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Senate

The Senate met at 12 noon, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Today, we will celebrate St. Patrick's Day. It is appropriate to share the Gaelic blessing and then pray one of St. Patrick's prayers.

May the road rise up to meet you,
May the wind be always at your back
May the sun lie warm upon your face,
The rain fall softly on your fields,
And until we meet again
May the Lord hold you
In the hollow of His hand.

Gracious Lord, we remember the words with which St. Patrick began his days. ''I arise today, through God's might to uphold me, God's wisdom to guide me, God's eye to look before me, God's ear to hear me, God's hand to guard me, God's way to lie before me and God's shield to protect me.'' In Your Holy Name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized, Senator LOTT.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, today at 1 p.m., following morning business, the Senate will resume consideration of Senate Joint Resolution 22, the call for an independent counsel resolution.

For the information of all Members, no rollcall votes will occur during today's session of the Senate, and the next rollcall vote will occur at approximately 2:45 on Tuesday. That rollcall vote will be on passage of Senate Joint Resolution 18, the Hollings resolution on a constitutional amendment for campaign expenditures.

Regarding the independent counsel resolution, under the previous order, amendments may be offered to that resolution beginning today at 3 p.m.

It is my hope that the Democratic leader and I will be able to reach an agreement as to when the Senate will complete action on Senate Joint Resolution 22—hopefully by tomorrow evening. All Members will be notified when an agreement is reached.

It is possible that the Senate will consider a resolution also regarding Mexico and their certification in the antidrug effort. But I presume that would come not later than Wednesday. Maybe we could even go to it on Tuesday. But right now it looks like it will be Wednesday before we get to that.

The Senate may also begin consideration this week of the nuclear waste legislation.

I will remind all Senators that this is the last week prior to the Easter recess period. I hope the Members will plan accordingly, as we wish to finish our business on time. It will take some cooperation this week to get through the matters we have pending.

We are also seeing if we can get a time agreement on one of the judicial appointments. We have not been able to do that yet. We will continue to work on it.

Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the role.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m., with Senators permitted to speak therein for up to 5 minutes each. Under the previous order, there will be 30 minutes under the control of the Senator from Wyoming [Mr. THOMAS]. The Senator from Wyoming is recognized.

Mr. THOMAS. I thank the Chair.

FREEDOM FROM GOVERNMENT COMPETITION ACT

Mr. THOMAS. Mr. President, I have a couple of things I wanted to visit about this morning. The first one of the priorities that I and a number of people have for the 105th Congress is S. 314, the Freedom From Government Competition Act.

This is an effort, along with many other things, to seek to reduce the size of the central Government, which most people agree we should do. It is one of the reasons we try to have a balanced budget amendment, so that we can control the size of the growth of the Federal Government by our willingness to pay for it.

One of the other areas, of course, that we have been very interested in, and continue to be, is the idea of ''devolution''—kind of a new word. It means move some of the functions down to State and local governments so that we do, in keeping with the Founding Fathers, keep the size of central Government relatively limited and do those things that are essential to be done on the national level, and there are many, and yet not do the things that could better be done either at the local level in government or, indeed, in the private sector. The private sector is what I want to talk about a little today.

In general, from the title, we are simply saying that we want to remove the

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

competition of the Federal Government in those things that could as well or, indeed, better be done in the private sector. So S. 314 is called the Freedom From Government Competition Act. This bill is supported by a broad cross-section of business groups, and I have a list of those.

I ask unanimous consent to have the list printed in the RECORD, along with several letters of endorsement.

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

GROUPS SUPPORTING THE FREEDOM FROM GOVERNMENT COMPETITION ACT

National Federation of Independent Businesses (NFIB).
U.S. Chamber of Commerce.
Associated General Contractors of America (AGC).
National Association of Women Business Owners.
American Consulting Engineers Council (ACEC).
ACIL (Formerly the American Council of Independent Laboratories).
Business Coalition for Fair Competition (BCFC).
Business Executives for National Security (BENS).
Contract Services Association.
Design Professionals Coalition.
Management Association for Private Photogrammetric Surveyors (MAPPS).
Procurement Roundtable.
Professional Services Council (PSC).
Small Business Legislative Council.

NATIONAL FEDERATION OF INDEPENDENT BUSINESS,
Washington, DC, February 11, 1997.

Hon. CRAIG THOMAS,
U.S. Senate, Washington, DC.

DEAR SENATOR THOMAS: On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I commend you for introducing the Freedom From Government Competition Act of 1997.

Today government agencies are competing against small businesses in an increasing number of areas. Virtually all goods and services offered by government agencies are available from the private sector, which provides them more efficiently. Small business owners who face government competition spend thousands of dollars to develop their businesses, while their federally funded competitors are tax exempt.

NFIB opposes the government's commercial activities that compete directly with small firms in the private sector. In fact, in a recent survey, 70 percent of small business owners expressed their opposition to government agencies being allowed to compete against private businesses. Additionally, unfair government competition was one of the top recommendations of the 1995 White House Conference on Small Business.

Your legislation would allow small businesses to compete fairly, and allow small business to do what they do best, create new jobs and grow the economy, while still providing a quality product in an efficient manner.

NFIB strongly supports your legislation and stands ready to assist you to stop the practice of unfair government competition against our nation's small businesses.

Sincerely,

DAN DANNER,
Vice President,
Federal Governmental Relations.

THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA,
Washington, DC, March 7, 1997.

Hon. CRAIG THOMAS,
Washington, DC.

DEAR SENATOR THOMAS: The Associated General Contractors of America (AGC) thanks you for your leadership on the Freedom from Government Competition Act of 1997, S. 314. AGC strongly supports the concept that the government should not compete with its citizenry. Full and open, fair competition provides low cost, highly qualified contractors for government work.

Contracting out government procurement more effectively and efficiently utilizes taxpayer dollars. This bill will encourage the growth of small business and further the competitiveness of large business. In determining commercial areas in which the government unfairly competes with the private sector, common sense outsourcing decisions will be made using the process outlined in the bill.

Sound public policy, however, dictates that the government must maintain its stewardship role to safeguard fairness of competition. Oversight of the outsourcing program, ensures that the end result is fair competition. Successful examples of this type of oversight can be seen in the contracting actions of the General Services Administration's Federal Building Fund, U.S. Army Corps of Engineers, and the Naval Engineering Facilities Command.

AGC stands ready to assist as you to continue your efforts to establish free market competition. Your invaluable leadership on this issue will be needed as Federal Government allows the entrepreneurial spirit to flourish.

Sincerely,

STEPHEN E. SANDHERR,
Executive Vice President.

NATIONAL ASSOCIATION OF WOMEN BUSINESS OWNERS,
Washington, DC, February 27, 1997.

Hon. CRAIG THOMAS,
U.S. Senate, Washington, DC.

DEAR SENATOR THOMAS: Today government agencies are competing against small businesses in an increasing number of areas. Virtually all goods and services offered by government agencies are available from the private sector, which provides them more efficiently. Small business owners who face government competition spend thousands of dollars to develop their businesses, while their federally funded competitors are tax exempt.

Your legislation would allow small businesses to compete fairly, and allow small business to do what they do best, create new jobs and grow the economy, while still providing a quality product in an efficient manner.

On behalf of the members of the National Association of Women Business Owners (NAWBO), I commend you for introducing the Freedom From Government Competition Act of 1997.

NAWBO opposes the government's commercial activities that compete directly with small firms in the private sector. In fact, in a recent survey, 70 percent of small business owners expressed their opposition to government agencies being allowed to compete against private businesses. Additionally, unfair government competition was one of the top recommendations of the 1995 White House Conference on Small Business.

NAWBO strongly supports your legislation and stands ready to assist you to stop the practice of unfair government competition against our nation's small businesses.

Sincerely,

TERRY NEESE,
Corporate and Public Affairs Liaison.

Mr. THOMAS. Let me just go over some of these folks who do support it: National Federation of Independent Businesses, U.S. Chamber, Associated General Contractors of America, National Association of Women Business Owners, Consulting Engineers Council, Business Coalition for Fair Competition, Design Professionals Coalition, and many others.

So it is designed to say basically that in those areas of Government activities and Government operations, for those things that are done that are basically commercial, there ought to at least be an opportunity for the private sector to compete. It is designed to open the potential market of $30 billion nationally for businesses, for the private sector, both large and small. And as a matter of fact, most of the contracts would go to small business.

It is designed to level the playing field—those are words we use a lot, but they have meaning—for thousands of businesses in the whole economy of this country from the very ordinary kinds of things to high-technology things—janitorial services, hospitality and recreation service businesses, engineering services, laboratory and testing services.

As a matter of fact, I really became involved in this in the legislature in the State of Wyoming where we had government competing for laboratory services, where the private sector was available there to do that with the same kind of quality or even better and at less cost. So that is what we decided to do.

