneficiaries under chapter 55 of title 10, United States Code, who would otherwise receive such ophthalmic services through the Department of Defense.

(b) EXCEPTION.—Subsection (a) shall not apply to the extent that the Secretary of Defense determines that the use of sources within the Department of Defense to provide such ophthalmic services—

(1) is necessary to meet the readiness requirements of the Armed Forces; or

(2) is more cost effective.

(c) COMPLETION OF EXISTING ORDERS.—Subsection (a) shall not apply to orders for ophthalmic services received on or before September 30, 1998.

**SEC. 1406. COMPETITIVE PROCUREMENT OF COMMERCIAL AND INDUSTRIAL TYPE FUNCTIONS BY DEFENSE AGENCIES.**

(a) COMPETITION REQUIRED.—Section 2461 of title 10, United States Code, is amended—

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

(2) by inserting after subsection (f) the following new subsection:

“(g) COMPETITIVE PROCUREMENT BY DEFENSE AGENCIES.—(1) Beginning not later than September 30, 1999 (unless an earlier effective date is otherwise required for a specific Defense Agency), the Secretary of Defense shall competitively procure those commercial and industrial type functions performed before that date by a Defense Agency. The Secretary shall conduct competitions among private-sector sources and the Defense Agency involved and other interested Federal agencies.

“(2) Before conducting a competition under subsection (a) for the procurement of a commercial or industrial type function that is being performed by a component of a Defense Agency, the Secretary of Defense shall provide the component with an opportunity to establish its most efficient organization.

“(3) In this subsection, the term ‘Defense Agency’ means a program activity specified in the table entitled ‘Program and Financing’ for operation and maintenance, Defense-wide activities, in the budget of the President transmitted to Congress for fiscal year 1998 pursuant to section 1105 of title 31 (and any successor of such activity).”.

(b) IMPLEMENTATION REPORT.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan to implement the competitive procurement requirements of section 2461(g) of title 10, United States Code, as added by subsection (a).

## **Subtitle B—Reform of Conversion Process**

### **SEC. 1411. DEVELOPMENT OF STANDARD FORMS REGARDING PERFORMANCE WORK STATEMENT AND REQUEST FOR PROPOSAL FOR CONVERSION OF CERTAIN OPERATIONAL FUNCTIONS OF MILITARY INSTALLATIONS.**

(a) STANDARD FORMS REQUIRED.—Chapter 146 of title 10, United States Code, is amended by inserting after section 2474, as added by section 1403, the following new section:

#### **“§ 2475. Military installations: use of standard forms in conversion process**

“(a) STANDARDIZATION OF REQUIREMENTS.—(1) The Secretary of Defense shall develop standard forms (to be known as a ‘standard performance work statement’ and a ‘standard request for proposal’) to be used in the consideration for conversion to contractor performance of those commercial services and functions at military installations that have been converted to contractor performance at a rate of 50 percent or more, as determined under subsection (c).

“(2) A separate standard form shall be developed for each service and function covered by paragraph (1) and the forms shall be used throughout the Department of Defense in lieu of the performance work statement and request for proposal otherwise required under the procedures and requirements of Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy).

“(3) The Secretary shall develop and implement the standard forms not later than October 1, 1998.

“(b) INAPPLICABILITY OF ELEMENTS OF OMB CIRCULAR A-76.—On and after October 1, 1998, the procedures and requirements of Office of Management and Budget Circular A-76 regarding performance work statements and requests for proposals shall not apply with respect to the conversion to contractor performance at a military installation of a service or function for which a standard form is required under subsection (a).

“(c) DETERMINATION OF CONTRACTOR PERFORMANCE PERCENTAGE.—In determining the percentage at which a particular commercial service or function at military installations has been converted to contractor performance, the Secretary of Defense shall take into consideration all military installations and use the final estimate of the percentage of contractor performance of services and functions contained in the most recent commercial and industrial activity inventory database established under Office of Management and Budget Circular A-76.

“(d) EXCLUSION OF MULTI-FUNCTION CONVERSION.—If a commercial service or function for which a standard form is developed under subsection (a) is combined with another service or function (for which such a form is not required) for purposes of considering the services and functions at the military installation for conversion to contractor performance, a standard form developed under subsection (a) may not be used in the conversion process in lieu of the procedures and requirements of Office of Management and Budget Circular A-76 regarding performance work statements and requests for proposals.

“(e) EFFECT ON OTHER LAWS.—Nothing in this section shall be construed to supersede any other requirements or limitations, specifically contained in this chapter, on the conversion to contractor performance of activities performed by civilian employees of the Department of Defense.

“(f) MILITARY INSTALLATION DEFINED.—In this section, the term ‘military installation’ means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2474, as added by section 1403, the following new item:

“2475. Military installations: use of standard forms in conversion process.”.

**SEC. 1412. STUDY AND NOTIFICATION REQUIREMENTS FOR CONVERSION OF COMMERCIAL AND INDUSTRIAL TYPE FUNCTIONS TO CONTRACTOR PERFORMANCE.**

(a) NOTIFICATION.—Section 2461 of title 10, United States Code, is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following new subsections:

“(a) NOTIFICATION OF CONVERSION STUDY.—(1) In the case of a commercial or industrial type function of the Department of Defense that on October 1, 1980, was being performed by Department of Defense civilian employees, the Secretary of Defense shall notify Congress of any decision to study the function for possible conversion to performance by a private contractor. The notification shall

include information regarding the anticipated length and cost of the study.

“(2) A study of a commercial or industrial type function for possible conversion to contractor performance shall include the following:

“(A) A comparison of the performance of the function by Department of Defense civilian employees and by private contractor to determine whether contractor performance will result in savings to the Government over the life of the contract.

“(B) An examination of the potential economic effect on employees who would be affected by the conversion, and the potential economic effect on the local community and the United States if more than 75 employees perform the function.

“(C) An examination of the effect of contracting for performance of the function on the military mission of the function.

“(b) NOTIFICATION OF CONVERSION DECISION.—If, as a result of the completion of a study under subsection (a) regarding the possible conversion of a function to performance by a private contractor, a decision is made to convert the function to contractor performance, the Secretary of Defense shall notify Congress of the conversion decision. The notification shall—

“(1) indicate that the study conducted regarding conversion of the function to performance by a private contractor has been completed;

“(2) certify that the comparison required by subsection (a)(2)(A) as part of the study demonstrates that the performance of the function by a private contractor will result in savings to the Government over the life of the contract;

“(3) certify that the entire comparison is available for examination; and

“(4) contain a timetable for completing conversion of the function to contractor performance.”.

(b) WAIVER FOR SMALL FUNCTIONS.—Subsection (d) of such section is amended by striking out “45 or fewer” and inserting in lieu thereof “20 or fewer”.

**SEC. 1413. COLLECTION AND RETENTION OF COST INFORMATION DATA ON CONTRACTED OUT SERVICES AND FUNCTIONS.**

(a) COLLECTION AND RETENTION REQUIRED.—Section 2463 of title 10, United States Code, is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting after the section heading the following new subsection:

“(a) REQUIREMENTS IN CONNECTION WITH CONVERSION TO CONTRACTOR PERFORMANCE.—With respect to each contract converting the performance of a service or function of the Department of Defense to contractor performance (and any extension of such a contract), the Secretary of Defense shall collect, during the term of the contract or extension, but not to exceed five years, cost information data regarding performance of the service or function by private contractor employees. The Secretary shall provide for the permanent retention of information collected under this subsection.”.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

- (1) in subsection (b), as redesignated by subsection (a)(1)—
  - (A) by striking out the subsection heading and inserting in lieu thereof “REQUIREMENTS IN CONNECTION WITH RETURN TO EMPLOYEE PERFORMANCE.—”; and
  - (B) by striking out “to which this section applies” and inserting in lieu thereof “described in subsection (c).”; and
- (2) in subsection (c), as redesignated by subsection (a)(1)—
  - (A) by striking out the subsection heading and inserting in lieu thereof “COVERED FISCAL YEARS.—”; and
  - (B) by striking out “This section” and inserting in lieu thereof “Subsection (b)”.

(c) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

**“§ 2463. Collection and retention of cost information data on contracted out services and functions**

(2) The item relating to such section in the table of sections at the beginning of chapter 146 of title 10, United States Code, is amended to read as follows:

“2463. Collection and retention of cost information data on contracted out services and functions.”.

## Subtitle C—Other Reforms

### SEC. 1421. REDUCTION IN OVERHEAD COSTS OF INVENTORY CONTROL POINTS.

(a) REDUCTION IN COSTS REQUIRED.—The Secretary of Defense shall take such actions as may be necessary to reduce the annual overhead costs of the supply management activities of the Defense Logistics Agency and the military departments (known as Inventory Control Points) so that the annual overhead costs are not more than eight percent of annual net sales at standard price by the Inventory Control Points.

(b) TIME TO ACHIEVE REDUCTION.—The Secretary shall achieve the cost reductions required by subsection (a) not later than September 30, 2000.

(c) IMPLEMENTATION PLAN.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a plan to achieve the reduction in overhead costs required by subsection (a).

(d) DEFINITIONS.—For purposes of this section:

(1) The term “overhead costs” means the total expenses of the Inventory Control Points, excluding—

(A) annual materiel costs; and

(B) military and civilian personnel related costs, defined as personnel compensation and benefits under the March 1996 Department of Defense Financial Management Regulations, Volume 2A, Chapter 1, Budget Account Title File (Object Classification Name/Code), object classifications 200, 211, 220, 221, 222, and 301.

(2) The term “net sales at standard price” has the meaning given that term in the March 1996 Department of Defense Financial Management Regulations, Volume 2B, Chapter 9, and

displayed in “Exhibit Fund—14 Revenue and Expenses” for the supply management business areas.

**SEC. 1422. CONSOLIDATION OF PROCUREMENT TECHNICAL ASSISTANCE AND ELECTRONIC COMMERCE TECHNICAL ASSISTANCE.**

(a) CONSOLIDATION OF ASSISTANCE.—Chapter 142 of title 10, United States Code, is amended as follows:

(1) Sections 2412, 2414, 2417, and 2418 are each amended by inserting “and electronic commerce” after “procurement” each place it appears.

(2) Section 2413 is amended—

(A) in subsection (b), by striking out “procurement technical assistance” and inserting in lieu thereof “both procurement technical assistance and electronic commerce technical assistance”; and

(B) in subsection (c), by inserting “and electronic commerce” after “procurement”.

(b) REQUIREMENT TO USE COMPETITIVE PROCEDURES.—Section 2413 of such title is amended by adding at the end the following new subsection:

“(d) The Secretary shall use competitive procedures in entering into cooperative agreements under subsection (a).”

(c) LIMITATION ON USE OF FUNDS.—Section 2417 of such title is amended—

(1) by striking out “The Director” and inserting in lieu thereof of the following: “(b) ADMINISTRATIVE COSTS.—The Director”; and

(2) by inserting before subsection (b) (as designated by paragraph (1)) the following:

“(a) LIMITATION ON USE OF FUNDS.—In any fiscal year the Secretary of Defense may use for the program authorized by this chapter only funds specifically appropriated for the program for that fiscal year.”

(d) CLERICAL AMENDMENTS.—(1) The heading for chapter 142 of such title is amended to read as follows:

**“CHAPTER 142—PROCUREMENT AND ELECTRONIC COMMERCE TECHNICAL ASSISTANCE PROGRAM”.**

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of such title are each amended by striking out the item relating to chapter 142 and inserting in lieu thereof the following:

**“142. Procurement and Electronic Commerce Technical Assistance Program ..... 2411”.**

(3) The heading for section 2417 of such title is amended to read as follows:

**“§ 2417. Funding provisions”.**

(4) The table of sections at the beginning of chapter 142 of such title is amended by striking out the item relating to section 2417 and inserting in lieu thereof the following:

“2417. Funding provisions.”

**SEC. 1423. PERMANENT AUTHORITY REGARDING CONVEYANCE OF UTILITY SYSTEMS.**

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2687 the following new section:

**“§ 2688. Utility systems: permanent conveyance authority.**

“(a) CONVEYANCE AUTHORITY.—The Secretary of a military department may convey a utility system, or part of a utility system, under the jurisdiction of the Secretary to a municipal, private, regional, district, or cooperative utility company or other entity. The conveyance may consist of all right, title, and interest of the United States in the utility system or such lesser estate as the Secretary considers appropriate to serve the interests of the United States.

“(b) UTILITY SYSTEM DEFINED.—In this section, the term ‘utility system’ includes the following:

“(1) Electrical generation and supply systems.

“(2) Water supply and treatment systems.

“(3) Wastewater collection and treatment systems.

“(4) Steam or hot or chilled water generation and supply systems.

“(5) Natural gas supply systems.

“(6) Sanitary landfills or lands to be used for sanitary landfills.

“(7) Similar utility systems.

“(c) CONSIDERATION.—(1) The Secretary of a military department may accept consideration received for a conveyance under subsection (a) in the form of a cash payment or a reduction in utility rate charges for a period of time sufficient to amortize the monetary value of the utility system, including any real property interests, conveyed.

“(2) Cash payments received shall be credited to an appropriation account designated as appropriate by the Secretary of Defense. Amounts so credited shall be available for the same time period as the appropriation credited and shall be used only for the purposes authorized for that appropriation.

“(d) CONGRESSIONAL NOTIFICATION.—A conveyance may not be made under subsection (a) until—

“(1) the Secretary of the military department concerned submits to the appropriate committees of Congress (as defined in section 2801(c)(4) of this title) a report containing an economic analysis (based upon accepted life-cycle costing procedures approved by the Secretary of Defense) which demonstrates that the full cost to the United States of the proposed conveyance is cost-effective when compared with alternative means of furnishing the same utility systems; and

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

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

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2687 the following new item:

“2688. Utility systems: permanent conveyance authority.”.

## **TITLE XV—MISCELLANEOUS ADDITIONAL DEFENSE REFORMS**

### **SEC. 1501. LONG-TERM CHARTER CONTRACTS FOR ACQUISITION OF AUXILIARY VESSELS FOR THE DEPARTMENT OF DE- FENSE.**

(a) PROGRAM AUTHORIZATION.—Chapter 631 of title 10, United States Code, is amended by adding at the end the following new section:

#### **“§ 7233. Auxiliary vessels: authority for long-term charter contracts**

“(a) AUTHORIZED CONTRACTS.—After September 30, 1998, the Secretary of the Navy, subject to subsection (b), may enter into a contract for the long-term lease or charter of a newly built surface vessel, under which the contractor agrees to provide a crew for the vessel for the term of the long-term lease or charter, for any of the following:

“(1) The combat logistics force of the Navy.

“(2) The strategic sealift program of the Navy.

“(3) Other auxiliary support vessels for the Department of Defense.

“(b) CONTRACTS REQUIRED TO BE AUTHORIZED BY LAW.—A contract may be entered into under this section with respect to specific vessels only if the Secretary is specifically authorized by law to enter into such a contract with respect to those vessels.

“(c) FUNDS FOR CONTRACT PAYMENTS.—The Secretary may make payments for contracts entered into under this section using funds available for obligation during the fiscal year for which the payments are required to be made. Any such contract shall provide that the United States will not be required to make a payment under the contract (other than a termination payment, if required) before October 1, 2000.

“(d) BUDGETING PROVISIONS.—Any contract entered into under this section shall be treated as a multiyear service contract and as an operating lease for purposes of any provision of law relating to the Federal budget and Federal budget accounting procedures, 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) prescribed with respect to the Federal budget and Federal budget accounting procedures.

“(e) TERM OF CONTRACT.—In this section, the term ‘long-term lease or charter’ means a lease, charter, service contract, or conditional sale agreement with respect to a vessel the term of which (including any option period) is for a period of 20 years or more.

“(f) OPTION TO BUY.—A contract entered into under the authority of this section may contain options for the United States to pur-

chase one or more of the vessels covered by the contract at any time during, or at the end of, the contract period (including any option period) upon payment of an amount not in excess of the unamortized portion of the cost of the vessels plus amounts incurred in connection with the termination of the financing arrangements associated with the vessels.