It will provide for better value to taxpayers because it capitalizes on talent and expertise available in the competitive private sector. It has been Federal policy for a very long time—as a matter of fact, some 40 years—that contracting out to the private sector would be, indeed, a function of the Federal Government, but the fact is that it has not really worked out that way. So we need a legislative solution. We say we are going to do it, but we do not do it. And I understand that. Part of the reason, of course, is that in an agency you have your own operation and your own staff and would prefer to do it.

The other is often when there has been some effort to try to determine the efficiency of it, we find that testing is really not very fair and so you end up saying, well, Government can do it cheaper, but you have not really analyzed it in a very fair way.

We have a lot of things that the Federal Government should be doing, and they take too much time and money on goods and services, in my view, that could better be delivered by the private sector.

The Congressional Budget Office has estimated in the past that 1.4 million Federal employees do work that is basically commercial in nature. This competition, of course, is tougher on the private sector. It kills small business, stifles economic growth, and lowers the tax base, particularly in States such as mine where 50 percent of the

State belongs to the Federal Government, and it is difficult to keep the private sector and the tax base going. It hurts small business. So it has been a concern of small business.

We have had White House small business conferences in 1980, 1986, and 1994, and in all three of these conferences this has been the major concern.

Let me just briefly explain the bill. I indicated that for some time—like 40 years—we have had a policy to do contracting, to bring the private sector in to do things, but they really have not done that. So we are now saying statutorily there is a system for giving small business that opportunity. It does not say that it has to do that. It says that when there is a commercial activity, the private sector should be given an even chance to see if they can do it more efficiently than the Government. And there are exceptions to that, of course. There are legitimate, inherent activities of Government, and those will be the exceptions—national security, where the Federal Government can provide a better value, and we recognize that that can be. We are not asking that it be given to the private sector if, indeed, the Federal Government agency can do it more efficiently, or in the case, of course, where the private sector cannot provide the goods and services.

So this bill establishes a system and a process where the Office of Management and Budget in the executive branch will identify those Government functions that are ''inherently and basically commercial in nature.''

It also establishes an Office of Commercial Activities within OMB to implement the bill. So now you do not have the agency that is going to do the contracting making the decision as to whether they do it or not.

There will be an outside effort made to identify the functions that could best be done that way and to establish provisions for the transition of Federal employees if there should be some reduction there.

The climate, I think, is right for action of this kind. Almost everybody agrees we ought to direct the money, if we can save money by better Government—there are lots of underlying issues, whether it be defense, whether it be health care, whether it be Medicare—to where we can better use those dollars rather than doing the things that someone else could do more efficiently.

The Senate was in support of the concept of this bill; last year, the Senate voted 59 to 39 in favor of a Treasury-Postal appropriations amendment that would have prevented unfair Government competition. It was dropped, unfortunately, from the omnibus appropriations bill.

If we are going to balance the budget, we are going to have to make some fundamental changes. The Federal Government operating commercial needs is one that we can change and eliminate and reduce. Various studies indicate that we could save up to $30 billion by utilizing private sector resources. The Heritage Foundation estimates we could save $9 billion annually. The Defense Science Board concluded the Defense Department alone could save $30 billion annually.

So, the Freedom From Government Competition Act will help to create jobs in the private sector, help open up markets to private business, save billions of dollars and make Government more efficient. I certainly commend this bill to my associates here in the Senate, to see if we could not make a way to increase and strengthen the private sector as well as save money to be used on these things that are fundamentally Governmental in nature.

FINIS MITCHELL

Mr. THOMAS. Mr. President, it is with great honor that I join Wyoming's Gov. Jim Geringer, and the people of the State of Wyoming, in paying tribute to Finis Mitchell, a man whose legacy commemorates the very pioneer spirit on which our great country was founded.

In remembrance of Mr. Mitchell's innumerable contributions to our State, Governor Geringer has issued a proclamation to designate February 15, 1997, as ''Finis Mitchell Day.''

I ask unanimous consent that the State of Wyoming's proclamation be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1]

Mr. THOMAS. Finis Mitchell was in the vanguard of mountain climbing at the beginning of this century, and continued his exploration of the Wind River Mountain Range until 1985 when, at the age of 84, he suffered a debilitating knee injury. He documented his climbing experiences through extensive mapping and photography, and eventually amassed a collection of slides numbering in excess of 126,000. This intimate knowledge of the area served as a reference for the U.S. Geological Survey in drawing official maps of the Wind Rivers, and inspired Mr. Mitchell to share his love of the mountains by penning a guidebook and giving educational lectures nationwide.

After marrying Emma Nelson in 1923, together they stocked over 300 of the region's lakes with fish and started the Wind Rivers' first recreational fishing camp. To this day, those lakes are being fished by the public. In recognition of his life-long dedication to environmental conservation, Finis Mitchell received an honorary doctorate from the University of Wyoming, in addition to other State and National awards. He also found the time to serve as a State legislator.

Throughout his life, Mr. Mitchell demonstrated strength in his rugged individualism. Starting from a humble beginning with his wife at their post-Depression fishing camp, this spirit of determination provided Mr. Mitchell with the foundation for a lifetime of success. Finis Mitchell rose to the challenges of exploring social, educational, and political frontiers just as he made his innumerable treks into the untamed wilderness, one step at a time.

It can be said that Mr. Mitchell's achievements were a byproduct of respect he had for the lands he called his own backyard, and those which he helped transform into a sportsman's paradise. The following passage in Finis Mitchell's own words surely echoes the sentiment of all who have had the privilege of knowing his Winds:

> Evening alone in the mountains. No one to talk to. No one speaking out . . . Only the comfort of a murmuring breeze, the goodnight chirp of the snowbird . . . the glistening of the moon on a distant glacier, the faint music of waterfalls scurrying down. Where else can a man be so close to heaven and still have his feet on the ground?

Mr. Mitchell's extensive mapping of the Wind River region and his nationally recognized wildlife conservation efforts will be appreciated by folks from Wyoming, and others drawn to the area from all over the globe, for generations to come. We will continue to share his love of nature through the beauty of the majestic vistas and abundant wildlife that make our State like no place on Earth.

Mr. President, I would like to close with a quote from ''The Pioneer'' by James Fenimore Cooper, which seems to epitomize the life of Finis Mitchell:

> None know how often the hand of God is seen in the wilderness but them that rove it for a man's life . . .

Such a man was Finis Mitchell.

EXHIBIT 1

GOVERNOR'S PROCLAMATION

Finis Mitchell was born on November 14, 1901 in Ethel, Missouri, the son of the late Henry Reece and Faye Troutman Mitchell. He traveled with his parents from Missouri to Wyoming's Wind River Range, arriving on April 26, 1906.

Finis Mitchell started mountain climbing back in October, 1909. He continued solo climbing until 1975 when at the age of 73, he suffered a debilitating fall that left him with a bad knee.

Finis Mitchell began taking pictures as a hobby with his climbing, so that he could show people where he had been and what was in our national forests. By the time he stopped climbing he had accumulated a collection of 35mm slides in excess of 126,000. Finis spent most of his free time exploring the Wind Rivers, capturing their beauty on film, naming lakes, and mapping the terrain.

Finis Mitchell and Emma Nelson were married in Rock Springs at the Congregational Church on June 4, 1925. The two pioneers, in 1930, started Mitchell's Fishing Camp at the Big Sandy Openings, which was to become the first recreation area on the Pacific side of the Wind River Range. Due to the lack of fish, Finis and Emma transported fish in five gallon milk cans, twelve at a time using six pack horses. In the seven years that they operated their fishing camp, they stocked over 300 lakes with over 2.5 million little trout, all free for the public to enjoy.

Finis Mitchell had been the recipient of many awards and honors for his conservation

efforts by the U.S. Environmental Protection Agency, the National Forest Service and several presidents. He served in the Wyoming House of Representatives from 1955–1958. In 1975 Finis published a guidebook to the Wind Rivers, Wind River Trails. In 1977 he received an honorary doctorate from the University of Wyoming. The Congress of the United States named Finis' favorite mountain after him. Mitchell Peak at 12,482 feet, is one of a very few land forms in the country that was named after a living American.

Finis Mitchell passed away November 13, 1995, the day before his 94th birthday.

Now Therefore, I Jim Geringer, Governor of the State of Wyoming, do hereby proclaim February 15, 1997, to be ''Finis Mitchell Day'' in Wyoming. Known by many as ''Lord of the Wind Rivers,'' Finis Mitchell hiked or backpacked over 15,000 miles and climbed 220 peaks since 1909. He shared his knowledge and experiences with anyone and everyone. He spent a lifetime exploring and learning about the Wind River Range and passing the information on to others.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Wyoming to be affixed this 12th day of February, 1997.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senator from Alabama is correct.

OPPOSITION TO THE HOLLINGS AMENDMENT

Mr. SHELBY. Mr. President, I want to commend the Senator from South Carolina, Senator HOLLINGS, for his many years of effort to reform our campaign system. His commitment to this endeavor is principled and longstanding.

I have supported the Senator's efforts in the past, cosponsoring and voting for his legislation that would amend the first amendment of the Constitution to allow Congress and the States to limit the amount of money spent on political campaigns.

Mr. President, with all due respect to his efforts and my past efforts, however, I rise today to speak in opposition to the Senator's proposed constitutional amendment.

I have supported the Senator from South Carolina's effort in the past because I believed then, as I do now, that we need to improve our current campaign system. But, in my zeal for reform, I ignored what was really at stake.

Over the past weeks, however, after much thought and consideration—after many discussions with constituents and reviewing the writings of many constitutional scholars, all of who support campaign finance reform—I have come to the conclusion that amending the first amendment would be far worse than the current situation.

Indeed, if we passed a constitutional amendment to amend the first amendment to solve our current campaign finance problems, the cure would be worse than the disease.

Mr. President, the proposed constitutional amendment simply takes away too much—the cost is too high and the risks too great.

The first amendment is properly viewed as one of the most sacrosanct bundle of rights protected under the U.S. Constitution and this proposed resolution would strike at the heart of the first amendment—core political speech.

Mr. President, to support such a repeal, is to threaten the very breath of every other right protected under the Constitution—and then nothing is sacred, nothing is sure, nothing is protected.

Without free speech, liberty has no meaning.

And this amendment would seek to do what the Supreme Court has said cannot be done under the first amendment of our Constitution.

In 1974, in the seminal case of Buckley versus Valeo, the Supreme Court as the Presiding Officer knows, struck down the Federal Election Campaign Act's expenditure limits on candidates, individuals, and groups on first amendment grounds—finding that the Government's interest in, among other things, reducing the appearance of corruption was insufficient to justify restricting core political speech and expression.

Mr. President, the question facing the Supreme Court was, at bottom: ''whether a person can be prohibited from spending money to communicate an idea, belief, or call to action''? The Court's answer was ''no.''

Since Buckley, the Court has consistently found that the first amendment protects political speech and expression rights from intrusive government restrictions such as campaign spending limits.

In FEC versus National Conservative Political Action Committee the Court again struck down spending limits. This time, reaffirming that restrictions on independent expenditures by political committees on publicly funded presidential general election campaigns violate the core of the first amendment's protections.

More recently, in Colorado Republican Federal Campaign Committee versus FEC, the Court found that political party expenditures made without coordination of a candidate were entitled to first amendment protection as independent expenditures.

The Court rejected the argument that independent expenditures threaten corruption or give the appearance of corruption.

Mr. President, this amendment is about more than just overturning one Supreme Court case, it is about overruling a whole line of first amendment case law.

Over the years, the Court has made it clear that the Buckley decision was not some fluke. In fact, Buckley has been reaffirmed many times over. The answer should not be to undo the first amendment because it is viewed as an impediment to reform.

There are better, perhaps more realistic and more effective ways of addressing the problems in our campaign finance system.

Mr. President, I believe that changes can be made to improve our current system and I intend to support efforts to reform our current campaign finance system.

But first, we need to start by enforcing current law, especially in regard to foreign contributions. No foreign contributions should be allowed to influence our political process.

It is important to remember that adopting this amendment won't do anything to address the abuses that have recently come to light regarding the White House, DNC fundraisers and foreign influence. Existing laws were broken in accepting foreign contributions.

However, we all know that our current laws are not sufficient. We need to target abusive practices which both parties agree should be eliminated.

And, Mr. President, I believe that one of the most far reaching and important changes we can make in the system we have today is to demand full disclosure of all campaign contributions and expenditures. The public has a right to know where all funds in the political system come from and where they go.

I also remain fully opposed to any form of public financing of political campaigns and intend to fight efforts to shift the cost and effort of running for public office from political candidates to the taxpayer of America.

I find it offensive that some would argue that the only way we can purify the political process and eliminate the appearance of corruption is to launder campaign funding through the U.S. Treasury.

American taxpayers should not be forced to pay for political campaigns. We have public financing of Presidential campaigns now, and you can see how effective that was in reducing corruption or the appearance of corruption in the last election.

Mr. President, reform cannot and should not come at the expense of the public, and yet the reform proposals now being put forth would first rob American citizens of their first amendment rights under the Constitution and then require them to pay for the cost of political campaigns.

What a deal. Reform could not be easier—for the political establishment.

This amendment has serious ramifications beyond the immediate restrictions placed on an individual's rights to free speech and expression. This amendment also threatens the power of the American people over their Government.

By restricting the right to speak freely and to participate in the political process, we restrict our rights to political debate and reduce our ability to control and check our Government. In fact, we give up even the pretense of self-government.

I would rather be criticized for changing a position than forever limiting the rights of Americans to speak,

to argue, and to participate in the world's oldest constitutional democracy.

Again, I sincerely commend my friend and colleague, Senator HOLLINGS, for his effort and commitment to campaign finance reform, but I wish he would reconsider, as I have, his commitment to change the first amendment. I think it would be a mistake now. I yield the floor.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. WYDEN. Mr. President, I yield myself 15 minutes of the time taken by the minority leader, Mr. DASCHLE.

COMMUNITY JUSTICE

Mr. WYDEN. Mr. President, my home State of Oregon has long been known for being innovative in a variety of important public policy areas. The Oregon Health Plan, for example, is a pioneering effort. We were the first State to protect our beaches, to go forward with recycling, to look at innovative ways to protect our land, air and water, and we are clearly out in front in terms of welfare reform, a key issue to our citizens at this time.

Today, I take the floor to talk about how Oregon would like to lead the country once more, this time in the critical area of juvenile justice. It is very appropriate that this matter be pursued at this time because, according to the National Center on Juvenile Justice, 47 out of 50 States have legislation in their State legislatures that would literally wipe out the State juvenile court system. It is not hard to be surprised about why these kinds of things are happening, because we know that our citizens are angry about the juvenile justice system in our country.

For example, there are many who come to my townhall meetings and say, ''Ron, 20 years ago we left our car doors unlocked, we left our windows open, and we were safe. But today, it's not that way any longer. I'm an older person, and I'm concerned about going out after 4 o'clock in the afternoon. I'm frightened. I'm frightened by what the thugs in my neighborhood might do to me.''

These citizens are not going to sit around and have debates about diversion programs, which is one approach for juvenile justice, or probation programs. They just want to make sure that they are protected, that they and their families are secure in their homes, and that their right to be free, their civil right, if you will, to be free from crime in their neighborhood is protected. It is not hard to see why State legislatures around this country are proposing bills to get rid of the juvenile justice system altogether.

So I come to the floor today to talk about an effort that is underway in Oregon to literally turn the juvenile justice system on its head and make it vibrant again. What we are seeking to do—and it is an effort that is being pioneered in central Oregon and Deschutes County, specifically—is to turn the juvenile justice system on its head and move from a model that was based on prevention and treatment to one that is based on accountability. We call this model community justice.

It is community justice because we feel that when a crime is committed, our community loses something. A person is harmed economically, physically, or emotionally, but also the community is harmed. Our community loses a sense of security. It loses funds that are needed for police work, and funds that are involved in incarceration and in probation. All our community suffers.

We believe it is first the responsibility of the system to avoid crimes being committed in the first place, but it also is critically important that if a crime is committed, the offender must be held accountable for making the community whole—the offender must earn their way back into the community. Prosecutors and police, and others, in Deschutes County, OR, have begun a new system built around accountability so that if, for example, you have a first-time offender, a nonviolent first-time offender, who has robbed the home of a senior citizen, what you are going to see is that this young offender is going to be required to pay back the community. My sense is that this notion of accountability, accountability for juvenile offenders so that there are consequences every time a juvenile offender commits a crime, is the direction that we ought to be going.

In Deschutes County, we look at this as part of what we have come to call the Oregon option. The Oregon option has been an approach that we pioneered with the Federal Government which stipulates that when local government is freed from some of the bureaucratic redtape, in return, we will make sure there are actual results; in other words, that we can prove that in return for relief from some of the bureaucratic constraints, we can meet the requirements of a particular community service program.

What we are saying in Oregon is that when there are dollars that are now earmarked for, say, prison beds for young offenders, we will commit, under the community justice kind of approach, to making sure those young offenders are held accountable and repay the community. And if, in fact, we can't do it, then the community is going to make sure, with community resources, that the goals of the juvenile justice system, and holding youthful offenders accountable, is met through buying back the prison beds.