“(g) DOMESTIC CONSTRUCTION.—The Secretary shall require in any contract entered into under this section that each vessel to which the contract applies—

“(1) shall have been constructed in a shipyard within the United States; and

“(2) upon delivery, shall be documented under the laws of the United States.

“(h) VESSEL CREWING.—The Secretary shall require in any contract entered into under this section that the crew of any vessel to which the contract applies be comprised of private sector commercial mariners.

“(i) CONTINGENT WAIVER OF OTHER PROVISIONS OF LAW.—A contract authorized by this section may be entered into without regard to section 2401 or 2401a of this title if the Secretary of Defense makes the following findings with respect to that contract:

“(1) The need for the vessels or services to be provided under the contract is expected to remain substantially unchanged during the contemplated contract or option period.

“(2) There is a reasonable expectation that throughout the contemplated contract or option period the Secretary of the Navy (or, if the contract is for services to be provided to, and funded by, another military department, the Secretary of that military department) will request funding for the contract at the level required to avoid contract cancellation.

“(3) The use of such contract or the exercise of such option is in the interest of the national defense.

“(j) SOURCE OF FUNDS FOR TERMINATION LIABILITY.—If a contract entered into under this section is terminated, the costs of such termination may be paid from—

“(1) amounts originally made available for performance of the contract;

“(2) amounts currently available for operation and maintenance of the type of vessels or services concerned and not otherwise obligated; or

“(3) funds appropriated for those costs.”.

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

“7233. Auxiliary vessels: authority for long-term charter contracts.”.

**SEC. 1502. FIBER-OPTICS BASED TELECOMMUNICATIONS LINKAGE OF MILITARY INSTALLATIONS.**

(a) INSTALLATION REQUIRED.—In at least one metropolitan area of the United States containing multiple military installations of one or more military department or Defense Agency, the Secretary of Defense shall provide for the installation of fiber-optics based telecommunications technology to link as many of the installations in the area as practicable in a privately dedicated telecommunications network. The Secretary shall use a competitive process to

provide for the installation of the telecommunications network through one or more new contracts.

(b) **FEATURES OF NETWORK.**—The telecommunications network shall provide direct access to local and long distance telephone carriers, allow for transmission of both classified and unclassified information, and take advantage of the various capabilities of fiber-optics based telecommunications technology.

(c) **TIME FOR INSTALLATION.**—The telecommunications network or networks to be installed under this section shall be installed and operational not later than September 30, 1999.

(d) **REPORT ON IMPLEMENTATION.**—Not later than March 1, 1998, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of subsections (a) and (b), including the metropolitan area or areas selected for the telecommunications network, the estimated cost of the network, and potential areas for the future use of such fiber-optics based telecommunications technology.

**SEC. 1503. REPEAL OF REQUIREMENT FOR CONTRACTOR GUARANTEES ON MAJOR WEAPON SYSTEMS.**

(a) **REPEAL.**—Section 2403 of title 10, United States Code, is repealed.

(b) **CLERICAL AND CONFORMING AMENDMENTS.**—(1) The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2403.

(2) Section 803 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2604; 10 U.S.C. 2430 note) is amended—

(A) in subsection (a), by striking out “2403,”;

(B) by striking out subsection (c); and

(C) by redesignating subsection (d) as subsection (c).

**SEC. 1504. REQUIREMENTS RELATING TO MICRO-PURCHASES OF COMMERCIAL ITEMS.**

(a) **IN GENERAL.**—Section 2304 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(1) **MICRO-PURCHASES.**—(1) A contracting officer may not award a contract or issue a purchase order to buy commercial items for an amount equal to or less than the micro-purchase threshold unless a member of the Senior Executive Service or a general or flag officer makes a written determination that—

“(A) the source or sources available for the commercial item do not accept a preferred micro-purchase method, and the contracting officer is seeking a source that does accept such a method; or

“(B) the nature of the commercial item necessitates a contract or purchase order so that terms and conditions can be specified.

“(2) In this subsection:

“(A) The term ‘micro-purchase threshold’ has the meaning provided in section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428).

“(B) The term ‘preferred micro-purchase method’ means the use of the Government-wide commercial purchase card or any other method for carrying out micro-purchases that the Sec-

retary of Defense scribes in the regulations implementing this subsection.

“(3) The Secretary of Defense shall prescribe regulations to implement this subsection. The regulations shall include such additional preferred methods of carrying out micro-purchases, and such exceptions to the requirement of paragraph (1), as the Secretary considers appropriate.”.

(b) EFFECTIVE DATE.—Subsection (1) of section 2304 of title 10, United States Code, as added by subsection (a), shall apply with respect to micro-purchases made on or after October 1, 1997.

**SEC. 1505. AVAILABILITY OF SIMPLIFIED PROCEDURES TO COMMERCIAL ITEM PROCUREMENTS.**

(a) ARMED SERVICES ACQUISITIONS.—Section 2304(g) of title 10, United States Code, is amended in paragraph (1)(B) by striking out “only”.

(b) CIVILIAN AGENCY ACQUISITIONS.—Section 303(g) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)) is amended in paragraph (1)(B) by striking out “only”.

**SEC. 1506. TERMINATION OF THE ARMED SERVICES PATENT ADVISORY BOARD.**

(a) TERMINATION OF BOARD.—The organization within the Department of Defense known as the Armed Services Patent Advisory Board is terminated. No funds available for the Department of Defense may be used for the operation of that Board after the date specified in subsection (c).

(b) TRANSFER OF FUNCTIONS.—All functions performed on the day before the date of the enactment of this Act by the Armed Services Patent Advisory Board (including performance of the responsibilities of the Department of Defense for security review of patent applications under chapter 17 of title 35, United States Code) shall be transferred to the Defense Technology Security Administration.

(c) EFFECTIVE DATE.—Subsection (a) shall take effect at the end of the 120-day period beginning on the date of the enactment of this Act.

**SEC. 1507. COORDINATION OF DEPARTMENT OF DEFENSE CRIMINAL INVESTIGATIONS AND AUDITS.**

(a) BOARD ON CRIMINAL INVESTIGATIONS.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 182. Board on Criminal Investigations**

“(a) ESTABLISHMENT.—(1) There is in the Department of Defense a Board on Criminal Investigations. The Board consists of the following officials:

“(A) The Assistant Secretary of Defense for Command, Control, Communications, and Intelligence.

“(B) The head of the Army Criminal Investigation Command.

“(C) The head of the Naval Criminal Investigative Service.

“(D) The head of the Air Force Office of Special Investigations.

“(2) To ensure cooperation between the military department criminal investigative organizations and the Defense Criminal In-

vestigative Service, the Inspector General of the Department of Defense shall serve as a nonvoting member of the Board.

“(b) FUNCTIONS OF BOARD.—The Board shall provide for coordination and cooperation between the military department criminal investigative organizations so as to avoid duplication of effort and maximize resources available to the military department criminal investigative organizations.

“(c) REGIONAL WORKING GROUPS.—The Board shall establish working groups at the regional level to address and resolve issues of jurisdictional responsibility that may arise regarding criminal investigations involving a military department criminal investigative organization. A working group shall consist of managers or supervisors of the military department criminal investigative organizations who have the authority to make binding decisions regarding which organization will conduct a particular criminal investigation or whether a criminal investigation should be conducted jointly.

“(d) AUTHORITY OF ASSISTANT SECRETARY.—In the event that a regional working group or the Board is unable to resolve an issue of investigative responsibility, the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence shall have the responsibility to make a final determination regarding the issue.

“(e) MILITARY DEPARTMENT CRIMINAL INVESTIGATIVE ORGANIZATION DEFINED.—In this section, the term ‘military department criminal investigative organization’ means any of the following:

“(1) The Army Criminal Investigation Command.

“(2) The Naval Criminal Investigative Service.

“(3) The Air Force Office of Special Investigations.”

(b) BOARD ON AUDITS.—Such chapter is further amended by inserting after section 182, as added by subsection (a), the following new section:

**“§ 183. Board on Audits**

“(a) ESTABLISHMENT.—(1) There is in the Department of Defense a Board on Audits. The Board consists of the following officials:

“(A) The Under Secretary of Defense (Comptroller).

“(B) The Auditor General of the Army.

“(C) The Auditor General of the Navy.

“(D) The Auditor General of the Air Force.

“(E) The director of the Defense Contract Audit Agency.

“(2) To ensure cooperation between the defense auditing organizations and the Office of the Inspector General of the Department of Defense, the Inspector General of the Department of Defense shall serve as a nonvoting member of the Board.

“(b) FUNCTIONS OF BOARD.—The Board shall provide for coordination and cooperation between the defense auditing organizations so as to avoid duplication of effort and maximize resources available to the defense auditing organizations.

“(c) REGIONAL WORKING GROUPS.—The Board shall establish working groups at the regional level to address and resolve issues of jurisdictional responsibility that may arise regarding audits involving a defense auditing organization. A working group shall consist of managers or supervisors of the defense auditing organizations who have the authority to make binding decisions regarding

which defense auditing organization will conduct a particular audit or whether an audit should be conducted jointly.

“(d) AUTHORITY OF UNDER SECRETARY OF DEFENSE (COMPTROLLER).—In the event that a regional working group or the Board is unable to resolve an issue of jurisdictional responsibility, the Under Secretary of Defense (Comptroller) shall have the responsibility to make a final determination regarding the issue.

“(e) DEFENSE AUDITING ORGANIZATION DEFINED.—In this section, the term ‘defense auditing organization’ means any of the following:

- “(1) The Army Audit Agency.
- “(2) The Naval Audit Service.
- “(3) The Air Force Audit Agency.
- “(4) The Defense Contract Audit Agency.”.

(c) WORKING GUIDANCE.—Not later than December 31, 1997, the Secretary of Defense shall prescribe such policies as may be necessary for the operation of the Board on Criminal Investigations and the Board on Audits established pursuant to the amendments made by this section.

(d) CLERICAL AMENDMENTS.—The table of sections at the beginning of such chapter is amended by adding at the end the following new items:

“182. Board on Criminal Investigations.

“183. Board on Audits.”.

**SEC. 1508. DEPARTMENT OF DEFENSE BOARDS, COMMISSIONS, AND ADVISORY COMMITTEES.**

(a) TERMINATION OF EXISTING ADVISORY COMMITTEES.—(1) Effective December 31, 1998, any advisory committee established in, or administered or funded (in whole or in part) by, the Department of Defense that (A) is in existence on the day before the date of the enactment of this Act, and (B) was not established by law, or expressly continued by law, after January 1, 1995, is terminated.

(2) For purposes of this section, the term “advisory committee” means an entity that is subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).

(b) REPORT ON COMMITTEES FOR WHICH CONTINUATION IS REQUESTED.—Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report setting forth those advisory committees subject to subsection (a) that the Secretary proposes to continue. The Secretary shall include in the report, for each such committee, the justification for continuing the committee and a statement of the costs of such continuation over the next four fiscal years. The Secretary shall include in the report a proposal for any legislation that may be required for the continuations proposed in the report.

(c) POLICY FOR FUTURE DOD ADVISORY COMMITTEES.—(1) Chapter 7 of title 10, United States Code, is amended by inserting after section 183, as added by section 1507(b), the following new section:

**“§ 184. Boards, commissions, and other advisory committees: limitations**

“(a) LIMITATION ON ESTABLISHMENT.—No advisory committee may be established in, or administered or funded (in whole or in

part) by, the Department of Defense except as specifically provided by law after the date of the enactment of this section.

“(b) TERMINATION OF ADVISORY COMMITTEES.—Each advisory committee of the Department of Defense (whether established by law, by the President, or by the Secretary of Defense) shall terminate not later than the expiration of the four-year period beginning on the date of its establishment or on the date of the most recent continuation of the advisory committee by law.

“(c) EXCEPTION FOR TEMPORARY ADVISORY COMMITTEES.—Subsection (a) does not apply to an advisory committee established for a period of one year or less for the purpose (as set forth in the charter of the advisory committee) of examining a matter that is critical to the national security of the United States.

“(d) ANNUAL REPORT.—Not later than March 1 of each year (beginning in 1999), the Secretary of Defense shall submit to Congress a report on advisory committees of the Department of Defense. In each such report, the Secretary shall identify each advisory committee that the Secretary proposes to support during the next fiscal year and shall set forth the justification for each such committee and the projected costs for that committee for the next fiscal year. In the case of any advisory committee that is to terminate in the year following the year in which the report is submitted pursuant to subsection (b) and that the Secretary proposes be continued by law, the Secretary shall include in the report a request for continuation of the committee and a justification and cost estimate for such continuation.

“(e) ADVISORY COMMITTEE DEFINED.—In this section, the term ‘advisory committee’ means an entity that is subject to the provisions of the Federal Advisory Committee Act (5 U.S.C. App.).”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 183, as added by section 1507(d), the following new item:

“184. Boards, commissions, and other advisory committees: limitations.”

#### SEC. 1509. ADVANCES FOR PAYMENT OF PUBLIC SERVICES.

(a) IN GENERAL.—Subsection (a) of section 2396 of title 10, United States Code, 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 new paragraph:

“(4) public service utilities.”

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

**“§ 2396. Advances for payments for compliance with foreign laws, rent in foreign countries, tuition, public utility services, and pay and supplies of armed forces of friendly foreign countries”.**

(2) The item relating to such section in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

“2396. Advances for payments for compliance with foreign laws, rent in foreign countries, tuition, public utility services, and pay and supplies of armed forces of friendly foreign countries.”

## **TITLE XVI—COMMISSION ON DEFENSE ORGANIZATION AND STREAMLINING**

### **SEC. 1601. ESTABLISHMENT OF COMMISSION.**

(a) **ESTABLISHMENT.**—There is hereby established a commission to be known as the “Commission on Defense Organization and Streamlining” (hereinafter in this title referred to as the “Commission”).

(b) **COMPOSITION.**—The Commission shall be composed of nine members, appointed as follows:

(1) Two members shall be appointed by the chairman of the Committee on National Security of the House of Representatives.

(2) Two members shall be appointed by the ranking minority party member of the Committee on National Security of the House of Representatives.

(3) Two members shall be appointed by the chairman of the Committee on Armed Services of the Senate.

(4) Two members shall be appointed by the ranking minority party member of the Committee on Armed Services of the Senate.

(5) One member, who shall serve as chairman of the Commission, shall be appointed by at least three of the Members of Congress referred to paragraphs (1) through (4) acting jointly.

(c) **QUALIFICATIONS.**—Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in organization and management matters.

(d) **PERIOD OF APPOINTMENT; VACANCIES.**—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(e) **INITIAL ORGANIZATION REQUIREMENTS.**—(1) All appointments to the Commission shall be made not later than 30 days after the date of the enactment of this Act.

(2) The Commission shall convene its first meeting not later than 30 days after the date on which all members of the Commission have been appointed.

(f) **SECURITY CLEARANCES.**—The Secretary of Defense shall expedite the processing of appropriate security clearances for members of the Commission.

### **SEC. 1602. DUTIES OF COMMISSION.**

(a) **IN GENERAL.**—(1) The Commission shall examine the missions, functions, and responsibilities of the Office of the Secretary of Defense, the management headquarters and headquarters support activities of the military departments and Defense Agencies, and the various acquisition organizations of the Department of Defense (and the relationships among such Office, activities, and organizations).

(2) On the basis of such examination, the Commission shall propose alternative organizational structures and alternative allocations of authorities as it considers appropriate.

(b) **DUPLICATION AND REDUNDANCY.**— In carrying out its duties, the Commission shall identify areas of duplication and recommend options to streamline, reduce, and eliminate redundancies.

(c) **SPECIAL REQUIREMENTS REGARDING OFFICE OF SECRETARY.**— The examination of the missions, functions, and responsibilities of the Office of the Secretary of Defense shall include the following:

(1) An assessment of the appropriate functions of the Office and whether the Office of the Secretary of Defense or some of its component parts should be organized along mission lines.

(2) An assessment of the adequacy of the present organizational structure to efficiently and effectively support the Secretary in carrying out responsibilities in a manner that ensures civilian authority in the Department of Defense.