My view is that this model of community justice is the kind of approach that the Congress should look at this year when we consider the juvenile justice statute, which is up again for reauthorization. We ought to say, as part of that law, that any juvenile justice system should require young offenders to complete accountability contracts to ensure that they make amends for their offense. We ought to make sure that, as part of the reauthorization of the juvenile justice system, local programs receive high marks from victims—and here the Chair has done yeoman work, in my view—that victims become the central customer of the criminal justice system.

I believe that using these kinds of principles, principles of accountability, principles of community involvement, principles of ensuring that victims become the customer of the system, we can build a new system.

Not long ago, I went to Deschutes County to learn about their community justice program. What I saw was a coalition of police officers, district attorneys, those who work in the juvenile justice system, Democrats, Republicans, all at a table saying, ''We believe that this new approach for community justice is the kind of approach that the Federal Government should support as part of the Juvenile Justice and Delinquency Prevention Act reauthorization.''

Mr. President, I would say that if we can hold youthful offenders accountable, if we can ensure that there are consequences each time an offense is committed, if the Congress and local communities redesign these programs so as to work with families, we can have a new set of principles that would define juvenile justice for the 21st century—a set of principles that puts the community's needs first and makes the victim the principal customer.

I submit, Mr. President, that as the Congress goes forward with hearings on the juvenile justice system and the consideration of the juvenile justice statute, eyes should focus on what is being done with community justice in Deschutes County, OR, because I believe those kinds of principles, the principles that represent our community values, is what we should build the juvenile justice system around for the 21st century.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent I may speak for not to exceed 15 minutes, and that the time for morning business be extended accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair.

BIRTHDAY GREETINGS TO SENATOR MOYNIHAN

Mr. BYRD. Mr. President, this is a most felicitous time. The ides of

March, so dark with shadows of Caesar's doom some 2,041 years ago, is safely past, and that welcome harbinger of the season's turn, the vernal equinox, is close at hand. On March 15, 44 B.C., Julius Caesar was slain in the Senate of Rome by a group of conspirators led by Marcus Junius Brutus. On the following day, March 16, 2,041 years ago, Brutus went to the Forum to speak to the people of Rome, but he was forced to retire to the Capitol after threats were made against the conspirators. On March 17, today, 2,041 years ago, Antony, after negotiating with the conspirators, convened the Senate in the temple of Tellus. In that meeting, a decree was passed that no inquiry would be made into the murder of Caesar, and that all of his enactments and dispositions should remain valid for the welfare of the Republic. And that is what the Senate of Rome was occupied with on this day.

But today in 1997, the daffodils are blooming, the grass is greening, the crocuses are peeping from the soil, and it is a time to celebrate the birth of a new season. On March 16, seven decades ago, 1,971 years after Brutus spoke to the people of Rome, one of our most sage and respected Senators was born in Tulsa, Oklahoma. And today, March 17, instead of meeting to speak on the death of Caesar, I am here in the Senate to honor the life of my colleague from Pindars Corners. Pindar, as I am sure my learned friend, the distinguished Senator from New York, knows well, was a Greek poet who lived from circa 522 to circa 438 B.C. Young DANIEL PATRICK MOYNIHAN soon moved to New York with his family, and, after a wartime tour aboard the U.S.S. *Quirinus*, he, PATRICK MOYNIHAN, launched his own illustrious academic and public service career.

Now, the U.S.S. *Quirinus* was named after the Sabine God of War and was identified with the deity of Romulus.

Senator MOYNIHAN brings a wide-ranging background to his duties as the senior Senator from New York. He has served in the cabinets of four Presidents—Kennedy, Johnson, Nixon, and Ford. He has served as ambassador to Indian, and U.S. Permanent Representative to the United Nations. He has received 60 honorary degrees from colleges and universities—60! His talents have enhanced organizations from the National Commission to Reform Social Security to the President's Science Advisory Committee.

As an academic and as a public servant, Senator MOYNIHAN has turned his inquisitive and incisive intellect to some of the most pressing and enduring problems of our society. His thorough and humane understanding of poverty in America and of the Social Security system enlightens and informs our discourse. The books that he has published over the years on these and other subjects are remarkable for their prescience. I know that his statements on the floor are followed closely by Members, staff, and the public, and that they never fail to bring into sharp focus the difficult core of the current debate. To hearken back to the poet Pindar, I note that he observed in his ''Olympian Odes,'' ''Vocal to the wise; but for the crowd they need interpreters.'' Senator MOYNIHAN is the Senate's interpreter on many of the important issues facing the country today.

And so, Mr. President, as a septuagenarian and one who is soon to become an octogenarian, I welcome Senator DANIEL PATRICK MOYNIHAN to the club of septuagenarians.

The Psalmist says, ''The days of our years are threescore years and ten; and if by reason of strength they be fourscore years, yet is their strength labour and sorrow; for it is soon cut off, and we fly away.''

The Lord has blessed Senator MOYNIHAN with the gift of having reached that seventieth year. I was 10 years old when PAT MOYNIHAN was born in Tulsa, Oklahoma, in that year of 1927. That was the year in which Charles Lindbergh took off on the morning of May 20, in his plane, *The Spirit of St. Louis*, and flew from New York City to Paris, with five sandwiches—he ate half of one. At times, he flew ten feet above the water and, at times, 10,000 feet above the water. I remember the newspaper headlines speaking of Lindbergh's flight, saying that he flew over Newfoundland at the ''great speed'' of 100 miles an hour. And then that was the year when, on September 22, Dempsey fought Gene Tunney. Jack Dempsey was a former coal miner from Logan County, West Virginia. Of course, the coal miners were rooting for Dempsey. And as a boy 10 years of age, I was rooting for Dempsey, also. My coal miner dad told me that we would listen to the fight on the radio, which was that marvelous invention that everybody was talking about. That was the first radio I ever saw when we gathered in the community recreation facility in that coal mining community 70 years ago. I was disappointed that evening because Dempsey did not regain the title, nor did I get to hear the fight, because there was only one set of earphones. And then a few days later, on September 30, Babe Ruth batted his 60th home run and exceeded his own record of 59 home runs. It was also in that year that Henry Ford brought out his new Model A Ford. Hundreds of thousands of people tried to get into Ford headquarters in New York to see it in December 1927.

So, Mr. President, I offer my best wishes to Senator MOYNIHAN on the occasion of his birthday. I thank him for all that he has contributed to his country and to the Senate. I hope that he and his charming wife Liz—and my wife Erma joins me in this—will share his day of celebration with their children, knowing that the respect of his fellow Senators and his fellow countrymen are theirs. James I said, ''I can make a lord, but only God Almighty can make a gentleman.''

Only God Almighty could make a DANIEL PATRICK MOYNIHAN.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

DAILY DIGEST TURNS FIFTY

Mr. BYRD. Mr. President, today, we reach another milestone in the Senate's continually unfolding history. Let us pause for a minute to reflect on a fiftieth anniversary of great institutional significance.

On March 17, 1947, for the first time, the CONGRESSIONAL RECORD carried a section under the modest heading ''Daily Digest.''

Fiftieth anniversary? Has not the CONGRESSIONAL RECORD been in existence since March 4, 1873? By my reckoning, that adds up to 124 years, not fifty! Is it possible that there was ever a CONGRESSIONAL RECORD without a Daily Digest? Those of us who pick up the RECORD each morning and instinctively turn to the Daily Digest might find that difficult to believe. No one who regularly consults the CONGRESSIONAL RECORD could reasonably doubt the Daily Digest's value as the indispensable point of entry for a bulky compendium that often runs to hundreds and hundreds of closely printed, three-columned pages.

By the mid-1940's the RECORD had become so thick that without some sort of daily finding aid, it was becoming practically unusable. Several commercial firms sought to remedy the situation. In 1943 the U.S. Chamber of Commerce hired Dr. Floyd Riddick, a highly regarded specialist in congressional procedure, to edit a new publication entitled Legislative Daily. The Daily's instant popularity caught the attention of congressional reformers in the final months of World War II. Desiring to expand public access to the record of Senate and House deliberations, they included in the Legislative Reorganization Act of 1946 a provision for a CONGRESSIONAL RECORD Daily Digest. This new section would outline chamber and committee activities for the previous day and present a schedule of the current day's legislative program, including a list of committee meetings and hearings. The statute directed the Secretary of the Senate and Clerk of the House to oversee Digest preparation for their respective chambers.

Fortunately for the Senate, Dr. Riddick agreed to serve as Senate Digest editor. Starting the Digest was no easy task. Overburdened committee clerks initially resisted taking the additional notes for Digest citations. Getting accurate information at the committee level was particularly important, for in those distant days, once a

measure cleared a committee it was pretty much in shape for final passage. Times have changed! Thanks to Dr. Riddick's persistence and expertise, the Digest that he established remains virtually intact a half-century later.

Floyd Riddick served as Senate editor from 1947 to 1952, when he moved to the newly created post of Assistant Senate Parliamentarian. He subsequently served as Senate Parliamentarian from 1964 until his formal retirement a decade later. I say ''formal,'' because Dr. Riddick remained with the Senate on an unsalaried basis to prepare a history of the Committee on Rules and Administration and, most importantly, to revise the indispensable volume that now bears the title Riddick's Senate Procedure. Today, Dr. Riddick continues a productive retirement in South Carolina.

Mr. President, I ask unanimous consent that a list of the Daily Digest's Senate editors be inserted in the RECORD following this statement.

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

DAILY DIGEST SENATE EDITORS

Floyd M. Riddick, 1947–1952.
Fred Green, 1952–1969.
Dwight Galt, 1969–1979.
Mary Ann Dubs, 1979–1980.
Jim Timberlake, 1980–1988.
Thomas Pellikaan, 1989–present.

WORLD FLIGHT 1997

Mr. DASCHLE. Mr. President, on March 17, 1937, Amelia Earhart took to the skies in her Lockheed 10E to fulfill her dream to be the first pilot ever to circumnavigate the globe at its longest point—the Equator. Today, she stands as one of our greatest American heroes. Through her vision and spirit, she demonstrated to the world that limits are more often perceived than real.

This morning, 60 years after Ms. Earhart began her journey, Linda Finch took off from Oakland, CA, to re-create and complete Earhart's heroic expedition. Spanning 5 continents and making more than 30 stops in 20 countries, Linda will closely replicate Earhart's route. The flight is expected to take 2½ months, and is the first to re-create Earhart's flight using the same make and model aircraft, a Lockheed Electra 10E, with only a pilot and navigator at the controls. Indeed, the aircraft has been meticulously and accurately restored to replicate Earhart's Electra right down to its rivets.

Linda hopes that her journey, called World Flight 1997, will inspire millions of American children with Earhart's belief that with faith in yourself, anything is possible. As she notes, ''World Flight was created to share Amelia Earhart's vision with young people. The heart of the World Flight project is its outreach to inner city and at-risk youth with her message about reaching above and beyond perceived limitations.'' To spread this message, she has developed an interactive educational program for students, including an Internet web page that will allow students to track her flight in real time and read messages from Linda and her navigator. Like her, it is my hope that children all over the world will follow her travels, and from them gain the confidence to follow dreams of their own.

As Linda begins her flight, I wish her a safe journey. Like her hero Amelia Earhart, she is an inspiration to us all.

TRIBUTE TO CAPT. BILLY LEWIS

Mr. THURMOND. Mr. President, I rise today to recognize a truly outstanding Naval officer, Capt. Billy Lewis who has served with distinction for the past 23 months as Director of the Navy's Senate Legislative Liaison Office. It is a privilege for me to recognize his many outstanding achievements and commend him for the superb service he has provided to the U.S. Senate and to our great Nation as a whole.

A native of Pensacola, FL, and a 1969 graduate of the U.S. Naval Academy, Captain Lewis began his naval career as the damage control assistant aboard U.S.S. *Dehaven* (DD 727). His follow-on tours of duty included Naval Headquarters, Saigon, engineer and weapons officer aboard U.S.S. *Talbot* (FFG 4), and he was second in command when U.S.S. *Jack Williams* (FFG 24) was commissioned in 1983. Capt. Billy Lewis has had three tours of duty in command at sea—U.S.S. *Takelma* (ATF 113) from 1977 to 1979, U.S.S. *Robert G. Bradley* (FFG 49) from 1986 to 1988, and U.S.S. *Thomas S. Gates* (CG 51) from 1993 to 1995. As Commanding Officer, U.S.S. *Thomas S. Gates*, Capt. Lewis served as Anti-Air Warfare Commander for Joint Task Group *George Washington*.

Captain Lewis' duty ashore has included the Naval Postgraduate School where he earned a master of science degree in management in 1980, and two tours of duty on the Navy staff in Washington, DC. From 1983 to 1985, he served as a program analyst in the Office of General Planning and Programming, and from 1989 to 1991, he served as head of the Program and Budget Development Coordination Branch for the Deputy Chief of Naval Operations. Additionally, he attended National Defense University and graduated from the National War College in 1992.

During his tenure as the Navy's Director of Legislative Liaison for the Senate which began in April 1995, Captain Lewis has provided members of the Senate Armed Services Committee, our personal staffs, as well as many of you seated here today, with timely support regarding Navy plans and programs. His valuable contributions have enabled Congress and the Department of the Navy to work closely together to preserve the modern, well-trained and well-equipped naval forces upon which our country has come to depend.

Mr. President, Billy Lewis and his family have made many sacrifices during a 28-year Naval career and made a significant contribution to the outstanding naval forces upon which our country relies so heavily. During his illustrious career, Captain Lewis has been the recipient of many awards and commendations including the Legion of Merit with one gold star. He is a great credit to both the Navy and the country he so proudly serves. As he now departs to take command of Regional Support Group in Mayport, FL, I call upon my colleagues to wish him fair winds, and following seas.

ST. PATRICK'S DAY STATEMENT BY THE FRIENDS OF IRELAND

Mr. KENNEDY. Mr. President, the Friends of Ireland is a bipartisan group of Senators and Representatives opposed to violence and terrorism in Northern Ireland and dedicated to maintaining a United States policy that promotes a just, lasting, and peaceful settlement of the conflict.

Each year, the Friends of Ireland issues an annual statement of the current situation in Northern Ireland. We believe our colleagues in Congress will find this year's statement of particular interest because of the events of the past year and potential for progress this year. I ask unanimous consent that it be printed in the RECORD.

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

STATEMENT BY THE FRIENDS OF IRELAND, ST. PATRICK'S DAY, 1997

On this St. Patrick's Day, we the Friends of Ireland renew our call for the IRA to restore its cease-fire, which should be followed by Sinn Fein's immediate entry into the Northern Ireland all-party peace talks when they resume in June.

The Friends of Ireland commend our former colleague, Senator George Mitchell, for his outstanding service as chairman of the talks. The talks offer an historic opportunity to address the three key relationships which must underpin any settlement—those within Northern Ireland, between North and South, and between Ireland and Britain. We fully support this process, and recognize that there is much greater likelihood for success if all parties with an electoral mandate, including Sinn Fein, participate in the talks. Sinn Fein's participation in the talks, however, is properly conditional on the unequivocal restoration of the cease-fire by the IRA.

We also recognize that the IRA maintained a cease-fire for 17 months, from September 1994 to February 1996. It is of deepest concern that, during that long and hopeful period, additional obstacles were laid in the way of bringing all parties to the table. We hope that a renewed IRA cease-fire will on this occasion be met with an appropriate response by the British Government, including the taking of necessary confidence-building measures.

Basic issues of equal justice and human rights are at the heart of the conflict in Northern Ireland and they must be central to any realistic resolution of the conflict. Peace without justice is not sustainable. It is only likely to flourish when all sides feel that their basic rights are respected and protected. Accordingly, we urge prompt action to remedy outstanding miscarriages of justice such as the Casement and Latimer

cases. In light of the compelling new evidence surrounding Bloody Sunday, we add our voice to the calls for a new inquiry into this tragedy.

We are also concerned by the deteriorating conditions under which Republican prisoners are being held in Britain and in particular the treatment of Roisin McAliskey. It is essential, in negotiating a new political framework for Northern Ireland, that respect for human rights be guaranteed. The creation of a Bill of Rights, and a police service with the confidence of the whole community, are essential to ensure the protection of the rights of all and to lay a solid foundation for a lasting peace.

We strongly oppose the continued and increased punishment beatings by paramilitaries in both communities. Such atrocities have no place in society, and we call for an immediate end to these attacks.

It is essential that there be no repeat of the deplorable events during last year's marching season. The RUC behavior at Drumcree further eroded the confidence of the Catholic community in fairness of the police force. As the State Department's Country Reports on Human Rights Practices recently noted: ''Many observers on both sides of the community perceived the Government's reversal in the face of unlawful Unionist protests as a victory of might over the rule of law, and the incident damaged the RUC's reputation as an impartial police force.''

We therefore strongly endorse the recommendations in the North Report that an independent parades commission be given full decision-making powers to deal effectively with controversial parades. We are concerned at the British Government's decision to delay implementation of significant sections of the report, which in our view must be in place in advance of this year's marching season.

The Friends of Ireland welcome the strong commitment of President Clinton and the Congress to the success of the peace process in Northern Ireland, and the transformation in the situation which all have helped bring about. We are confident that the United States will continue to play a constructive role in encouraging an early and peaceful resolution of the conflict for the benefit of all the people of Northern Ireland.

FRIENDS OF IRELAND EXECUTIVE COMMITTEE

Senate

Edward M. Kennedy.
Daniel Patrick Moynihan.
Christopher J. Dodd.