(3) An assessment of the extent of unnecessary duplication of functions between the Office of the Secretary of Defense and the Joint Staff.

(4) An assessment of the extent of unnecessary duplication of functions between the Office of the Secretary of Defense and the military departments.

(5) An assessment of the appropriate number of Under Secretaries of Defense, Assistant Secretaries of Defense, Deputy Under Secretaries of Defense, and Deputy Assistant Secretaries of Defense.

(6) An assessment of any benefits or efficiencies derived from decentralizing certain functions currently performed by the Office of the Secretary of Defense.

(d) **SPECIAL REQUIREMENTS REGARDING HEADQUARTERS.**—The examination of the missions, functions, and responsibilities of the management headquarters and headquarters support activities of the military departments and Defense Agencies shall include the following:

(1) An assessment on the adequacy of the present headquarters organization structure to efficiently and effectively support the mission of the military departments and the Defense Agencies.

(2) An assessment of options to reduce the number of personnel assigned to such headquarters staffs and headquarters support activities.

(3) An assessment of the extent of unnecessary duplication of functions between the Office of the Secretary of Defense and headquarters staffs of the military departments and the Defense Agencies.

(4) An assessment of the possible benefits that could be derived from further functional consolidation between the civilian secretariat of the military departments and the staffs of the military service chiefs.

(5) An assessment of the possible benefits that could be derived from reducing the number of civilian officers in the military departments who are appointed by and with the advice and consent of the Senate.

(e) **SPECIAL REQUIREMENTS REGARDING ACQUISITION ORGANIZATIONS.**—The examination of the missions, functions, and responsibilities of the various acquisition organizations of the Department of Defense shall include the following:

(1) An assessment of benefits of consolidation or selected elimination of Department of Defense acquisition organizations.

(2) An assessment of the opportunities to streamline the defense acquisition infrastructure that were realized as a result of the enactment of the Federal Acquisition Streamlining Act of 1994 (Public Law 103-355) and the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104-106) or as result of other acquisition reform initiatives implemented administratively during the period from 1993 through 1997.

(3) An assessment of such other defense acquisition infrastructure streamlining or restructuring options as the Commission considers appropriate.

(f) COOPERATION FROM GOVERNMENT OFFICIALS.—In carrying out its duties, the Commission should receive the full and timely cooperation of the Secretary of Defense and any other United States Government official responsible for providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

**SEC. 1603. REPORTS.**

The Commission shall submit to Congress an interim report containing its preliminary findings and conclusions not later than March 15, 1998, and a final report containing its findings and conclusions not later than July 15, 1998.

**SEC. 1604. POWERS.**

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

(b) INFORMATION.—The Commission may secure directly from the Department of Defense and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this title.

**SEC. 1605. COMMISSION PROCEDURES.**

(a) MEETINGS.—The Commission shall meet at the call of the Chairman.

(b) QUORUM.—(1) Five members of the Commission shall constitute a quorum other than for the purpose of holding hearings.

(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.

(c) COMMISSION.—The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(d) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.

**SEC. 1606. PERSONNEL MATTERS.**

(a) **PAY OF MEMBERS.**—Members of the Commission shall serve without pay by reason of their work on the Commission.

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

(c) **STAFF.**—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.

(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS-15 of the General Schedule.

(d) **DETAIL OF GOVERNMENT EMPLOYEES.**—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.

(e) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.

**SEC. 1607. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.**

(a) **POSTAL AND PRINTING SERVICES.**—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) **MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.**—The Secretary of Defense shall furnish the Commission, on a reimbursable basis, any administrative and support services requested by the Commission.

**SEC. 1608. FUNDING.**

Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 1998. Upon receipt of a written certification from the Chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

**SEC. 1609. TERMINATION OF THE COMMISSION.**

The Commission shall terminate 60 days after the date of the submission of its final report under section 1603.

3. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE SPENCE OF SOUTH CAROLINA OR REPRESENTATIVE DELLUMS OF CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 40 MINUTES

Page 371, after line 20, insert the following:

### **Subtitle A—General Matters**

At the end of title XII (page 379, after line 19), insert the following new section:

### **Subtitle B—Matters Relating To Prevention of Technology Diversion**

**SEC. 1231. FINDINGS.**

Congress finds as follows:

(1) There have been numerous reports of United States-origin supercomputers being obtained by countries of proliferation concern for use in weapon development programs.

(2) China is considered by the United States Government to be a country of proliferation concern.

(3) According to United States officials, China has acquired at least 47 United States-origin supercomputers.

(4) Recent reports indicate that China has purchased hundreds of supercomputers for use in its weapons programs and that the United States is unsure of the location of those supercomputers or the purposes for which they are being used.

(5) China has refused to allow the United States to conduct post-shipment verifications of dual-use items exported from the United States to ensure that those items are not diverted to military use.

(6) China has in the past diverted dual-use items intended for civilian use to military purposes.

**SEC. 1232. EXPORT APPROVALS FOR SUPERCOMPUTERS.**

(a) **PRIOR APPROVAL OF EXPORTS AND REEXPORTS.**—The President shall require that no digital computer with a composite theoretical performance of more than 2,000 millions of theoretical operations per second (MTOPS) may be exported or reexported to a country specified in subsection (b) without the prior written approval of the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, the Secretary of State, and the Director of the Arms Control and Disarmament Agency.

(b) **COVERED COUNTRIES.**—For purposes of subsection (a), the countries specified in this subsection are the countries listed as “computer tier 3” eligible countries in section 740.7(d) of title 15 of the Code of Federal Regulations, as in effect on June 10, 1997.

(c) **TIME LIMIT.**—The Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, the Secretary of State, and the

Director of the Arms Control and Disarmament Agency shall provide a written response to an application for export approval under subsection (a) within 10 days after the application is received. If any such Secretary or the Director declines to approve the export of a computer, the computer may be exported or reexported only pursuant to a license issued by the Secretary of Commerce under the Export Administration Regulations of the Department of Commerce, and without regard to the licensing exceptions otherwise authorized under section 740.7 of title 15 of the Code of Federal Regulations, as in effect on June 10, 1997.

**SEC. 1233. REPORT ON EXPORTS OF SUPERCOMPUTERS.**

(a) **REPORT.**—Not later than 30 days after the date of the enactment of this Act, the President shall provide to the congressional committees specified in subsection (d) a report identifying all exports of digital computers with a composite theoretical performance of over 2,000 millions of theoretical operations per second (MTOPS) to all countries since January 25, 1996. For each export, the report shall identify—

- (1) whether an export license was applied for and whether one was granted;
- (2) the date of the transfer of the computer;
- (3) the United States manufacturer and exporter of the computer;
- (4) the MTOPS level of the computer; and
- (5) the recipient country and end user.

(b) **ADDITIONAL INFORMATION ON EXPORTS TO CERTAIN COUNTRIES.**—In the case of exports to countries specified in subsection (c), the report under subsection (a) shall identify the intended end use for the exported computer and the assessment by the executive branch of whether the end user is a military end user or an end user involved in activities relating to nuclear, chemical, or biological weapons or missile technology. Information provided under this subsection may be submitted in classified form if necessary.

(c) **COVERED COUNTRIES.**—For purposes of subsection (b), the countries specified in this subsection are—

- (1) the countries listed as “computer tier 3” eligible countries in section 740.7(d) of title 15 of the Code of Federal Regulations, as in effect on June 10, 1997; and
- (2) the countries listed in section 740.7(e) of title 15 of the Code of Federal Regulations, as in effect on June 10, 1997.

(d) **CONGRESSIONAL COMMITTEES.**—For purposes of subsection (a), the congressional committees specified in this subsection are the following:

- (1) The Committee on Banking, Housing, and Urban Affairs and the Committee on Armed Services of the Senate.
- (2) The Committee on International Relations and the Committee on National Security of the House of Representatives.

**SEC. 1234. POST-SHIPMENT VERIFICATION OF EXPORT OF SUPERCOMPUTERS.**

(a) **REQUIRED POST-SHIPMENT VERIFICATION.**—The Secretary of Commerce shall conduct post-shipment verification of each supercomputer that is exported from the United States, on or after the date of the enactment of this Act, to a country specified in subsection (c).

(b) COVERED SUPERCOMPUTERS.—Subsection (a) applies with respect to a digital computer with a composite theoretical performance in excess of 2,000 millions of theoretical operations per second (MTOPS).

(c) COVERED COUNTRIES.—For purposes of subsection (a), the countries specified in this subsection are the countries listed as “computer tier 3” eligible countries in section 740.7 of title 15 of the Code of Federal Regulations, as in effect on June 10, 1997.

(d) ANNUAL REPORT.—The Secretary of Commerce shall submit to the congressional committees specified in subsection (f) an annual report on the results of post-shipment verifications conducted under this section during the preceding year. Each such report shall include a list of all such items exported from the United States to such countries during the previous year and, with respect to each such export, the following:

- (1) The destination country.
- (2) The date of export.
- (3) The intended end use and intended end user.
- (4) The results of the post-shipment verification.

(e) EXPLANATION WHEN VERIFICATION NOT CONDUCTED.—If a post-shipment verification has not been conducted in accordance with subsection (a) with respect to any such export during the period covered by a report, the Secretary shall include in the report for that period a detailed explanation of the reasons why such a post-shipment verification was not conducted.

(f) CONGRESSIONAL COMMITTEES.—For purposes of subsection (a), the congressional committees specified in this subsection are the following:

(1) The Committee on National Security and the Committee on International Relations of the House of Representatives.

(2) The Committee on Armed Services and the Committee on Banking, Housing, and Urban Affairs of the Senate.

4. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE HARMAN OF CALIFORNIA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 40 MINUTES

At the end of subtitle A of title VII (page 267, after line 19), insert the following new section:

**SEC. 703. RESTORATION OF POLICY AFFORDING ACCESS TO CERTAIN HEALTH CARE PROCEDURES FOR FEMALE MEMBERS OF THE ARMED FORCES AND DEPENDENTS AT DEPARTMENT OF DEFENSE FACILITIES.**

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

- (1) in subsection (a), by striking out “(a) RESTRICTION ON USE OF FUNDS.—”; and
- (2) by striking out subsection (b).

5. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHAYS OF CONNECTICUT OR REPRESENTATIVE FRANK OF MASSACHUSETTS OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 30 MINUTES

At the end of title XII (page 379, after line 19), insert the following new section:

**SEC. \_\_\_\_ . DEFENSE BURDENSARING.**

(a) **EFFORTS TO INCREASE ALLIED BURDENSARING.**—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 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 BURDENSARING.—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 BURDENSARING 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.

6. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE LUTHER OF MINNESOTA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 30 MINUTES

At the end of title I (page 23, before line 7), insert the following new section:

**SEC. 123. TERMINATION OF NEW PRODUCTION OF TRIDENT II (D-5) MISSILES.**

(a) PRODUCTION TERMINATION.—Funds appropriated for the Department of Defense for fiscal years after fiscal year 1997 may not be obligated or expended to commence production of additional Trident II (D-5) missiles.

(b) AUTHORIZED SCOPE OF TRIDENT II (D-5) PROGRAM.—Amounts appropriated for the Department of Defense may be expended for the Trident II (D-5) missile program only for the completion of production of those Trident II (D-5) missiles which were commenced with funds appropriated for a fiscal year before fiscal year 1998.

(c) FUNDING REDUCTION.—The amount provided in section 102 for weapons procurement for the Navy is hereby reduced by \$342,000,000.

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7. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE DELLUMS OF CALIFORNIA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 60 MINUTES

At the end of title I (page 23, before line 7), insert the following new section:

**SEC. 123. B-2 AIRCRAFT PROGRAM.**

(a) PROHIBITION OF ADDITIONAL AIRCRAFT.—None of the amount appropriated pursuant to the authorization of appropriations in section 103(1) may be obligated for advanced procurement of B-2 aircraft beyond the 21 deployable aircraft authorized by law before the date of the enactment of this Act.

(b) PRODUCTION LINE CURTAILMENT.—None of the amount appropriated pursuant to the authorization of appropriations in section 103(1) may be obligated for reestablishment of the production line for B-2 aircraft. The Secretary of the Air Force may use up to \$21,800,000 of funds available for the B-2 aircraft program for curtailment of the B-2 production line.

(c) FUNDING REDUCTION.—The amount provided in section 103(1) for procurement of aircraft for the Air Force is hereby reduced by \$331,200,000.

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8. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE BUYER OF INDIANA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 20 MINUTES

Strike out section 1201(b) (page 373, line 4, through page 375, line 15).

At the end of title XII (page 379, after line 19), insert the following new sections:

**SEC. 1205. UNITED STATES ARMED FORCES IN BOSNIA.**

(a) **LIMITATION.**—Funds appropriated or otherwise made available for the Department of Defense may not be obligated for the deployment of any ground elements of the United States Armed Forces in the Republic of Bosnia and Herzegovina after—

(1) June 30, 1998; or

(2) such later date as may be specifically prescribed by law after the date of the enactment of this Act, based upon a request from the President or otherwise as the Congress may determine.

(b) **EXCEPTIONS.**—The limitation in subsection (a) shall not apply to the extent necessary to support (1) 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 (2) noncombat military personnel sufficient only to advise the commanders North Atlantic Treaty Organization peacekeeping operations in the Republic of Bosnia and Herzegovina.

(c) **CONSTRUCTION OF SECTION.**—Nothing in this section shall be deemed to restrict the authority of the President under the Constitution to protect the lives of United States citizens.

**SEC. 1206. LIMITATION ON SUPPORT FOR LAW ENFORCEMENT ACTIVITIES IN BOSNIA.**

None of the funds appropriated or otherwise made available to the Department of Defense may be obligated or expended after the date of the enactment of this Act for the conduct of, or direct support for, law enforcement activities in the Republic of Bosnia and Herzegovina, except for the training of law enforcement personnel or to prevent imminent loss of life.

**SEC. 1207. PRESIDENTIAL REPORT ON POLITICAL AND MILITARY CONDITIONS IN BOSNIA.**

(a) **REPORT.**—Not later than December 15, 1997, the President shall submit to Congress a report on the political and military conditions in the Republic of Bosnia and Herzegovina (hereafter in this section referred to as Bosnia-Herzegovina). Of the funds available to the Secretary of Defense for fiscal year 1998 for the operation of United States ground forces in Bosnia-Herzegovina during that fiscal year, no more than 60 percent may be expended before the report is submitted.

(b) **MATTERS TO BE INCLUDED.**—The report under subsection (a) shall include a discussion of the following:

(1) An identification of the specific steps taken by the United States Government to transfer the United States portion of the peacekeeping mission in the Republic of Bosnia and Herzegovina to European allied nations or organizations.

(2) A detailed discussion of the proposed role and involvement of the United States in supporting peacekeeping activities in the Republic of Bosnia and Herzegovina following the withdrawal of United States ground forces from the Republic of Bosnia and Herzegovina pursuant to section 1205.

(3) A detailed explanation and timetable for carrying out the President's commitment to withdraw all United States ground forces from Bosnia-Herzegovina by the end of June 1998, including the planned date of commencement and completion of the withdrawal.

(4) The date on which the transition from the multinational force known as the Stabilization Force to the planned multinational successor force to be known as the Deterrence Force will occur and how the decision as to that date will impact the estimates of costs associated with the operation of United States ground forces in Bosnia-Herzegovina during fiscal year 1998 as contained in the President's budget for fiscal year 1998.

(5) The military and political considerations that will affect the decision to carry out such a transition.

(6) Any plan to maintain or expand other Bosnia-related operations (such as the operation designated as Operation Deliberate Guard) if tensions in Bosnia-Herzegovina remain sufficient to delay the transition from the Stabilization Force to the Deterrence Force and the estimated cost associated with each such operation.

(7) Whether allied nations participating in the Bosnia mission have similar plans to increase and maintain troop strength or maintain ground forces in Bosnia-Herzegovina and, if so, the identity of each such country and a description of that country's plans.

(c) STABILIZATION FORCE DEFINED.—As used in this section, the term "Stabilization Force" (referred to as "SFOR") means the follow-on force to the Implementation Force (known as "IFOR") in the Republic of Bosnia and Herzegovina and other countries in the region, authorized under United Nations Security Council Resolution 1008 (December 12, 1996).

Page 371, line 25, strike out "(1)".

Page 372, line 8, strike out "(2) For purposes of this paragraph," and insert in lieu thereof "(b) COVERED UNITED STATES FORCES.—For purposes of this section,".

Page 372, line 15, strike out "(3)" and insert in lieu thereof "(c) MATTERS TO BE INCLUDED.—".

Page 372, beginning on line 16, strike out "paragraph (1), for each activity identified in that paragraph" and insert in lieu thereof "subsection (a), for each activity identified under that subsection".

Page 372, line 18, strike out "(A)" and insert in lieu thereof "(1)".

Page 372, line 20, strike out "(B)" and insert in lieu thereof "(2)".

Page 372, line 23, strike out "(C)" and insert in lieu thereof "(3)".

Page 373, line 1, strike out "(4) The first report under paragraph (1)" and insert in lieu thereof "(d) SUBMISSION OF REPORTS.—The first report under subsection (a)".

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9. A SUBSTITUTE AMENDMENT FOR THE AMENDMENT OFFERED BY REPRESENTATIVE BUYER OF INDIANA OFFERED BY REPRESENTATIVE HILLEARY OF TENNESSEE, DEBATABLE FOR NOT TO EXCEED 20 MINUTES

Page 379, after line 19, add the following:

## **TITLE XIII—UNITED STATES ARMED FORCES IN BOSNIA AND HERZEGOVINA**

### **SEC. 1301. SHORT TITLE.**

This title may be cited as the “United States Armed Forces in Bosnia Protection Act of 1997”.

### **SEC. 1302. FINDINGS AND DECLARATIONS OF POLICY.**

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

(1)(A) On November 27, 1995, the President affirmed that United States participation in the multinational military Implementation Force in the Republic of Bosnia and Herzegovina would terminate in one year.

(B) The President declared the expiration date of the mandate for the Implementation Force to be December 20, 1996.

(2) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff likewise expressed their confidence that the Implementation Force would complete its mission in one year.

(3) The exemplary performance of United States Armed Forces personnel has significantly contributed to the accomplishment of the military mission of the Implementation Force. The courage, dedication, and professionalism of such personnel have permitted a separation of the belligerent parties to the conflict in the Republic of Bosnia and Herzegovina and have resulted in a significant mitigation of the violence and suffering in the Republic of Bosnia and Herzegovina.

(4) On October 3, 1996, the Chairman of the Joint Chiefs of Staff announced the intention of the United States Administration to delay the removal of United States Armed Forces personnel from the Republic of Bosnia and Herzegovina until March 1997 due to operational reasons.

(5) Notwithstanding the fact that the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff assured the Congress of their resolve to end the mission of United States Armed Forces in the Republic of Bosnia and Herzegovina by December 20, 1996, in November 1996 the President announced his intention to further extend the deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(6) Before the announcement of the new policy referred to in paragraph (5), the President did not request authorization by the Congress of a policy that would result in the further deployment of United States Armed Forces in the Republic of Bosnia and Herzegovina until June 1998.

(b) **DECLARATIONS OF POLICY.**—The Congress—

(1) expresses its serious concerns and opposition to the policy of the President that has resulted in the deployment after December 20, 1996, of United States Armed Forces on the ground in the Republic of Bosnia and Herzegovina without prior authorization by the Congress; and

(2) urges the President to work with our European allies to begin an orderly transition of all peacekeeping functions in the Republic of Bosnia and Herzegovina from the United States to appropriate European countries in preparation for a complete withdrawal of all United States Armed Forces by December 31, 1997.

**SEC. 1303. PROHIBITION OF USE OF DEPARTMENT OF DEFENSE FUNDS FOR CONTINUED DEPLOYMENT ON THE GROUND OF ARMED FORCES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.**

(a) **PROHIBITION.**—None of the funds appropriated or otherwise available to the Department of Defense may be obligated or expended for the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina after December 31, 1997, in connection with peacekeeping operations conducted by the Implementation Force, the Stabilization Force, or any successor force.

(b) **EXCEPTION TO ENSURE SAFE AND TIMELY WITHDRAWAL.**—The prohibition contained in subsection (a) shall not apply with respect to the deployment of United States Armed Forces for the express purpose of ensuring the safe and timely withdrawal of such Armed Forces from the Republic of Bosnia and Herzegovina, but such a deployment may not extend for a period of more than 30 days beyond the date specified in subsection (a) (or the date otherwise applicable to the limitation under that subsection by reason of an extension of that date pursuant to subsection (c)).

(c) **EXTENSION OF REQUIRED WITHDRAWAL DATE.**—The date specified in subsection (a) for the applicability of the limitation under that subsection may be extended by the President for an additional 180 days if—

- (1) the President transmits to the Congress a report containing a request for such an extension; and
- (2) a joint resolution is enacted, in accordance with section 1304, specifically approving such request.

**SEC. 1304. CONGRESSIONAL CONSIDERATION OF REQUEST BY PRESIDENT FOR 180-DAY EXTENSION OF DEPLOYMENT.**

(a) **TERMS OF THE RESOLUTION.**—For purposes of section 1303, the term “joint resolution” means only a joint resolution that is introduced within the 10-day period beginning on the date on which the President transmits the report to the Congress under such section, and—

- (1) which does not have a preamble;
- (2) the matter after the resolving clause of which is as follows: “That the Congress approves the request by the President for the extension of the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina for a period ending not later than June 30, 1998, as submitted by the President on \_\_\_\_\_”, the blank space being filled in with the appropriate date; and
- (3) the title of which is as follows: “Joint resolution approving the request by the President for an extension of the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina for a period ending not later than June 30, 1998.”.

(b) **REFERRAL.**—A resolution described in subsection (a) that is introduced in the House of Representatives shall be referred to the Committee on International Relations and the Committee on National Security of the House of Representatives. A resolution described in subsection (a) introduced in the Senate shall be referred to the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(c) DISCHARGE.—If the committee to which a resolution described in subsection (a) is referred has not reported such resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the President transmits the report to the Congress under section 1303, such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(d) CONSIDERATION IN THE SENATE.—(1) On or after the third day after the date on which the committee to which such a resolution is referred in the Senate has reported, or has been discharged (under subsection (c)) from further consideration of, such a resolution in the Senate, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of the resolution. A Member may make the motion only on the day after the calendar day on which the Member announces to the Senate the Member's intention to make the motion. All points of order against the resolution (and against consideration of the resolution) are waived. The motion is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the Senate shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the Senate until disposed of.

(2) Debate on the resolution in the Senate, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(3) Immediately following the conclusion of the debate on a resolution described in subsection (a) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the resolution shall occur.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate, as the case may be, to the procedure relating to a resolution described in subsection (a) shall be decided without debate.

(e) CONSIDERATION IN THE SENATE AFTER CONSIDERATION BY THE HOUSE OF REPRESENTATIVES.—(1) If, before the passage by the Senate of a resolution of the Senate described in subsection (a), the Senate receives from the House of Representatives a resolution described in subsection (a), then the following procedures shall apply:

(A) The resolution of the House of Representatives shall not be referred to a committee and may not be considered in the

Senate except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to a resolution described in subsection (a) of the Senate—

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

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

(2) Upon disposition of the resolution received from the House of Representatives, it shall no longer be in order to consider the resolution that originated in the Senate.

(f) RULES OF THE SENATE AND HOUSE.—This section is enacted by the Congress—

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

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

**SEC. 1305. PROHIBITION OF USE OF DEPARTMENT OF DEFENSE FUNDS FOR LAW ENFORCEMENT OR RELATED ACTIVITIES IN THE TERRITORY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA.**

None of the funds appropriated or otherwise available to the Department of Defense for any fiscal year may be obligated or expended after the date of the enactment of this Act for the following:

(1) Conduct of, or direct support for, law enforcement activities in the Republic of Bosnia and Herzegovina, except for the training of law enforcement personnel or to prevent imminent loss of life.

(2) Conduct of, or support for, any activity in the Republic of Bosnia and Herzegovina that may have the effect of jeopardizing the primary mission of the United Nations-led Stabilization Force in preventing armed conflict between the Federation of Bosnia and Herzegovina and the Republika Srpska (“Bosnian Entities”).

(3) Transfer of refugees within the Republic of Bosnia and Herzegovina that, in the opinion of the commander of the Stabilization Force involved in such transfer—

(A) has as one of its purposes the acquisition of control by a Bosnian Entity of territory allocated to the other Bosnian Entity under the Dayton Peace Agreement; or

(B) may expose United States Armed Forces to substantial risk to their personal safety.

(4) Implementation of any decision to change the legal status of any territory within the Republic of Bosnia and Herzegovina unless expressly agreed to by all signatories to the Dayton Peace Agreement.

**SEC. 1306. REPORT.**

(a) IN GENERAL.—Not later than October 31, 1997, the President shall prepare and transmit to the Congress a report on the deployment on the ground of United States Armed Forces in the territory of the Republic of Bosnia and Herzegovina. The report shall contain the following:

(1) A description of the extent to which compliance has been achieved with the requirements relating to United States activities in the Republic of Bosnia and Herzegovina contained in Public Law 104–122 (110 Stat. 876).

(2)(A) An identification of the specific steps taken, if any, by the United States Government to transfer the United States portion of the peacekeeping mission in the Republic of Bosnia and Herzegovina to appropriate European organizations, such as a combined joint task force of NATO, the Western European Union, or the Conference on Security and Cooperation in Europe.

(B) A description of any deficiencies in the capabilities of such European organizations to conduct peacekeeping activities in the Republic of Bosnia and Herzegovina and a description of the actions, if any, that the United States Government is taking in cooperation with such organizations to remedy such deficiencies.

(3) An identification of the following:

(A) The goals of the Stabilization Force and the criteria for achieving those goals.

(B) The measures that are being taken to protect United States Armed Forces personnel from conventional warfare, unconventional warfare, or terrorist attacks in the Republic of Bosnia and Herzegovina.

(C) The exit strategy for the withdrawal of United States Armed Forces from the Republic of Bosnia and Herzegovina in the event of civil disturbances or overt warfare.

(D) The exit strategy and timetable for the withdrawal of United States Armed Forces from the Republic of Bosnia and Herzegovina in the event the Stabilization Force successfully completes its mission, including whether or not a follow-on force will succeed the Stabilization Force after the proposed withdrawal date announced by the President of June 1998.

(b) FORM OF REPORT.—The report described in subsection (a) shall be transmitted in unclassified and classified versions.

**SEC. 1307. DEFINITIONS.**

As used in this title:

(1) BOSNIAN ENTITIES.—The term “Bosnian Entities” means the Federation of Bosnia and Herzegovina and the Republika Srpska.

(2) DAYTON PEACE AGREEMENT.—The term “Dayton Peace Agreement” means the General Framework Agreement for Peace in Bosnia and Herzegovina, initialed by the parties in Dayton, Ohio, on November 21, 1995, and signed in Paris on December 14, 1995.

(3) IMPLEMENTATION FORCE.—The term “Implementation Force” means the NATO-led multinational military force in the Republic of Bosnia and Herzegovina (commonly referred to as “IFOR”), authorized under the Dayton Peace Agreement.

(4) NATO.—The term “NATO” means the North Atlantic Treaty Organization.

(5) STABILIZATION FORCE.—The term “Stabilization Force” means the United Nations-led follow-on force to the Implementation Force in the Republic of Bosnia and Herzegovina and other countries in the region (commonly referred to as “SFOR”), authorized under United Nations Security Council Resolution 1088 (December 12, 1996).

10. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE GILMAN OF NEW YORK OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 60 MINUTES

Strike out section 568 (page 192, line 9, through page 201, line 9) and insert in lieu thereof the following:

**SEC. 568. IMPROVEMENT OF MISSING PERSONS AUTHORITIES APPLICABLE TO DEPARTMENT OF DEFENSE.**

(a) APPLICABILITY TO DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES AND CONTRACTOR EMPLOYEES.—(1) Section 1501 of title 10, United States Code, is amended—

(A) by striking out subsection (c) and inserting in lieu thereof the following:

“(c) COVERED PERSONS.—Section 1502 of this title applies in the case of the following persons:

“(1) Any member of the armed forces on active duty who becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.

“(2)(A) Any other person who is a citizen of the United States and is described in subparagraph (B) who serves with or accompanies the armed forces in the field under orders and becomes involuntarily absent as a result of a hostile action, or under circumstances suggesting that the involuntary absence is a result of a hostile action, and whose status is undetermined or who is unaccounted for.

“(B) A person described in this subparagraph is any of the following:

“(i) A civilian officer or employee of the Department of Defense.

“(ii) An employee of a contractor of the Department of Defense.

“(iii) An employee of a United States firm licensed by the United States under section 38 of the Arms Export Control Act (22 U.S.C. 2778) to perform duties under contract with a foreign government involving military training of the military forces of that government in accordance with policies of the Department of Defense.”; and

(B) by adding at the end the following new subsection:

“(f) SECRETARY CONCERNED.—In this chapter, the term ‘Secretary concerned’ includes—

“(1) in the case of a person covered by clause (i) of subsection (c)(2)(B), the Secretary of the military department or head of the element of the Department of Defense employing the employee;

“(2) in the case of a person covered by clause (ii) of subsection (c)(2)(B), the Secretary of the military department or head of the element of the Department of Defense contracting with the contractor; and

“(3) in the case of a person covered by clause (iii) of subsection (c)(2)(B), the Secretary of Defense.”.

(2) Section 1503(c) of such title is amended—

(A) in paragraph (1), by striking out “one military officer” and inserting in lieu thereof “one individual described in paragraph (2)”;

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

(C) by inserting after paragraph (1) the following new paragraph (2):

“(2) An individual referred to in paragraph (1) is the following:

“(A) A military officer, in the case of an inquiry with respect to a member of the armed forces.

“(B) A civilian, in the case of an inquiry with respect to a civilian employee of the Department of Defense or of a contractor of the Department of Defense.”.

(3) Section 1504(d) of such title is amended—

(A) in paragraph (1), by striking out “who are” and all that follows in that paragraph and inserting in lieu thereof “as follows:

“(A) In the case of a board that will inquire into the whereabouts and status of one or more members of the armed forces (and no civilians described in subparagraph (B)), the board shall be composed of officers having the grade of major or lieutenant commander or above.

“(B) In the case of a board that will inquire into the whereabouts and status of one or more civilian employees of the Department of Defense or contractors of the Department of Defense (and no members of the armed forces), the board shall be composed of—

“(i) not less than three employees of the Department of Defense whose rate of annual pay is equal to or greater than the rate of annual pay payable for grade GS-13 of the General Schedule under section 5332 of title 5; and

“(ii) such members of the armed forces as the Secretary considers advisable.

“(C) In the case of a board that will inquire into the whereabouts and status of both one or more members of the armed forces and one or more civilians described in subparagraph (B)—

“(i) the board shall include at least one officer described in subparagraph (A) and at least one employee of the Department of Defense described in subparagraph (B)(i); and

“(ii) the ratio of such officers to such employees on the board shall be roughly proportional to the ratio of the number of members of the armed forces who are subjects of the board’s inquiry to the number of civilians who are subjects of the board’s inquiry.”; and

(B) in paragraph (4), by striking out “section 1503(c)(3)” and inserting in lieu thereof “section 1503(c)(4)”.

(4) Paragraph (1) of section 1513 of such title is amended to read as follows:

“(1) The term ‘missing person’ means—

“(A) a member of the armed forces on active duty who is in a missing status; or

“(B) a civilian employee of the Department of Defense or an employee of a contractor of the Department of Defense who serves with or accompanies the armed forces in the field under orders and who is in a missing status.

Such term includes an unaccounted for person described in section 1509(b) of this title, under the circumstances specified in the last sentence of section 1509(a) of this title.”.