House of Representatives

Newt Gingrich.
Richard A. Gephardt.
James T. Walsh.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, March 14, 1997, the Federal debt stood at $5,362,748,754,102.53.

One year ago, March 14, 1996, the Federal debt stood at $5,035,166,000,000.

Twenty-five years ago, March 14, 1972, the Federal debt stood at $428,412,000,000 which reflects a debt increase of nearly $5 trillion—$4,934,336,754,102.53—during the past 25 years.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

APPOINTMENT OF AN INDEPENDENT COUNSEL TO INVESTIGATE ALLEGATIONS OF ILLEGAL FUNDRAISING

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of Senate Joint Resolution 22, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 22) to express the sense of the Congress concerning the application by the Attorney General for the appointment of an independent counsel to investigate allegations of illegal fundraising in the 1996 Presidential election campaign.

The Senate resumed consideration of the joint resolution.

Mr. LEAHY. Mr. President, last week there was an attempt made, I think, on the part of some—not all, but on the part of some—a serious attempt made in the Judiciary Committee to put together a bipartisan letter to the Attorney General regarding what should be done on the question of an independent counsel and some of the campaign fundraising issues. Unfortunately, it ended up being a partisan matter and the Republican majority, as is their right, sent a highly partisan letter asking immediately for an independent counsel.

Most of us on the other side sent a letter, which I signed as ranking member, along with other Democratic members, asking basically that we follow the law and we go through the various steps required on the issue of independent counsel: That we do not bring political pressure on the Attorney General to act one way or the other, recognizing that the reason for the independent counsel law was to shield the process and the Attorney General from political pressure or posturing.

In this regard, I would like to draw the attention of the Senate to the lead editorial in yesterday's Washington Post. The Post has been in the forefront of those investigative journalists who have been working on stories about many aspects of fundraising that has been taking place, and is taking place, to finance Federal elections—both fundraising by the Republican Party and by the Democratic Party. Certainly, the Post has not been shy about criticizing Republicans or Democrats, in the Congress or out, with regard to campaign fundraising.

It is interesting to read their editorial because, basically, they take the same position as we had taken on the Democratic side of the Senate Judiciary Committee. They speak of all the reasons to wait and follow the law itself, as she is now doing, and to have the Attorney General make her own determination. It ends by saying this:

There is one other major factor that argues for waiting awhile before deciding whether to seek an independent counsel in the campaign finance case. It has to do with what we believe to be the integrity and, if you will, independence of this attorney general herself. She is an uncommon figure in this town, and this administration, as even many who are banging on the table for an independent prosecutor will agree. We do not think it would be an inducement to sleeping well at night to know she was on your case if you had violated the law and were trying to hide it—especially with her honor being publicly challenged over and over again on this matter.

You balance risks in a decision like this. The risk of leaving the case in her hands at this stage, while Justice Department, congressional and other investigators continue to try to flesh it out, seems pretty slim. Events could change that. But right now the matter seems to us to be proceeding well enough without an independent counsel.

I ask unanimous consent the entire editorial be printed in the RECORD.

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

[From the Washington Post, Mar. 16, 1997]

THE INDEPENDENT COUNSEL ISSUE

Attorney general Janet Reno says the conditions that would require the naming of an independent counsel in the case of the fundraising for the president's reelection campaign have yet to be met. She's taking a lot of heat for that. Critics accuse her of trying to protect the president. Congressional Republicans, some Democrats and all manner of other commentators say if ever a case carried out for an independent prosecutor, it is this one. We aren't so sure. Anything could turn up tomorrow. But on the basis of what is known today, an argument can be made that Ms. Reno is right.

We say that as strong supporters of the independent counsel statute, though in some instances we have thought past counsels carried on too long or went too far. We say it also as a frequent critic of both the administration and the rotten system of campaign finance, whose corrupting qualities the president did so much to confirm last year. The fund-raising practices, some of them, in which he, the vice president and their adherents indulged were shabby, heavy-handed, demeaning, unseemly, questionable, destructive of public confidence and pretty close to the edge. But it isn't clear they were illegal. That, in fact, is the problem. The law is at least elliptical; not enough of what ought to be illegal is.

The virtue of the independent counsel act is that it reduces the conflict of interest that inevitably arises when an administration is called upon to investigate its own behavior. But it is not meant to avert mere awkwardness; it comes into play in only certain instances. The attorney general must seek appointment of an independent counsel (by the special court created to do so) when confronted with specific, credible evidence of criminal wrongdoing by the president, vice president, Cabinet officials and certain others in the executive branch, including a limited number of senior White House aides. She also may seek appointment of a counsel when confronted with evidence of such conduct by a lesser official where she feels there is a conflict.

The evidence of such conduct in this case thus far is a lot more limited than the churning surrounding the case would suggest. A lot of pretty squalid stuff was done. But so far as we know, no specific, credible evidence exists that, say, an official covered by the act sold a particular piece of policy for a campaign contribution, or knowingly accepted money from a forbidden source. You could make the generic charge against both presidential campaigns that they violated and pretty well trashed the campaign finance laws, including their criminal provisions, by raising so much so-called soft money in excess of federal limits. They pretended it wasn't campaign money when it

clearly was. But no one is talking about that in this case, least of all the congressional Republicans who want an independent counsel but oppose most regulation of campaign finance. There are charges that funds were illegally raised (by the vice president, for one) and received inside a federal building—the very White House itself—instead of in some other building down the street, but you can find any number of lawyers who will say on one basis or another that what was done was not illegal, and does anyone really want to name an independent counsel to conduct a criminal prosecution of the vice president for making a phone call from the wrong room? That isn't what this is about, either.

More serious charges have been leveled against some lesser figures in the drama—that they laundered money from foreign sources, sought favors in return for contributions, etc. Ms. Reno has set up a task force to investigate these. As a practical matter, what the task force appears to have been conducting is precisely the kind of preliminary inquiry, though by another name, that would be required if the independent counsel statute were invoked, the question being, what evidence is there that criminal conduct occurred? If such conduct is found, and found to be of a kind that requires the naming of an independent counsel, Ms. Reno may yet ask for one. In a sense, what's going on is what the critics claim to want, but without the label.

Meanwhile, the independent counsel already investigating the president in the Whitewater case, Kenneth Starr, is also looking into what you might call one of the most advanced aspects of the campaign finance case, which is whether political donors were somehow called upon to hire Clinton family friend and former associate attorney general Webster Hubbell before he went to prison several years ago, the question being whether the large amounts of money paid him as Mr. Starr was seeking information from him were meant to hush him up.

There is one other major factor that argues for waiting awhile before deciding whether to seek an independent counsel in the campaign finance case. It has to do with what we believe to be the integrity and, if you will, independence of this attorney general herself. She is an uncommon figure in this town, and this administration, as even many who are banging on the table for an independent prosecutor will agree. We do not think it would be an inducement to sleeping well at night to know she was on your case if you had violated the law and were trying to hide it—especially with her honor being publicly challenged over and over again on this matter.

You balance risks on a decision like this. The risk of leaving the case in her hands at this stage, while Justice Department, congressional and other investigators continue to try to flesh it out, seems pretty slim. Events could change that. But right now the matter seems to us to be proceeding well enough without an independent counsel.

Mr. LEAHY. Mr. President, I sometimes think that those who are scheming for an independent counsel for this and an independent counsel for that, counsel that often cost $20 or $30 million of the taxpayers' money, and millions of dollars more of individuals' money, have not bothered to stop and think what they are asking for. It may be good for the evening news and may make a Member of the House or Member of the Senate feel good because his or her name gets in the paper, but does it really help this country?

In fact, some might ask about this rush to come on the floor Friday, the steady stream of my friends on the Republican side of the aisle who blast the President and tear after the President. I am surprised they did not say, ''Why don't we double-check with Bethesda as to what time he will actually be in surgery so maybe we could go on recess or go to our own fundraisers at that time and then come back and make sure he sees just how we are tearing him apart.''

I suggested half joking on Friday that they would set aside another $1 million that we could appropriate of the taxpayers' money to send a delegation of Members up to Bethesda to make sure, indeed, he was being operated on. It was about that ridiculous.

I first came to the Senate at a time when Democrats and Republicans showed some respect for whoever was holding the office of President of the United States and had some realization that the person serving as President, like the rest of us, is a human being and an individual. Yet, I have heard Members on this floor pillory the President, pillory his wife, his child, even at times his mother and others, as though somehow they don't have feelings. I have heard things said about him that, if we said them about each other, we could be censured by the Senate—even though some of the things said may be more applicable to some in this body.

I remember a time, a time when the Democrats were in the majority, since I have been here, when an issue was coming up, for example, about President Ford on personal issues. We held off—maybe he was taking a trip abroad—and we held off on issues.