(b) REPORT ON PRELIMINARY ASSESSMENT OF STATUS.—(1) Section 1502 of such title is amended—

(A) in subsection (a)(2)—

(i) by striking out “10 days” and inserting in lieu thereof “48 hours”; and

(ii) by striking out “Secretary concerned” and inserting in lieu thereof “theater component commander with jurisdiction over the missing person”;

(B) in subsection (a), as amended by subparagraph (A)—

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

(ii) by inserting “(1)” after “COMMANDER.—”; and

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

“(2) However, if the commander determines that operational conditions resulting from hostile action or combat constitute an emergency that prevents timely reporting under paragraph (1)(B), the initial report should be made as soon as possible, but in no case later than ten days after the date on which the commander receives such information under paragraph (1).”;

(C) by redesignating subsection (b) as subsection (c);

(D) by inserting after subsection (a), as amended by subparagraphs (A) and (B), the following new subsection (b):

“(b) TRANSMISSION THROUGH THEATER COMPONENT COMMANDER.—Upon reviewing a report under subsection (a) recommending that a person be placed in a missing status, the theater component commander shall ensure that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person. Not later than 14 days after receiving the report, the theater component commander shall forward the report to the Secretary of Defense or the Secretary concerned in accordance with procedures prescribed under section 1501(b) of this title. The theater component commander shall include with such report a certification that all necessary actions are being taken, and all appropriate assets are being used, to resolve the status of the missing person.”; and

(E) in subsection (c), as redesignated by subparagraph (C), by adding at the end the following new sentence: “The theater component commander through whom the report with respect to the missing person is transmitted under subsection (b) shall ensure that all pertinent information relating to the whereabouts and status of the missing person that results from the preliminary assessment or from actions taken to locate the person is properly safeguarded to avoid loss, damage, or modification.”.

(2) Section 1503(a) of such title is amended by striking out “section 1502(a)” and inserting in lieu thereof “section 1502(b)”.

(3) Section 1504 of such title is amended by striking out “section 1502(a)(2)” in subsections (a), (b), and (e)(1) and inserting in lieu thereof “section 1502(a)”.

(4) Section 1513 of such title is amended by adding at the end the following new paragraph:

“(8) The term ‘theater component commander’ means, with respect to any of the combatant commands, an officer of any of the armed forces who (A) is commander of all forces of that armed force assigned to that combatant command, and (B) is directly subordinate to the commander of the combatant command.”.

(c) FREQUENCY OF SUBSEQUENT REVIEWS.—Subsection (b) of section 1505 of such title is amended to read as follows:

“(b) FREQUENCY OF SUBSEQUENT REVIEWS.—(1) In the case of a missing person who was last known to be alive or who was last suspected of being alive, the Secretary shall appoint a board to conduct an inquiry with respect to a person under this subsection—

“(A) on or about three years after the date of the initial report of the disappearance of the person under section 1502(a) of this title; and

“(B) not later than every three years thereafter.

“(2) In addition to appointment of boards under paragraph (1), the Secretary shall appoint a board to conduct an inquiry with respect to a missing person under this subsection upon receipt of information that could result in a change of status of the missing person. When the Secretary appoints a board under this paragraph, the time for subsequent appointments of a board under paragraph (1)(B) shall be determined from the date of the receipt of such information.

“(3) The Secretary is not required to appoint a board under paragraph (1) with respect to the disappearance of any person—

“(A) more than 30 years after the initial report of the disappearance of the missing person required by section 1502(a) of this title; or

“(B) if, before the end of such 30-year period, the missing person is accounted for.”.

(d) INFORMATION TO ACCOMPANY RECOMMENDATION OF STATUS OF DEATH.—Section 1507(b) of such title is amended adding at the end the following new paragraphs:

“(3) A description of the location of the body, if recovered.

“(4) If the body has been recovered and is not identifiable through visual means, a certification by a practitioner of an ap-

appropriate forensic science that the body recovered is that of the missing person.”

(e) MISSING PERSON’S COUNSEL.—(1) Sections 1503(f)(1) and 1504(f)(1) of such title are amended by adding at the end the following: “The identity of counsel appointed under this paragraph for a missing person shall be made known to the missing person’s primary next of kin and any other previously designated person of the person.”

(2) Section 1503(f)(4) of such title is amended by adding at the end the following: “The primary next of kin of a missing person and any other previously designated person of the missing person shall have the right to submit information to the missing person’s counsel relative to the disappearance or status of the missing person.”

(3) Section 1505(c)(1) is amended by adding at the end the following: “The Secretary concerned shall appoint counsel to represent any such missing person to whom such information may be related. The appointment shall be in the same manner, and subject to the same provisions, as an appointment under section 1504(f)(1) of this title.”

(f) SCOPE OF PREENACTMENT REVIEW.—(1) Section 1509 of such title is amended by striking out in subsection (a) and inserting in lieu thereof the following:

“(a) REVIEW OF STATUS.—(1) If new information is found or received that may be related to one or more unaccounted for persons described in subsection (b) (whether or not such information specifically relates (or may specifically relate) to any particular such unaccounted for person), that information shall be provided to the Secretary of Defense. Upon receipt of such information, the Secretary shall ensure that the information is treated under paragraphs (2) and (3) of section 1505(c) of this title and under section 1505(d) of this title in the same manner as information received under paragraph (1) of section 1505(c) of this title. For purposes of the applicability of other provisions of this chapter in such a case, each such unaccounted for person to whom the new information may be related shall be considered to be a missing person.

“(2) The Secretary concerned shall appoint counsel to represent each such unaccounted for person to whom the new information may be related. The appointment shall be in the same manner, and subject to the same provisions, as an appointment under section 1504(f)(1) of this title.

“(3) For purposes of this subsection, new information is information that—

“(A) is found or received after the date of the enactment of the the National Defense Authorization Act for Fiscal Year 1998 by a United States intelligence agency, by a Department of Defense agency, or by a person specified in section 1504(g) of this title; or

“(B) is identified after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998 in records of the United States as information that could be relevant to the case of one or more unaccounted for persons described in subsection (b).”

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

“(d) ESTABLISHMENT OF PERSONNEL FILES FOR KOREAN CONFLICT CASES.—The Secretary of Defense shall ensure that a personnel file is established for each unaccounted for person who is described in subsection (b)(1). Each such file shall be handled in accordance with, and subject to the provisions of, section 1506 of this title in the same manner as applies to the file of a missing person.”.

(h) WITHHOLDING OF CLASSIFIED INFORMATION.—Section 1506(b) of such title is amended—

(1) by inserting “(1)” before “The Secretary”;

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

(3) by adding at the end the following:

“(2) If classified information withheld under this subsection refers to one or more unnamed missing persons, the Secretary shall ensure that notice of that withheld information, and notice of the date of the most recent review of the classification of that withheld information, is made reasonably accessible to family members of missing persons.”.

(i) WITHHOLDING OF PRIVILEGED INFORMATION.—Section 1506(d) of such title is amended—

(1) in paragraph (2)—

(A) by striking out “non-derogatory” both places it appears in the first sentence;

(B) by inserting “or about unnamed missing persons” in the first sentence after “the debriefing report”;

(C) by striking out “the missing person” in the second sentence and inserting in lieu thereof “each missing person named in the debriefing report”; and

(D) by adding at the end the following new sentence: “Any information contained in the extract of the debriefing report that pertains to unnamed missing persons shall be made reasonably accessible to family members of missing persons.”; and

(2) in paragraph (3)—

(A) by inserting “, or part of a debriefing report,” after “a debriefing report”; and

(B) by adding at the end the following new sentence: “Whenever the Secretary withholds a debriefing report, or part of a debriefing report, containing information on unnamed missing persons from accessibility to families of missing persons under this section, the Secretary shall ensure that notice that the withheld debriefing report exists is made reasonably accessible to family members of missing persons.”.

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11. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE BUYER OF INDIANA OR REPRESENTATIVE KENNEDY OF RHODE ISLAND, OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 60 MINUTES

At the end of title VII (page 288, after line 21), insert the following new subtitle:

## **Subtitle F—Persian Gulf Illness**

### **SEC. 751. 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. 752. 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) **CONTENTS 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 to provide full or partial health care services under the plan to covered Persian Gulf veterans (and their covered dependents).

(c) **FOLLOW-UP 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. 753. 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 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. Such revisions were required by section 721(e) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 1074 note).

**SEC. 754. 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. 755. 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. 756. 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, biological, and similar hazards to which members of the Armed Forces may be exposed.

**SEC. 757. 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 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 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 of 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. 758. 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; 110 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. 759. 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 which 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 there are therapies, such as cognitive behavioral therapy, which 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 funds authorized to be appropriated in section 201(1) for research, development, test, and evaluation for the Army, 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).

## PART 2

### 1. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE BACHUS OF ALABAMA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of title X (page 360, after line 8), insert the following new section:

#### **SEC. —. PROHIBITION OF PERFORMANCE OF MILITARY HONORS UPON DEATH OF PERSONS CONVICTED OF CAPITAL CRIMES.**

(a) **MILITARY FUNERALS.**—The Secretary of Defense and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy, may not provide military honors at the funeral of a person who has been convicted of a crime under State or Federal law for which death is a possible punishment and for which the person was sentenced to death or life imprisonment without parole.

(b) **APPLICABILITY OF SECTION.**—This section applies without regard to any other provision of law relating to funeral or burial benefits.

### 2. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE BARRETT OF NEBRASKA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of title X (page 360, after line 8) insert the following new section:

#### **SEC. 1060. STUDY OF UNITED STATES CAPACITOR AND RESISTOR INDUSTRIES.**

The Secretary of Defense shall conduct a study to assess the capacitor and resistor industries in the United States in order to determine—

(1) the importance of such industries to the national defense and the defense mobilization base; and

(2) whether such industries are in danger of being critically weakened because of the removal of tariffs on imports under the Information Technology Agreement.

3. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE BARTLETT OF MARYLAND OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES.

Strike out section 217 (pages 33, lines 13 through 23).

4. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE BEREUTER OF NEBRASKA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES.

Page 379, after line 19, add the following:

**SEC. 1205. SENSE OF THE CONGRESS RELATING TO LEVEL OF UNITED STATES MILITARY PERSONNEL IN THE ASIA AND PACIFIC REGION.**

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

(1) The stability of the Asia-Pacific region is a matter of vital national interest affecting the well-being of all Americans.

(2) The nations of the Pacific Rim collectively represent the United States largest trading partner and are expected to account for almost one-third of the world's economic activity by the start of the next century.

(3) The increased reliance by the United States on trade and Middle East oil sources has reinforced United States security interests in the Southeast Asia shipping lanes through the South China Sea and the key straits of Malacca, Sunda, Lombok, and Makassar.

(4) The South China Sea is a vital conduit for United States Navy ships passing from the Pacific to the Indian Ocean and the Persian Gulf.

(5) Maintaining freedom of navigation in the South China Sea is a fundamental interest of the United States.

(6) The threats of proliferation of weapons of mass destruction, the emerging nationalism amidst long-standing ethnic and national rivalries, and the unresolved territorial disputes combine to create a political landscape of potential instability and conflict that would jeopardize the interests of the United States and the safety of United States nationals in this region.

(7) A critical component of the East Asia strategy of the United States is maintaining forward deployed forces in Asia to ensure broad regional stability, to help to deter aggression, and to contribute to the political and economic advances of the region from which the United States benefits.

(8) The forward presence of the United States in Northeast Asia enables the United States to respond to regional contingencies, to protect sea lines of communication, to sustain influence, and to support operations as distant as operations in the Persian Gulf.

(9) The military forces of the United States serve to prevent the political or economic control of the Asia-Pacific region by a rival, hostile power or coalition of such powers, thus preventing any such group from having command over the vast resources, enormous wealth, and advanced technology of the region.

(10) Allies of the United States in the region can base their defense planning on a reliable American security commitment, a reduction of which could stimulate an arms buildup in the region.

(11) The Joint Announcement of the United States-Japan Security Consultative Committee of December 1996, acknowledged that “the forward presence of U.S. forces continues to be an essential element for pursuing our common security objectives”.

(12) The administration has committed itself on numerous occasions to maintain approximately 100,000 troops in the region, most recently by the President in Australia and the Secretary of State in the Republic of Korea.

(13) The United States and Japan signed the United States-Japan Security Declaration in April 1996, in which the United States reaffirmed its commitment to maintain this level of 100,000 United States military personnel in the region.

(14) The United States military presence is warmly and widely welcomed by the nations of the region as serving stability and signaling United States engagement.

(15) The nations of East Asia and the Pacific consider the commitment of the forces of the United States to be so vital to their future that they scrutinize actions of the United States for any sign of weakened commitment to the security of the region.

(16) The reduction of forward-based military forces could negatively affect the ability of the United States to contribute to the peace and stability of the Asia and Pacific region.

(17) Recognizing that while the United States must consider the overall capabilities of its forces in its decisions to deploy troops, nevertheless any reduction in the number of forward-based troops reduces the perception of American capability and commitment in the region that cannot be completely offset by modernization of the remaining forces.

(18) During time of crisis, redeployment of forces previously removed from the area might itself be deemed an act of provocation that could be used as a pretext by a hostile power for armed aggression within the region, and the existence of that possibility might hinder this redeployment.

(19) Proposals to reduce the forward presence of the United States in Asia or drastically subordinate security interests to United States domestic budgetary concerns immediately erode the perception of the commitment of the United States to its alliances and interests in the region.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the United States should maintain approximately 100,000 United States military personnel in the Asia and Pacific region until such time as there is a peaceful and permanent resolution to the major security and political conflicts in the region.

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5. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE BRADY OF TEXAS OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of title X (page 360, after line 8), insert the following new section:

**SEC. . SENSE OF CONGRESS ON DEPLOYMENT OF UNITED STATES ARMED FORCES ABROAD FOR ENVIRONMENTAL PRESERVATION ACTIVITIES.**

It is the sense of Congress that United States Armed Forces should not be deployed outside the United States to provide assistance to another nation in connection with environmental preservation activities in that nation.

6. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE BUYER OF INDIANA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of subtitle B of title VI (page 247, after line 13), insert the following new section:

**SEC. 623. EXPANSION OF RESERVE AFFILIATION BONUS TO INCLUDE COAST GUARD RESERVE.**

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

(1) in subsection (a), by striking out “Under regulations prescribed by the Secretary of Defense, the Secretary of a military department” and inserting in lieu thereof “The Secretary concerned”;

(2) in subsection (b)(3), by striking out “designated by the Secretary of Defense for the purposes of this section” and inserting in lieu thereof “designated for purposes of this section in the regulations prescribed under subsection (f)”;

(3) in subsection (c)(3), by striking out “regulations prescribed by the Secretary of Defense” and inserting in lieu thereof “the regulations prescribed under subsection (f)”; and

(4) by adding at the end the following new subsection:

“(f) This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary of Defense and by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.”

7. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE COBURN OF OKLAHOMA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of subtitle A of title X (page 320, after line 12), add the following new section:

**SEC. 1008. UNITED STATES MAN AND THE BIOSPHERE PROGRAM LIMITATION.**

No funds appropriated pursuant to this Act shall be used for the United States Man and Biosphere Program, or related projects.

8. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE EVERETT OF ALABAMA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of subtitle B of title II (page 34, after line 7) insert the following new section:

**SEC. 219. COMANCHE PROGRAM.**

The Congress supports the Army in its Comanche program technology transfer and acquisition efforts, which—

- (1) offer potential RAH-66 Air Vehicle and T800 engine cost, schedule, and technical risk reduction; and
- (2) include cooperative efforts with other Government agencies such as the National Guard (UH-1H engine technology insertion), the Defense Advanced Research Projects Agency, and other research and development programs of the military departments.

9. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE FALEOMAVAEGA OF AMERICAN SAMOA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of title V (page 204, after line 16), insert the following new section:

**SEC. 572. REPORT ON MAKING UNITED STATES NATIONALS ELIGIBLE FOR PARTICIPATION IN SENIOR RESERVE OFFICERS' TRAINING CORPS.**

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate a report on the utility of permitting United States nationals to participate in the Senior Reserve Officers' Training Corps program.

(b) REQUIRED INFORMATION.—The Secretary shall include in the report the following information:

- (1) A brief history of the prior admission of United States nationals to the Senior Reserve Officers' Training Corps, including the success rate of these cadets and midshipmen and how that rate compared to the average success rate of cadets and midshipmen during that same period.
- (2) The advantages of permitting United States nationals to participate in the Senior Reserve Officers' Training Corps program.
- (3) The disadvantages of permitting United States nationals to participate in the Senior Reserve Officers' Training Corps program.
- (4) The incremental cost of including United States nationals in the Senior Reserve Officers' Training Corps.
- (5) Methods of minimizing the risk that United States nationals admitted to the Senior Reserve Officers' Training Corps would be later disqualified because of ineligibility for United States citizenship.
- (6) The recommendations of the Secretary on whether United States nationals should be eligible to participate in the Senior

Reserve Officers' Training Corps program, and if so, a legislative proposal which would, if enacted, achieve that result.

10. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE FRELINGHUYSEN OF NEW JERSEY OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of title XXXVI (page 540, after line 3), insert the following new section:

**SEC. \_\_\_\_ . DETERMINATION OF GROSS TONNAGE FOR PURPOSES OF TANK VESSEL DOUBLE HULL REQUIREMENTS.**

Section 3703a of title 46, United States Code, is amended by adding at the end the following:

“(e) For purposes of this section, the gross tonnage of a vessel for which a tonnage certificate was issued or accepted by the Secretary under this title before July 1, 1997, shall be the gross tonnage of the vessel stated on the most recent such certificate.”.

11. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE FARR OF CALIFORNIA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

Page 411, in the table in section 2702(b) relating to extension of Army National Guard project authorizations, add an item, in the amount of \$3,910,000, for the modify record fire range/maintenance shop construction project at Camp Roberts, California.

12. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOWLER OF FLORIDA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

Page 377, after line 4, insert the following:

(4) Efforts by the People's Republic of China to enhance its capabilities in the area of nuclear weapons development.

Page 377, after line 16, insert the following:

(7) Development by the People's Republic of China of capabilities in the area of electronic warfare.

Page 378, after line 12, insert the following:

(12) Efforts by the People's Republic of China in the area of telecommunications, including common channel signaling and synchronous digital hierarchy technologies.

(13) Development by the People's Republic of China of advanced aerospace technologies with military applications (including gas turbine “hot section” technologies).

Page 379, after line 3, insert the following:

(17) Efforts by the People's Republic of China to develop its anti-submarine warfare capabilities.

Page 379, after line 6, insert the following:

(19) Efforts by the People's Republic of China to enhance its capabilities in such additional areas of strategic concern as the Secretary identifies.

(c) ANALYSIS OF IMPLICATIONS OF SALES OF PRODUCTS AND TECHNOLOGIES TO ENTITIES IN CHINA.—The report under subsection (a)

shall include, with respect to each area for analyses and forecasts specified in subsection (b)—

- (1) an assessment of the implications of sales of United States and foreign products and technologies to entities in the People's Republic of China; and
- (2) the potential threat of developments in that area to United States strategic interests.

Redesignate the paragraphs of section 1203(b) accordingly.

Page 379, line 7, strike out “(c)” and insert in lieu thereof “(d)”.

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13. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOX OF PENNSYLVANIA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of section 1054 (page 348, after line 18), insert the following new subsection:

(j) DAILY DISPLAY OF FLAG AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTERS.—In addition to the display required by subsection (a), the POW/MIA flag shall be displayed on, or on the grounds of, each Department of Veterans Affairs medical center on every day on which the flag of the United States is displayed.

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14. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOX OF PENNSYLVANIA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of subtitle C of title III (page 67, after line 19), insert the following new section:

**SEC. 323. VETERANS' PREFERENCE STATUS FOR CERTAIN INDIVIDUALS WHO SERVED IN CONNECTION WITH OPERATION DESERT SHIELD OR OPERATION DESERT STORM.**

(a) DEFINITIONS.—Section 2108 of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking “or” at the end;

(B) in subparagraph (B)—

(i) by striking “the date of enactment of the Veterans' Education and Employment Assistance Act of 1976,” and inserting “October 15, 1976,”; and

(ii) by adding “or” after the semicolon; and

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

“(C) served on active duty as defined by section 101(21) of title 38 in the armed forces in connection with Operation Desert Shield or Operation Desert Storm, whether or not in the Persian Gulf theater of operations;”;

(2) in paragraph (3)(B) by inserting “or (C)” after “paragraph (1)(B);” and

(3) by adding at the end the following:

“A benefit afforded under this title by reason of an individual's meeting the definition of ‘preference eligible’ under paragraph (3) shall be subject to the minimum active-duty service requirement under section 5303A(d) of title 38, if applicable.”.

(b) **ADDITIONAL POINTS.**—Section 3309(2) of title 5, United States Code, is amended by striking “2108(3)(A)” and inserting “2108(3)(A)–(B)”.

(c) **TECHNICAL AMENDMENT.**—Subparagraph (B) of section 2108(1) of title 5, United States Code, is amended by striking “511(d)” and inserting “12103(d)”.

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15. **THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE FRANK OF MASSACHUSETTS OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES**

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17. **THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE GEKAS OF PENNSYLVANIA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES**

Page 411, in the table in section 2702(b) relating to extension of Army National Guard project authorizations, add an item, in the amount of \$6,200,000, for a barracks construction project at For Indiantown Gap, Pennsylvania.

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At the end of title XII (page 379, after line 19), insert the following new section:

**SEC. 1205. PROHIBITION ON STATIONING ADDITIONAL UNITED STATES FORCES IN EUROPE AS A CONSEQUENCE OF NATO EXPANSION.**

The number of members of the United States Armed Forces permanently stationed ashore in Europe may not be increased as a consequence of the admission of new member nations to the North Atlantic Treaty Organization.

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16. **THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE GALLEGLY OF CALIFORNIA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES**

At the end of title X (page 360, after line 8), insert the following new section:

**SEC. \_\_\_\_ . STUDY OF TRANSFER OF MODULAR AIRBORNE FIRE FIGHTING SYSTEM.**

Not later than six months after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of Agriculture, shall submit to Congress a report evaluating the feasibility of transferring jurisdiction over units of the Modular Airborne Fire Fighting System from the Department of Agriculture to the Department of Defense.

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18. **THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE HALL OF OHIO OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES**

At the end of title XXXI (page 493, after line 17), add the following new section:

**SEC. 3152. TRANSFERS OF REAL PROPERTY AT CERTAIN DEPARTMENT OF ENERGY FACILITIES.**

(a) **TRANSFER GUIDELINES.**—(1) The Secretary of Energy, pursuant to section 161(g) of the Atomic Energy Act (42 U.S.C. 2201(g)), shall issue guidelines for the transfer by sale or lease of real and personal property at the facilities listed in subsection (c), with or without consideration to the Department of Energy and in consultation with plans for reuse of the property by the community reuse organizations associated with the facilities and the local governments within whose jurisdiction the facilities are located. The Secretary shall issue the guidelines not later than 90 days after the date of the enactment of this Act.

(2)(A) The Secretary of Energy may not transfer real or personal property under the guidelines issued under paragraph (1) until—

- (i) the Secretary submits a notification of the proposed transfer to the congressional defense committees; and
- (ii) a period of 30 days of continuous session of Congress has expired following the date on which the notification is submitted.

(B) For purposes of subparagraph (A)(ii), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such 30-day period.

(b) **INDEMNIFICATION.**—(1) Subject to paragraph (2), the Secretary of Energy shall hold harmless, defend, and indemnify in full a transferee from and against a suit, claim, demand, action, liability, judgment, cost, or other fee arising out of a claim for personal injury or property damage (including death, illness, loss of or damage to property, or economic loss) that results from, or is in any manner predicated upon, the release or threatened release of a hazardous substance or pollutant or contaminant as a result of Department of Energy activities. This paragraph does not apply to the extent a transferee contributed to such a release or threatened release.

(2) Indemnification shall not be afforded under this subsection unless a transferee making a claim for indemnification—

(A) notifies the Department of Energy in writing within two years after the claim accrues or begins action within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the Department;

(B) furnishes to the Department of Energy copies of pertinent papers the transferee receives;

(C) furnishes evidence or proof of a claim, loss, or damage covered by this section; and

(D) provides, upon request by the Department of Energy, access to the transferee's records and personnel for purposes of defending or settling the claim or action.

(3) In any case in which the Secretary of Energy determines that the Department of Energy may be required to make indemnification payments to a transferee under this section, the Secretary may settle or defend, on behalf of the transferee, the claim for personal injury or property damage. If the transferee does not allow the Sec-

retary to settle or defend the claim, the Secretary shall not indemnify the transferee with respect to that claim under this section.

(4) For purposes of paragraph (2)(A), the date on which a claim accrues is the date on which the plaintiff knew or reasonably should have known that the personal injury or property damage referred to in paragraph (1) was caused or contributed to by the release or threatened release of a hazardous substance or pollutant or contaminant as a result of Department of Energy activities.

(5) Nothing in this section shall be construed as affecting or modifying in any way section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(c) COVERED FACILITIES.—This section applies to the following Department of Energy facilities:

- (A) Kansas City Plant.
- (B) Pinellas Plant.
- (C) Mound Facility.
- (D) Fernald Environmental Management Project Site.
- (E) Pantex Plant.
- (F) Rocky Flats Environmental Technology Site, including the Oxnard Facility.
- (G) Savannah River Site.
- (H) Los Alamos National Laboratory.
- (I) Sandia National Laboratory.
- (J) Argonne National Laboratory.
- (K) Brookhaven National Laboratory.
- (L) Lawrence Livermore National Laboratory.
- (M) Oak Ridge National Laboratory.
- (N) Nevada Test Site.
- (O) Y-12 Plant.
- (P) K-25 Plant.
- (Q) Hanford Site.
- (R) Idaho National Engineering Laboratory.
- (S) Waste Isolation Pilot Project.
- (T) Portsmouth Gaseous Diffusion Plant.
- (U) Paducah Gaseous Diffusion Plant.
- (V) Oak Ridge Reservation.

(d) DEFINITIONS.—In this section:

(1) The term “transferee” means a person to which real property is transferred pursuant to the guidelines issued under subsection (a).

(2) The terms “hazardous substance”, “release”, and “pollutant or contaminant” have the meanings provided by section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

19. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTERT OF ILLINOIS OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of subtitle C of title X (page 326, after line 6), insert the following new section:

**SEC. 1032. ANNUAL REPORT ON DEVELOPMENT AND DEPLOYMENT OF NARCOTICS DETECTION TECHNOLOGIES.**

(a) **REPORT REQUIREMENT.**—Not later than December 1st of each year, the Director of the Office of National Drug Control Policy shall submit to Congress and the President a report on the development and deployment of narcotics detection technologies by Federal agencies. Each such report shall be prepared in consultation with the Secretary of Defense, the Secretary of State, the Secretary of Transportation, and the Secretary of the Treasury.

(b) **MATTERS TO BE INCLUDED.**—Each report under subsection (a) shall include—

(1) a description of each project implemented by a Federal agency relating to the development or deployment of narcotics detection technology;

(2) the agency responsible for each project described in paragraph (1);

(3) the amount of funds obligated or expended to carry out each project described in paragraph (1) during the fiscal year in which the report is submitted or during any fiscal year preceding the fiscal year in which the report is submitted;

(4) the amount of funds estimated to be obligated or expended for each project described in paragraph (1) during any fiscal year after the fiscal year in which the report is submitted to Congress; and

(5) a detailed timeline for implementation of each project described in paragraph (1).

**20. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF WASHINGTON OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES**

At the end of title XXXI (page 493, after line 17), insert the following new section:

**SEC. 3152. REQUIREMENT TO DELEGATE CERTAIN AUTHORITIES TO SITE MANAGERS OF CERTAIN DEFENSE NUCLEAR FACILITIES.**

Section 3173(b)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 104–201; 110 Stat. 2848; 42 U.S.C. 7274k) is amended in the matter appearing before subparagraph (A) by striking out “may” and inserting in lieu thereof “shall”.

**21. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF WASHINGTON OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES**

Strike out section 3143 (page 484, line 12 through page 485, line 14) and insert in lieu thereof the following:

**SEC. 3143. STUDY AND FUNDING RELATING TO IMPLEMENTATION OF WORKFORCE RESTRUCTURING PLANS.**

(a) **STUDY REQUIREMENT.**—The Secretary of Energy shall conduct a study on the effects of workforce restructuring plans for defense nuclear facilities developed pursuant to section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h).

(b) **MATTERS COVERED BY STUDY.**— The study shall cover the four-year period preceding the date of the enactment of this Act and shall include the following:

(1) An analysis of the number of jobs created under workforce restructuring plans developed pursuant to section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h).

(2) An analysis of other benefits provided pursuant to such plans and through community reuse organizations.

(3) A description of the funds expended, and the funds obligated but not expended, pursuant to such plans as of the date of the report.

(4) A description of the criteria used since October 23, 1992, in providing assistance pursuant to such plans.

(5) A comparison of the benefits provided pursuant to such plans—

(A) to employees whose employment at facilities covered by such plans is terminated; and

(B) to employees whose employment at facilities where more than 50 percent of the revenues are derived from contracts with the Department of Defense is terminated.

(c) **CONDUCT OF STUDY.**—(1) The study shall be conducted through a contract with a private auditing firm with which the Department of Energy has no other auditing contracts.

(2)(A) The Secretary of Energy may not enter into the contract for the conduct of the study until—

(i) the Secretary submits a notification of the proposed contract award to the congressional defense committees; and

(ii) a period of 30 days of continuous session of Congress has expired following the date on which the notification is submitted.

(B) For purposes of subparagraph (A)(ii), the continuity of a session of Congress is broken only by an adjournment of the Congress sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such 30-day period.

(3) The Secretary of Energy shall ensure that the firm conducting the study is provided access to all documents in the possession of the Department of Energy that are relevant to the study, including documents in the possession of the Inspector General of the Department of Energy.

(d) **REPORT ON STUDY.**—The Secretary of Energy shall submit a report to Congress on the results of the study not later than January 30, 1998.

(e) **FUNDING.**—In addition to amounts available pursuant to the authorization of appropriations in section 3103(6), the Secretary of Energy may use an amount not exceeding \$44,000,000 for implementation of the workforce restructuring plans for contractor employees, to be derived from excess unobligated and available funds.

(f) **REVISIONS TO DEFENSE NUCLEAR FACILITIES WORKFORCE RESTRUCTURING PLAN REQUIREMENTS.**—

(1) **REVISION OF PERIOD FOR NOTIFICATION OF CHANGES IN WORKFORCE.**—Section 3161(c)(1)(B) of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C.

7274h(c)(1)(B)) is amended by striking out “120” and inserting in lieu thereof “90”.

(2) REPEAL OF REQUIREMENT FOR SUBMISSION TO CONGRESS.—Subsection (f) of section 3161 of such Act is repealed.

(3) PROHIBITION ON USE OF FUNDS FOR LOCAL IMPACT ASSISTANCE.—None of the funds authorized to be appropriated to the Department of Energy pursuant to section 3103(6) may be used for local impact assistance from the Department of Energy under section 3161(c)(6) of such Act (42 U.S.C. 7274h(c)(6)) until—

(A) with respect to assistance referred to in section 3161(c)(6)(A) of such Act, the Secretary of Energy coordinates with and obtains approval of the Secretary of Labor; and

(B) with respect to assistance referred to in section 3161(c)(6)(C) of such Act, the Secretary of Energy coordinates with and obtains approval of the Secretary of Commerce.

(4) SEMIANNUAL REPORT TO CONGRESS OF LOCAL IMPACT ASSISTANCE.—Every six months the Secretary of Energy shall submit to Congress a report setting forth a description of, and the value of, all local impact assistance provided under section 3161(c)(6) of such Act.

(g) EFFECT ON USEC PRIVATIZATION ACT.—Nothing in this section shall be construed as diminishing the obligations of the Secretary of Energy under section 3110(a)(5) of the USEC Privatization Act (Public Law 104–134; 110 Stat. 1321–341; 42 U.S.C. 2297h–8(a)(5)).