The same with President Reagan. Again, when the Democrats were in the majority in the Senate, we would hold off issues of criticism of the President as he was about to leave to go abroad.

The same with President Bush.

Yet, here we have the President of the United States, who has just undergone what I have to imagine is extremely painful surgery—the Presiding Officer would be able to understand that better than I because of his own distinguished medical background. I think by all accounts it was a very painful situation. They tell me tearing a tendon is more painful than breaking your leg. I know, from some of my colleagues here who have torn Achilles tendons, or others, have told me that is so.

Here he is, the President of the United States, undergoing very painful surgery. But notwithstanding the pain he must be in, because of the importance of the relationship between the United States and the world's other major nuclear power, Russia, he is going forward with his summit meeting with President Yeltsin. The President, who is going to be traveling very painfully to Helsinki—whether it is Air Force One or not. I have ridden enough times on Air Force One with various Presidents to know Air Force One can hit turbulence, too, and bounce you all around. It will be a painful trip.

None of this seems to make any difference. They still proceed on the floor, Friday and today, blasting the President with resolutions and statements. This timing ensures, of course, that all this will be in the world's press, in Helsinki and elsewhere, just in time to be delivered to all those in the Russian party when he arrives.

Mr. President, I don't know if the Senate is just spinning out of control without any sense of propriety or decorum. Perhaps, at the age of 56, I have become the old-fashioned Member of the Senate. But I have been here for 22 years, and whether it was in my first year as a 34-year-old former prosecutor or now as a 56-year-old senior Member of the Senate, I do know that we have followed a tradition of some propriety in this body.

We have done that time and time again. We have withheld resolutions, questions or disapproval of a President when he was leaving to go abroad or was abroad so we could at least present a united face to the rest of the world.

Yet, I have heard Members come on the floor and make highly critical statements of President Clinton when he has been at summit meetings overseas, statements that had to be read by all the people with him from around the world. That, I think, was unseemly. Just as I believe having this resolution at this time at the beginning of the Helsinki summit is highly insulting, shows no sense on the part of the U.S. Senate and, frankly, of those who brought it forward at this time, of the kind of image we should give the rest of the world.

I am not suggesting by any means that we cannot question the President of the United States. I have done it, other Members have done it, both this President and other Presidents. That is perfectly appropriate under our separation of powers and under our duties as Members of the Senate.

But I suggest that there are certain times when, by tradition—and a tradition that has served this country very well—that we at least back off and show some unity. One such time, just out of a sense of common decency and perhaps upbringing, would be when the President is in the hospital recuperating from a fairly painful and serious injury. One would think that we would not see this happening in the U.S. Senate. I question what we are coming to.

But by tradition, by a sense of propriety, and by a sense of Senators putting their country ahead of their political partisan posturing, we have at least held off at the beginning of a foreign trip by a President or at the beginning of a summit.

Mr. President, I was thinking of this matter this morning as I was coming to work. Comments were made to me over the weekend while I was home in Vermont by a number of people who are not Democrats, who thought that it was unseemly. I have not talked with anyone at the White House about this

or anybody in my leadership or anybody in my office. This is simply something I started thinking about. It bothers me that we have reached the point where we are not showing the sense of history in this body that has served the Senate very well in the past, and has also served the country well.

I urge those who determine the timing of issues before the Senate to take some time during the Senate recess and read a history of the Senate and read a history of the actions of the great leaders of the Senate, Republican and Democrat alike—and we have had great leaders in both parties. Read about the number of times when they have put the United States ahead of their own partisan fortunes, when they have put the United States ahead of their own ability to be in the news, and, frankly, when they realized that the U.S. Senate can be and should be the conscience of the Nation. We should uphold that conscience of the Senate so that the Senate can be the conscience of the Nation.

With some in this body, it will be a rereading of the history of the Senate. Frankly, Mr. President, one has to assume that for some, it will be a reading of the history of the Senate, and that perhaps in all their efforts to get here, the time-consuming and difficult chore that is, they did not have a chance to read the history of the U.S. Senate before they arrived. But now is as good a time as any. There is going to be a 2-week recess, and that should allow some time to read it. Senators cannot be at fundraisers all of the time during that recess. Read over the history.

I urge the leaders, those who determine the schedule of this place, that in the future, when the President is about to embark on a major summit, in this case with the other major nuclear power of the world, that they not bring up resolutions designed to embarrass him, designed actually to be voted on the day that he would arrive. As it turns out, it won't be, because he is delayed by a day because of his injury.

We are not playing school-board politics here. We are not some small-town board. This is the U.S. Senate. There are only 100 of us who get the opportunity to serve at any one time, but we represent a quarter of a billion people in the greatest, most powerful democracy history has ever known. I think we all know that. It doesn't matter whether we are Republican, Democrat; conservative, liberal, moderate; no matter what part of this country we are from; we know, instinctively, that we represent the greatest democracy history has shown.

But instinctively knowing and diligently upholding the responsibility of U.S. Senators to represent that Nation are two different things. If Members want to criticize the President, that is their right. If they want to embark on another investigation, like the rather pointless one the Senate already has, Whitewater—pointless, except for the fact it cost the taxpayers hundreds of millions of dollars—fine, they have a right to do that. But at least let's make an effort to present a united face when the President of the United States goes abroad on a major summit. At least give the President of the United States as much backing as possible when he is representing all the United States—not Democrats, not Republicans—all the United States.

I am reminded of a story my father had told me many times about my State, which for many years was the most Republican State in this country. In fact, after 22 years as a U.S. Senator from Vermont, I am still the only member of my party ever to represent Vermont in the U.S. Senate. In fact, we are the only State in the Union that has only elected one Democratic Senator, and I am it. Sorry about that, Mr. President, but it happens.

My father told me how the National Life Insurance Co. in the thirties and forties, basically ran the Republican Party in Vermont. They determined every 2 years who was going to be Governor. You had to be very much a Republican.

In the late thirties—I believe it was 1937—Franklin Roosevelt came to Vermont to look at some flood control projects. He was driving down State Street in Montpelier, past our statehouse and past the National Life Insurance building—they were two separate buildings, although it was sometimes hard to tell which was which—in an open car. My father, the lone Democrat in Montpelier, was standing there, as chance would have it, next to the president of National Life who was then the de facto chairman of the Vermont Republican Party. As the open car went by with Franklin Roosevelt in it, the men all stood at attention and the president of National Life, like all the other men, took his hat off—they all wore hats then—and held it over his heart as President Roosevelt drove by. My father could not resist the temptation to chide him a little bit then, and he said, ''I can't believe you took your hat off for Franklin Roosevelt.'' The president of National Life replied, ''Howard, I didn't take my hat off for Franklin Roosevelt. I took my hat off for the President of the United States.''

What he did was show respect. Respect does not have to be blind. It does not mean we do not question things here. We have great respect on the Democratic side of the aisle for the Republican leadership, just as I would hope they would for the Democratic leadership. But it does not mean we vote with them all the time, by any means. There is a difference.

We show respect in this body, just following Jefferson's Manual, by the way we address each other. It does not mean we agree. We might be fighting hammer and tong, but we say ''my distinguished colleague,'' and so on and so forth.

We should show respect to the President of the United States when he is going abroad to represent every single American. We are the only country left on Earth that still does have the ability to destroy the world overnight with nuclear power.

Every one of us on this floor, especially every Democrat on this floor, always showed that respect for President Reagan when he was in similar situations, and for President Bush.

I see the distinguished senior Senator from Massachusetts on the floor. He has served here longer than all but a couple of Members. I think the distinguished Senator from Massachusetts is one who would well remember both Republican and Democratic members of the Senate and the House showed some restraint and unity with them.

This resolution could easily be brought up after the President came back, or any other time. There is absolutely no urgency to bring it up now. But it is brought up on the eve of his trip to Helsinki to have a summit meeting with the President of Russia.

Mr. President, frankly, in my estimation, this is a new low for the U.S. Senate. In my estimation, this is something I have never seen happen here before. In my estimation, those who determined to bring this resolution up at the beginning of the Helsinki summit ought to be ashamed of themselves. They ought to admit they are ashamed of themselves and put it off for another time.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I urge the Senate to support the Democratic alternative, and to reject this one-sided, partisan, and unseemly attempt to force the Attorney General to act.

On the issue of the independent counsel, last week, the Senate voted unanimously to give the Senate Governmental Affairs Committee a broad mandate to investigate campaign violations in all Federal elections, whether by Democrats or Republicans.

Our able and trusted Attorney General, Janet Reno, already has a task force in full operation investigating these issues. More than 30 special agents from the FBI serve on this task force. The task force has already issued subpoenas and presented testimony before a grand jury.

Last Thursday, Republican members of the Judiciary Committee wrote to the Attorney General urging her to seek an independent counsel. That letter requires the Attorney General to examine whether an independent counsel should be appointed and to report to the Judiciary Committee on the actions that she takes.