(h) DEFINITIONS.—In this section:

(1) The term “defense nuclear facility” has the meaning provided the term “Department of Energy defense nuclear facility” in section 3163 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274j).

(2) The term “contractor employee” means an employee of a contractor or subcontractor of the Department of Energy at a defense nuclear facility.

22. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE HEFLEY OF COLORADO OR REPRESENTATIVE MCINNIS OF COLORADO OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of title XXXIV (page 504, after line 3), insert the following new section:

**SEC. 3404. 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 this section, the Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction over all public domain lands in-

cluded within Oil Shale Reserve Numbered 1 and those public domain lands included within the undeveloped tracts of Oil Shale Reserve Numbered 3.

“(2) Not later than one year after the date of the enactment of this section, 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) Notwithstanding the transfer of jurisdiction, the Secretary of Energy shall continue to be responsible for all environmental restoration, waste management, and environmental compliance activities that are required under Federal and State laws with respect to conditions existing on the lands at the time of the transfer.

“(4) Upon the transfer to the Secretary of the Interior of jurisdiction over public domain lands under this subsection, the other provisions 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 this section, 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 Reserves Numbered 1 and 3 (including the developed tract of Oil Shale Reserve Numbered 3). Any such lease shall be made in accordance with the requirements of 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, 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 col-

lected 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 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.”.

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23. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE E.B. JOHNSON, OF TEXAS OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of subtitle C of title V (page 142, after line 3), insert the following new section:

**SEC. 524. REPORT ON FEASIBILITY AND DESIRABILITY OF CONVERSION OF AGR PERSONNEL TO DUAL-STATUS TECHNICIANS.**

(a) REPORT REQUIRED.—Not later than January 1, 1998, the Secretary of Defense shall submit to Congress a report on the feasibility and desirability of conversion of AGR personnel to military technicians (dual-status). The report shall identify—

- (1) advantages and disadvantages of such a conversion;
- (2) possible savings if such a conversion were to be carried out; and
- (3) the reasons, if any, why such a conversion should not be carried out.

(b) AGR PERSONNEL DEFINED.—For purposes of subsection (a), the term “AGR personnel” means members of the Army or Air Force reserve components who are on active duty (other than for training) in connection with organizing, administering, recruiting, instructing, or training their respective reserve components.

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24. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE METCALF OF WASHINGTON OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of title VII (page 288, after line 21), insert the following new section:

**SEC. \_\_. SENSE OF CONGRESS CONCERNING GULF WAR ILLNESS.**

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

- (1) Americans served in the Persian Gulf Conflict of 1991 in defense of vital national security interests of the United States.
- (2) It was known to United States intelligence and military commanders that biological and chemical agents were in theater throughout the conflict.
- (3) An undetermined amount of these agents were released into theater.
- (4) A large number of United States military veterans and allied veterans who served in the Southwest Asia theater of operations have been stricken with a variety of severe illnesses.

(5) All efforts to discern the causes of those illnesses have been inadequate, and those illnesses are affecting the health of both veterans and their families.

(b) SENSE OF CONGRESS.—It is the sense of Congress that all promising technology and treatments relating to Gulf War illnesses should be fully explored and tested to facilitate treatment for members of the Armed Forces and veterans who served the United States in the Persian Gulf conflict and are stricken with unexplainable illness.

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25. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE PICKETT OF VIRGINIA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of subtitle B of title II (page 34, after line 7), insert the following new section:

**SEC. 219. LAND ATTACK STANDARD MISSILE.**

Of the amount provided in section 201(2) for research, development, test, and evaluation for the Navy—

(1) \$10,000,000 shall be available for program element 63695N for the Land Attack Technology program, to be available for flight test demonstration and risk reduction activities for the Land Attack Standard Missile;

(2) the amount available for program element 62317N (Air Systems and Weapons Advance Technology) is hereby reduced by \$5,000,000; and

(3) the amount available for program element 63508N (Ship Hull Mechanical and Electrical Technology) is hereby reduced by \$5,000,000.

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26. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE PICKETT OF VIRGINIA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of title VIII (page 303, after line 2) insert the following new section:

**SEC. 824. 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 3, 1996 (61 Federal Register 14944).

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27. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE RILEY OF ALABAMA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of subtitle B of title II (page 34, after line 7), insert the following new section:

**SEC. 219. MANAGEMENT OF OPERATIONAL FIELD ASSESSMENTS PROGRAM BY DIRECTOR OF OPERATIONAL TEST AND EVALUATION.**

The Director of Operational Test and Evaluation shall be the responsible official in the Department of Defense to manage the Operational Field Assessments program for the Commanders of the Unified Combatant Commands, in full coordination with the leadership on the Joint Staff and making the best use of the supporting capabilities of the military departments and their operational test agencies.

28. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE SAXTON OF NEW JERSEY OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

Strike out title XXIX (page 442, line 15, through page 457, line 18), and insert in lieu thereof the following new title:

**TITLE XXIX—SIKES ACT IMPROVEMENT**

**SEC. 2901. SHORT TITLE.**

This title may be cited as the “Sikes Act Improvement Amendments of 1997”.

**SEC. 2902. DEFINITION OF SIKES ACT FOR PURPOSES OF AMENDMENTS.**

In this title, 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 (16 U.S.C. 670a et seq.), commonly referred to as the “Sikes Act”.

**SEC. 2903. CODIFICATION OF SHORT TITLE OF ACT.**

The Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting before title I the following new section:

**“SECTION 1. SHORT TITLE.**

“This Act may be cited as the ‘Sikes Act’.”

**SEC. 2004. INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS.**

(a) PLANS REQUIRED.—Subsection (a) of section 101 of the Sikes Act (16 U.S.C. 670a) is amended to read as follows:

“(a) INTEGRATED NATURAL RESOURCES MANAGEMENT PLANS.—

“(1) PLANS REQUIRED.—The Secretary of Defense shall carry out a program to provide for the conservation and rehabilitation of natural resources on military installations. 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 re-

sources on a particular installation makes preparation of such a plan inappropriate.

“(2) COOPERATIVE PREPARATION.—The Secretary of a military department shall prepare the integrated natural resources management plans for which the Secretary is responsible in cooperation with the Secretary of the Interior, acting through the Director of the Fish and Wildlife Service, and the head of the appropriate State fish and wildlife agency or agencies for the State in which the military installation involved is located. The resulting plan for a military installation consistent with paragraph (4) shall reflect the mutual agreement of the parties concerning conservation, protection, and management of fish and wildlife resources.

“(3) PURPOSE OF PLANS.—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 sustained multipurpose use of these resources, to include hunting, fishing, trapping, and nonconsumptive uses; and

“(C) subject to safety requirements and military security, public access to military installations to facilitate these uses.

“(4) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed as modifying or repealing the provisions of any Federal law governing the conservation or protection of fish and wildlife resources, nor as enlarging or diminishing the responsibility and authority of the States for the protection and management of fish and resident wildlife. Except as elsewhere specifically provided in this section and section 102, nothing in this Act shall be construed as authorizing 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.—Title I of the Sikes Act is amended—

(1) in section 101(b)(4) (16 U.S.C. 670a(b)(4)), by striking out “cooperative plan” each place it appears and inserting in lieu thereof “integrated natural resource management plan”;

(2) in section 101(c) (16 U.S.C. 670a(c)), in the matter preceding paragraph (1) by striking out “a cooperative plan” and inserting in lieu thereof “an integrated natural resource management plan”;

(3) in section 101(d) (16 U.S.C. 670a(d)), in the matter preceding paragraph (1) by striking out “cooperative plans” and inserting in lieu thereof “integrated natural resource management plans”;

(4) in section 101(e) (16 U.S.C. 670a(e)), by striking out “Cooperative plans” and inserting in lieu thereof “Integrated natural resource management plans”;

(5) in section 102 (16 U.S.C. 670b), by striking out “a cooperative plan” and inserting in lieu thereof “an integrated natural resource management plan”;

(6) in section 103 (16 U.S.C. 670c), by striking out “a cooperative plan” and inserting in lieu thereof “an integrated natural resource management plan”;

(7) in section 106(a) (16 U.S.C. 670f(a)), by striking out “cooperative plans” and inserting in lieu thereof “integrated natural resource management plans”; and

(8) in section 106(c) (16 U.S.C. 670f(c)), by striking out “cooperative plans” and inserting in lieu thereof “integrated natural resource management plans”.

(c) CONTENTS OF PLANS.—Section 101(b) of the Sikes Act (16 U.S.C. 670a(b)) is amended—

(1) by striking out “Each cooperative plan” and all that follows through paragraph (1) and inserting in lieu thereof 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, where 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 or wildlife;

“(D) integration of, and consistency among, the various activities conducted under the plan;

“(E) establishment of specific natural resource management objectives and time frames for proposed action;

“(F) sustained use by the public of natural resources to the extent such use is not inconsistent with the needs of fish and wildlife resources management;

“(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 natural resource laws and 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 considers appropriate;”

(2) by striking out paragraph (3);

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

(4) in paragraph (3)(A) (as so redesignated), by striking out “collect the fees thereof,” and inserting in lieu thereof “collect, spend, administer, and account for fees therefor,”

**SEC. 2905. REVIEW FOR PREPARATION OF INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS.**

(a) REVIEW OF MILITARY INSTALLATIONS.—

(1) REVIEW.—The Secretary of each military department shall, by not later than nine months after the date of the enactment of this Act—

(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 resource management plan under section 101 of the Sikes Act, as amended by this title, is appropriate; and

(B) submit to the Secretary of Defense a report on those determinations.

(2) REPORT TO CONGRESS.—The Secretary of Defense shall, by not later than 12 months after the date of the enactment of this Act, submit to the Congress a report on the reviews conducted under paragraph (1). The report shall include—

(A) a list of those military installations reviewed under paragraph (1) for which the Secretary of the military department concerned determines the preparation of an integrated natural resource management plan is not appropriate; and

(B) for each of the military installations listed under subparagraph (A), an explanation of the reasons such a plan is not appropriate.

(b) DEADLINE FOR INTEGRATED NATURAL RESOURCE MANAGEMENT PLANS.—Not later than two years after the date of the submission of the report required under subsection (a)(2), the Secretary of each military department shall, for each military installation for which the Secretary has not determined under subsection (a)(2)(A) that preparation of an integrated natural resource 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 section 2904; or

(2) in the case of a military installation for where there is in effect a cooperative plan under section 101(a) of the Sikes Act on the day before the date of the enactment of this Act, complete negotiations with the Secretary of the Interior and the heads of the appropriate State agencies regarding changes to that plan that are necessary for the plan to constitute an integrated natural resource plan that complies with that section, as amended by section 2904.

(c) PUBLIC COMMENT.—The Secretary of each military department shall provide an opportunity for the submission of public comments on—

(1) integrated natural resource management plans proposed pursuant to subsection (b)(1); and

(2) changes to cooperative plans proposed pursuant to subsection (b)(2).

**SEC. 2906. ANNUAL REVIEWS AND REPORTS.**

Section 101 of the Sikes Act (16 U.S.C. 670a) is amended by adding at the end the following new subsection:

“(f) REVIEWS AND REPORTS.—

“(1) SECRETARY OF DEFENSE.—The Secretary of Defense shall, by not later than march 1 of each year, review the extent

to which integrated natural resource management plans were prepared or in effect and implemented in accordance with this Act in the preceding year, and submit a report on the findings of that review to the committees. Each report shall include—

“(A) the number of integrated natural resource 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 amount of moneys expended on conservation activities conducted pursuant to those plans in the year covered by the report; and

“(C) an assessment of the extent to which the plans comply with the requirements of this Act.

“(2) SECRETARY OF THE INTERIOR.—The Secretary of the Interior, by not later than March 1 of each year and in consultation with State agencies responsible for conservation or management of fish or wildlife, shall submit a report to the committees on the amount of moneys expended by the Department of the Interior and those State agencies in the year covered by the report on conservation activities conducted pursuant to integrated natural resource management plans.

“(3) COMMITTEES DEFINED.—For purposes of this subsection, the term ‘committees’ means the Committee on Resources and the Committee on National Security of the House of Representatives and the Committee on Armed Services and the Committee on Environment and Public Works of the Senate.”.

**SEC. 2907. TRANSFER OF WILDLIFE CONSERVATION FEES FROM CLOSED MILITARY INSTALLATIONS.**

Subsection (b)(3)(B) of section 101(b) of the Sikes Act (16 U.S.C. 670a(b)), as redesignated and amended by section 2904, is further amended by inserting before the period at the end the following: “, unless that 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. 2908. FEDERAL ENFORCEMENT.**

Title I of the Sikes Act (16 U.S.C. 670a et seq.) is amended—

(1) by redesignating section 106, as amended by section 2904(b), as section 109; and

(2) by inserting after section 105 the following new section:

**“SEC. 106. FEDERAL ENFORCEMENT OF OTHER LAWS.**

“All Federal laws relating to the conservation of natural resources on Federal lands may be enforced by the Secretary of Defense with respect to violations of those laws that occur on military installations within the United States.”.

**SEC. 2909. 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 2908) the following new section:

**“SEC. 107. NATURAL RESOURCE MANAGEMENT SERVICES.**

“The Secretary of each military department shall ensure, within available resources, that sufficient numbers of professionally trained natural resource management personnel and natural re-

source law enforcement personnel are available and assigned responsibility to perform tasks necessary to comply with this Act, including the preparation and implementation of integrated natural resource management plans.”.

**SEC. 2910. DEFINITIONS.**

Title I of the Sikes Act (16 U.S.C. 670a et seq.) is amended by inserting after section 107 (as added by section 2909) the following new section:

**“SEC. 108. DEFINITIONS.**

“In this title:

“(1) **MILITARY INSTALLATION.**—(A) The term ‘military installation’ 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 civil works lands). The term 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.

“(B) The term does not include any lands otherwise covered by subparagraph (A) that are 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 an agency or agencies of State government that is 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. 2911. COOPERATIVE AGREEMENTS.**

Section 103a of the Sikes Act (16 U.S.C. 670c–1) is amended—

(1) in subsection (a) by striking out “Secretary of Defense” and inserting “Secretary of a military department”;

(b) by striking out subsection (b) and inserting in lieu thereof the following new subsection:

“(b) Funds appropriated to the Department of Defense for a fiscal year may be obligated to cover the cost of goods and services provided either 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 that fiscal year, without regard to whether the agreement crosses fiscal years.”.

**SEC. 2912. REPEAL OF SUPERSEDED PROVISION.**

Section 2 of the Act of October 27, 1986 (Public Law 99–651; 16 U.S.C. 670a–1), is repealed.

**SEC. 2913. CLERICAL AMENDMENTS.**

Title I of the Sikes Act, as amended by this title, is amended—

(1) in the heading for the title by striking out “MILITARY RESERVATIONS” and inserting in lieu thereof “MILITARY INSTALLATIONS”;

(2) in section 101(b)(3) (16 U.S.C. 670a(b)(3)), as redesignated and amended by section 2904—

(A) in subparagraph (A), by striking out “the reservation” and inserting in lieu thereof “the installation”; and

(B) in subparagraph (B), by striking out “the military reservation” and inserting in lieu thereof “the military installation”;

(4) in section 101(c) (16 U.S.C. 670a(c))—

(A) in paragraph (1), by striking out “a military reservation” and inserting in lieu thereof “a military installation”; and

(B) in paragraph (2), by striking out “the reservation” and inserting in lieu thereof “the installation”;

(5) in section 102 (16 U.S.C. 670b), by striking out “military reservations” and inserting in lieu thereof “military installations”; and

(6) in section 103 (16 U.S.C. 670c)—

(A) by striking out “military reservations” and inserting in lieu thereof “military installations”; and

(B) by striking out “such reservations” and inserting in lieu thereof “such installations”.

**SEC. 2914. AUTHORIZATIONS OF APPROPRIATIONS.**

(a) PROGRAMS ON MILITARY INSTALLATIONS.—Subsections (b) and (c) of section 109 of the Sikes Act (as redesignated by section 1408) are each amended by striking out “1983” and all that follows through “1993,” and inserting in lieu thereof “1983 through 2000,”.

(b) PROGRAMS ON PUBLIC LANDS.—Section 209 of the Sikes Act (16 U.S.C. 670o) is amended—

(1) in subsection (a), by striking out “the sum of \$10,000,000” and all that follows through “to enable the Secretary of the Interior” and inserting in lieu thereof “\$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 out “the sum of \$12,000,000” and all that follows through “to enable the Secretary of Agriculture” and inserting in lieu thereof “\$5,000,000 for each of fiscal years 1998 through 2003, to enable the Secretary of Agriculture”.

**29. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE SAXTON OF NEW JERSEY OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES**

Strike out section 2839 (page 434, line 9, through page 435, line 3) and insert in lieu thereof the following new section:

**SEC. 2839. LAND CONVEYANCES, FORT DIX, NEW JERSEY.**

(a) CONVEYANCES AUTHORIZED.—(1) The Secretary of the Army may convey, without consideration, to the Borough of Wrightstown, New Jersey (in this section referred to as the “Borough”), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) consisting of approximately 39.69 acres located at Fort Dix, New Jersey, for the purpose of permitting the Borough to develop the parcel for economic purposes.

(2) The Secretary may convey, without consideration, to the New Hanover Board of Education (in this section referred to as the "Board"), all right, title, and interest of the United States in and to an additional parcel of real property (including improvements thereon) at Fort Dix consisting of approximately five acres for the purpose of permitting the Board to develop the parcel for educational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the survey in connection with the conveyance under subsection (a)(1) shall be borne by the Borough, and the cost of the survey in connection with the conveyance under subsection (a)(2) shall be borne by the Board.

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

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30. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE SISISKY OF VIRGINIA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of title VII (page 288, after line 21), insert the following new section:

**SEC. 747. COMPTROLLER GENERAL STUDY OF REQUIREMENT FOR MILITARY MEDICAL FACILITIES IN NATIONAL CAPITAL REGION.**

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study to evaluate the requirement for Army, Navy, and Air Force medical facilities in the National Capital Region (as defined in section 2674(f)(2) of title 10, United States Code). The study shall—

(1) specifically address requirements with respect to geography, facilities, integrated residencies, and medical environments; and

(2) provide specific recommendations with respect to how medical and health care provided by these facilities may be better coordinated to more efficiently serve, throughout the National Capital Region, members of the Armed Forces on active duty and covered beneficiaries under chapter 55 of title 10, United States Code.

(b) SUBMISSION OF REPORT.—Not later than six months after the date of the enactment of this Act, the Comptroller General shall submit to Congress and the Secretary of Defense a report containing the results of the study required by subsection (a).

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31. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE SKELTON OF MISSOURI OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

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32. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE SKELTON OF MISSOURI OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of subtitle D of title X (page 327, after line 6), insert the following new section:

**SEC. 1043. REPORT ON ANTI-TERRORISM ACTIVITIES.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing—

- (1) deficiencies with respect to programs designed to carry out anti-terrorism activities of the Department of Defense; and
- (2) any actions taken by the Secretary to improve implementation of such programs.

At the end of title V (page 204, after line 16), insert the following new section:

**SEC. 572. COMMUNITY COLLEGE OF THE AIR FORCE.**

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

- “(1) prescribe programs of higher education for enlisted members described in subsection (d) designed to improve the technical, managerial, and related skills of those members and to prepare them for military jobs which require the use of those skills; and ”.

(b) ELIGIBLE MEMBERS.—Such section is further amended by adding at the end the following new subsection:

“(d) Subsection (a)(1) applies to the following members:

- “(1) Enlisted members of the Air Force.
- “(2) Enlisted members of other armed forces attending Air Force training schools whose jobs are closely related to Air Force jobs.
- “(3) Enlisted members of other armed forces who are serving as instructors at Air Force training schools.”.

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

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33. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE SKELTON OF MISSOURI OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of title X (page 360, after line 8), insert the following new section:

**SEC. 1060. OVERSIGHT OF COUNTER-TERRORISM AND ANTI-TERRORISM PROGRAMS AND ACTIVITIES OF THE UNITED STATES.**

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—

- (1) establish a Government-wide reporting system with respect to the budget and expenditure of funds by executive departments and agencies for the purpose of carrying out

counter-terrorism and anti-terrorism programs and activities; and

(2) collect and evaluate information on—

(A) the budget and expenditure of funds by executive departments and agencies during fiscal years 1995 through 1997 for purposes of carrying out counter-terrorism and anti-terrorism programs and activities; and

(B) the specific programs and activities for which such funds were expended

(b) **REPORT REQUIREMENT.**—Not later than March 1st of each year, the Director of the Office of Management and Budget shall submit to the President and to Congress a report describing, for each executive department and agency and for the executive branch as whole—

(1) the amounts proposed to be expended for counter-terrorism and anti-terrorism programs and activities for the fiscal year beginning in the calendar year in which the report is submitted;

(2) the amounts proposed to be expended for counter-terrorism and anti-terrorism programs and activities for the fiscal year in which the report is submitted and the amounts that have already been expended for such programs and activities for that fiscal year;

(3) the amounts proposed to be expended and the amounts actually expended for counter-terrorism and anti-terrorism programs and activities for the three fiscal years preceding the fiscal year in which the report is submitted; and

(4) the specific counter-terrorism and anti-terrorism programs and activities being implemented, any priorities with respect to such programs and activities, and whether there has been any duplication of efforts in implementing such programs and activities.

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**34. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE SKELTON OF MISSOURI OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES**

At the end of title V (page 204, after line 16), insert the following new section:

**SEC. 572. EXPANSION OF CRIMINAL OFFENSES RESULTING IN FORFEITURE OF VETERANS BENEFITS.**

(a) **IN GENERAL.**—Section 6105(b) of title 38, United States Code, is amended—

(1) in paragraph (2)—

(A) by inserting “32, 37, 81, 175,” before “792,”; and

(B) by inserting “831, 842(m), 842(n), 844(e), 844(f), 844(i), 930(c), 956, 1114, 1116, 1203, 1361, 1363, 1366, 1751, 1992, 2152, 2280, 2281, 2332, 2332a, 2332b, 2332c, 2339A, 2339B, 2340A,” after “798,”;

(2) in paragraph (3)—

(A) by striking out “and 226” and inserting in lieu thereof “226, and 236”;

(B) by striking out “and 2276” and inserting in lieu thereof “2276, and 2284”; and

(C) by striking out “and” at the end;  
 (3) by redesignating paragraph (4) as paragraph (5); and  
 (4) by inserting after paragraph (3) the following new paragraph (4):

“(4) sections 46502 and 60123(b) of title 49; and”.

(b) CONFORMING AMENDMENTS.—(1) The second sentence of section 6105(c) of such title is amended by striking out “or (4)” and inserting in lieu thereof “(4), or (5)”.

(2) The heading for such section is amended to read as follows:

**“§ 6105. Forfeiture: subversive activities; terrorist activities; other criminal activities”.**

(3) The item relating to section 6105 in the table of sections at the beginning of chapter 61 of that title is amended to read as follows:

“6105. Forfeiture: subversive activities; terrorist activities; other criminal activities.”.

(c) APPLICABILITY.—The amendments made to section 6105 of title 38, United States Code, by subsection (a) shall apply to any person convicted under a provision of law added to such section by such amendments after December 31, 1996.

35. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE SOLOMON OF NEW YORK OR REPRESENTATIVE ROHRBACHER OF CALIFORNIA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of title XI (page 371, after line 18), insert the following new section:

**SEC. 1112. PROHIBITION ON USE OF FUNDS FOR CERTAIN PURPOSES IN CASE OF TRANSFER OF MISSILE SYSTEM BY RUSSIA.**

(a) IN GENERAL.—No fiscal year 1998 Cooperative Threat Reduction funds may, notwithstanding any other provision of law, be obligated or expended to carry out a Cooperative Threat Reduction program in Russia after the date on which it is made known to the Secretary of Defense that Russia has transferred to the People’s Republic of China an SS–N–22 missile system.

(b) APPLICABILITY.—This section shall apply with respect to any transfer by Russia of an SS–N–22 missile system to the People’s Republic of China that occurs on or after the date of the enactment of this Act.

36. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE SPRATT OF SOUTH CAROLINA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of title VIII (page 303, after line 2), insert the following new section:

**SEC. 8. EXPANSION OF PERSONNEL ELIGIBLE TO PARTICIPATE IN DEMONSTRATION PROJECT RELATING TO ACQUISITION WORKFORCE.**

(a) AMENDMENT TO PURPOSE OF PROJECT.—Section 4308(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 1701 note) is amended by adding before

the period at the end the following: “and supporting personnel assigned to work directly with the acquisition workforce”.

(b) AMENDMENT TO ELIGIBLE WORKFORCE.—Section 4308(b)(3)(A) of such Act is amended by inserting before the semicolon the following: “or involves a team of personnel more than half of which consists of members of the acquisition workforce and the remainder of which consists of supporting personnel assigned to work directly with the acquisition workforce”.

(c) COMMENCEMENT OF PROJECT.—Section 4308(b)(3)(C) of such Act, as redesignated by subsection (b)(2), is amended by striking out “this Act” and inserting in lieu thereof “the National Defense Authorization Act for Fiscal Year 1998”.

(d) LIMITATION ON NUMBER OF PARTICIPANTS.—Section 4308 of such Act is amended by adding at the end the following:

“(d) LIMITATION ON NUMBER OF PARTICIPANTS.—The total number of persons who may participate in the demonstration project under this section may not exceed the number that is equal to the total number of persons who are members of the acquisition workforce.”.

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37. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE THUNE OF SOUTH DAKOTA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of part III of subtitle D of title XXVIII (page 439, after line 6) add the following new section:

**SEC. 2864. LAND CONVEYANCE, ELLSWORTH AIR FORCE BASE, SOUTH DAKOTA.**

(a) CONVEYANCE REQUIRED.—The Secretary of the Air Force may convey, without consideration, to the Greater Box Elder Area Economic Development Corporation, Box Elder, South Dakota (in this section referred to as the “Corporation”), all right, title, and interest of the United States in and to the parcels of real property located at Ellsworth Air Force Base, South Dakota, referred to in subsection (b).

(b) COVERED PROPERTY.—(1) Subject to paragraph (2), the real property referred to in subsection (a) is the following:

(A) A parcel of real property, together with any improvements thereon, consisting of approximately 53.32 acres and comprising the Skyway Military Family Housing Area.

(B) A parcel of real property, together with any improvements thereon, consisting of approximately 137.56 acres and comprising the Renal Heights Military Family Housing Area.

(C) A parcel of real property, together with any improvements thereon, consisting of approximately 14.92 acres and comprising the East Nike Military Family Housing Area.

(D) A parcel of real property, together with any improvements thereon, consisting of approximately 14.69 acres and comprising the South Nike Military Family Housing Area.

(E) A parcel of real property, together with any improvements thereon, consisting of approximately 14.85 acres and comprising the West Nike Military Family Housing Area.

(2) The real property referred to in subsection (a) does not include the portion of the real property referred to in paragraph

(1)(B) that the Secretary determines to be required for the construction of an access road between the main gate of Ellsworth Air Force Base and an interchange on Interstate Route 90 located in the vicinity of mile marker 67 in South Dakota.

(c) **CONDITIONS OF CONVEYANCE.**—The conveyance of the real property referred to in subsection (b) shall be subject to the following conditions:

(1) That the Corporation, and any person or entity to which the Corporation transfers the property, comply in the use of the property with the applicable provisions of the Ellsworth Air Force Base Air Installation Compatible Use Zone Study.

(2) That the Corporation convey a portion of the real property referred to in paragraph (1)(A) of that subsection, together with any improvements thereon, consisting of approximately 20 acres to the Douglas School District, South Dakota, for use for education purposes.

(d) **REVERSIONARY INTEREST.**—If the Secretary determines that any portion of the real property conveyed under subsection (a) is not being utilized in accordance with the applicable provision of subsection (c), all right, title, and interest in and to that portion of the real property shall revert to the United States, and the United States shall have the right of immediate entry thereon.

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

(f) **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.

**38. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE TRAFICANT OF OHIO OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES**

At the end of subtitle A of title VIII (page 299, after line 16) add the following new section:

**SEC. 810. AUDIT OF PROCUREMENT OF GOODS BY MILITARY INSTALLATIONS IN THE UNITED STATES.**

(a) **AUDIT REQUIREMENT.**—Not later than September 30, 1998, the Inspector General of the Department of Defense shall perform a random audit of the procurement of goods by military installations during fiscal years 1996 and 1997 to determine the extent to which such installations procured goods made in a country other than the United States during those fiscal years.

(b) **DEFINITION.**—For purposes of this section, the term “random audit of the procurement of goods by military installations”—

(1) means an audit of the procurement of goods (not including goods obtained from the Defense Logistics Agency) by not less than four and not more than twelve military installations in the United States;

(2) shall include an audit of the procurement of goods by a military installation of each of the Army, Navy, Air Force, and Marine Corps.

(c) REPORT.—Not later than October 31, 1998, the Inspector General of the Department of Defense shall submit to Congress a report on the results of the audit performed under subsection (a).

39. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE TRAFICANT OF OHIO OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of title X (page 360, after line 8), insert the following new section:

**SEC. 1060. ANNUAL REPORT RELATING TO BUY AMERICAN ACT.**

The Secretary of Defense shall submit to Congress, not later than 60 days after the end of each fiscal year, a report on the amount of purchases by the Department of Defense from foreign entities in that fiscal year. Such report shall separately indicate the dollar value of items for which the Buy American Act (41 U.S.C. 10a et seq.) was waived pursuant to any of the following:

(1) Any reciprocal defense procurement memorandum of understanding described in section 849(c)(2) of Public Law 103-160 (41 U.S.C. 10b-2 note).

(2) The Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.)

(3) Any international agreement to which the United States is a party.

40. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE WAMP OF TENNESSEE OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of subtitle E of title X (page 360, after line 8), insert the following new section:

**SEC. 1060. ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.**

(a) EXPANSION OF PURPOSES OF INITIATIVE.—Section 193(b) of the Armament Retooling and Manufacturing Support Act of 1992 (subtitle H of title I of Public Law 102-484; 10 U.S.C. 2501 note) is amended by adding at the end the following new paragraph:

“(10) To allow for the use of ammunition manufacturing facilities by other entities for the purpose of modernization, development, and restoration of the facilities.”.

(b) AUTHORITY TO ENTER INTO AGREEMENTS.—Section 194(a) of such Act is amended—

(1) by striking out “and” at the end of paragraph (1);

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

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

“(3) to enter into agreements (which may include contracts, leases, or other arrangements for a period of not more than 99 years) with other entities with respect to the ammunition manufacturing facility, or a part of such facility.”.

(c) REPORTING REQUIREMENT.—Not later than January 1, 1998, the Secretary of the Army shall submit to Congress a report on progress with respect to the implementation of the amendments

made to the Armament Retooling and Manufacturing Support Act of 1992 by this section.

41. THE AMENDMENT TO BE OFFERED BY REPRESENTATIVE WELDON OF PENNSYLVANIA OR A DESIGNEE, DEBATABLE FOR NOT TO EXCEED 10 MINUTES

At the end of title XII (page 379, after line 19), insert the following new section:

**SEC. 1205. PRESIDENTIAL CERTIFICATIONS CONCERNING DETARGETING OF RUSSIAN INTERCONTINENTAL BALLISTIC MISSILES.**

(a) **REQUIRED CERTIFICATIONS.**—Not later than January 1, 1998, the President shall submit to Congress a report containing a certification by the President of each of the following:

(1) Whether it is possible for the United States to verify by technical means that a Russian ICBM is or is not targeted at a site in the United States.

(2) The length of time it would take for a Russian ICBM formerly, but no longer, targeted at a site in the United States to be retargeted at a site in the United States.

(3) Whether a Russian ICBM that was formerly, but is no longer, targeted at a site in the United States would be automatically retargeted at a site in the United States in the event of an accidental launch of such missile.

(b) **RUSSIAN ICBMS DEFINED.**—For purposes of subsection (a), the term “Russian ICBM” means an intercontinental ballistic missile of the Russian Federation.