The Republican resolution now before us proves that Republicans are not

serious about conducting an even-handed inquiry into campaign finance violations. It focuses only on the Presidential campaign and ignores the many allegations of serious abuse in Republican congressional races.

We faced similar partisan tactics in the debate last week on the Governmental Affairs Committee's investigation. Democrats called for a broad inquiry covering both illegal and improper activities and including both Presidential and congressional campaigns. But the Senate Republican leadership resisted. They were only interested in putting the spotlight on the White House and diverting attention from abuses by Republicans in Congress.

In the end, their efforts to suppress a responsible inquiry could not stand the light of day. Republicans joined Democrats in voting unanimously in favor of the Democratic position that the Governmental Affairs Committee should investigate all campaign abuses—Presidential and congressional, Republican and Democrat.

Why don't we hear Republicans calling for an inquiry into the role of money in last year's fight to raise the minimum wage? The majority of Americans supported an increase in the minimum wage to enable American workers to support their families. But money from special business interests was rolling into Republican campaigns as corporations tried to block this long-overdue raise for working Americans. When an increase in the minimum wage became inevitable, Republicans added provisions giving huge tax breaks to business as a consolation prize.

Why don't we hear Republicans demanding an investigation of the role of money in last year's fight over medical savings accounts? The MSA proposal threatened to block the whole Kassebaum-Kennedy health care bill. The Golden Rule Insurance Co., was the driving force behind medical savings accounts. Golden Rule made more than $1 million in campaign contributions. In October 1994 alone, just before the midterm election, it delivered $416,000 in soft money to the GOP. Only two other companies gave more to the Republicans in that election cycle.

Golden Rule contributed lavishly to NEWT GINGRICH's GOPAC political action fund. Without Golden Rule and its huge contributions to Republicans, medical savings accounts would never have been an issue. Republicans were willing to jeopardize health care for working families in order to channel higher profits to insurance companies.

But what about the Republican regulatory reform proposals in the last Congress? Utility lawyers in a Richmond, VA, law firm are reported to have drafted the Dole bill in the last Congress—the same law firm in which Senator Dole's counsel and chief aide on that bill had been employed only weeks before. That firm represented utility companies, chemical companies, and tobacco companies all seeking to increase their profits by weakening regulations requiring companies to keep our food safe and our environment and water clean.

In fact, when the time came to inform Democrats about the Republican bill, the briefing was not conducted by Republican staff, but by three lawyers from the law firm.

So if Republicans are serious, these offensive actions that jeopardized the health and well-being of millions of Americans would be on the list for investigation, too.

Surely, if there is to be an investigation by an independent counsel, these abuses should be within the scope of the investigation, too.

President Clinton and Democrats in Congress are talking about better education and health care for children, good jobs for working Americans, protections for the environment, saving Social Security and Medicare while balancing the budget, preventing crime, and reforming the current shameful system of campaign financing. Our Republican friends are interested in none of the above. They are shamefully abdicating their responsibility to prepare a congressional budget resolution. They are stonewalling any campaign finance reform. They are more interested in investigating who slept in the Lincoln Bedroom than addressing the issues that keep working families sleepless at night.

Attorney General Reno doesn't need this kind of partisan advice to do her job and decide whether to appoint an independent counsel. Our Democratic alternative calls on the Attorney General, in determining whether an independent counsel is necessary, to ''exercise her best professional judgment, without regard to political pressures and in accordance with the standards of the law.'' It is the responsible thing to do.

Attorney General Reno has earned broad bipartisan respect for her honesty and integrity. Congress should not pressure her to suspend the current Justice Department investigation and turn it over to an independent counsel. We certainly should not pressure her to seek an independent counsel whose mandate would conveniently ignore the obvious abuses of Republican congressional campaign financing.

I urge my colleagues to support the Democratic alternative and to oppose the Republican resolution.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I said earlier that I have never seen a time in my 22 years here when those who control the majority of the Senate would schedule a resolution of this nature as a President was leaving for a summit meeting—even some of the less significant summits, and certainly not for a summit with the leader of a nation that is, militarily, a nuclear superpower.

I can think of a number of times when there were issues that were as troublesome to Democrats, who had controlled the majority of the Senate, as this is to Republicans, or as they say it is—so long as it is limited just to investigate the Democratic President and not themselves. There were times when I was here in the majority with Republican Presidents, including President Ford, President Reagan, and President Bush, and time and time again we held off matters that we were thinking of bringing to the floor, even legislation, that might be a matter of some contention while the President was abroad at a summit meeting. At no time would even the most junior member of the Democratic Party, when the Democrats were in the majority, consider bringing up something like this while a Republican President was abroad.

I think it shows one of the most egregious breakdowns of any bipartisan comity in this body, to see this come up as the President is about to go to Helsinki. I think certainly in my 22 years of experience, it is completely unprecedented. I think it is outrageous. I think it is inexcusable. It does not mean that this whole issue could not be debated when the President came back. It might mean that we would have to delay our 2-week vacation by a couple of days to do it. But we might present a better face to the rest of the world.

It has become so partisan around here that we look first to partisan advantage and not for the advantage of the country. Some in Congress simply cannot avoid the temptation to jump the gun and demand another costly, time-consuming, largely unaccountable, potentially destructive independent counsel—provided it is only to investigate a Democratic President. Certainly, there is no effort to go and look at any activities of the Republican Party.

Senate Joint Resolution 22 does not advance the administration of justice. It was drafted and introduced before the Republican and Democrat members of the Senate Judiciary Committee, and those of the House Judiciary Committee sent letters to the Attorney General. Those letters are congressional actions contemplated by the independent counsel law. This resolution is not and does not take those actions into account. We have begun a process that will yield the reports from the Attorney General that are allowed by the statute. We ought to give that process a chance to work.

This resolution, if it was a law, would probably be found unconstitutional. It certainly is not authorized by the independent counsel law. In my view, it is

an inappropriate effort to pressure the Attorney General and to prejudge these matters. One of the main reasons this kind of a resolution is not contemplated in the law is to keep political and partisan pressure off the Attorney General. It perverts the independent counsel process.

The independent counsel law was passed to ensure that investigative and prosecutorial decisions are made without regard to political pressures. This resolution would subvert that purpose by subjecting the critical initial decisions about invoking the law to such political pressures.

It is not Congress' place to determine when to bring criminal charges. This body is ill-suited to that purpose. The administration of justice is ill-served by efforts to intimidate a prosecutor to begin a case.

The resolution of the distinguished Republican leader will serve only to undermine the investigation that the Attorney General now has underway and will undercut the independent counsel law. It will further erode public confidence in the Government's ability to do its job.

We ought to do our job up here and let the Attorney General do hers. We are having a hard enough time doing our own job. We have yet to see 1 minute of debate on the budget resolution which has to be passed by mid-April. We have not seen one single judge get confirmed. We have been voting them out of the committee at the rate of three-quarters of a judge a month, and none has come to the floor, not in 6, 7, or 8 months, and there are 100 vacancies in our Federal judiciary. The Chief Justice calls it a crisis. Yet, even though we are paid and elected to do that, to consider and confirm judges, we have not confirmed a single judge. We have not brought up the budget. We have a chemical weapons treaty which is languishing.

But we can break all precedent and bring up a resolution attacking the President as he leaves on a summit with the President of Russia, the other nuclear superpower, something that has never been done before, something that any Democrat, when we have been in the majority and leading this body, would have been ashamed to do to a Republican President because we know it was so much against the best interests of the United States. Even though it might further our own short-term political gains, we would not want to damage the United States, the President's credibility or the President's ability to represent the United States abroad, so we would not have done it and did not do it.

There are a lot of issues the Senate could be considering that are within our responsibilities, do reflect our duties in this Government and do reflect what is in the best interests of the country. This is not one of them. It is an affront to the constitutional separation of powers established by the Founders. Investigation and prosecution of crimes is left to those experienced in the use of that awesome power, not matters for a political body.

When I was a prosecutor, I knew as a prosecutor I had the power to bring or to withhold prosecution. It was not anything I was willing to share with any legislative body. I hoped I would resist that temptation if I were ever a legislator and not a prosecutor.

It makes as little sense as the call by some in the Republican Party for the Congress to be able to overturn any judicial decision of any Federal court by just a majority vote. This concept would have been laughed down by the Founders of our country. They wanted three independent branches of Government: The executive branch, the legislative branch, and the judicial branch. Government 101—in most schools, you learn it in the first or second grade.

What they are now saying, even though part of the strength of our democracy and the protection of our democracy is an independent Federal judiciary, even though we have a Federal judiciary that is the envy of all other countries because of the quality of the men and women in it and their integrity and their independence, we now have some who say, ''Well, cut out the independence, we will have the Congress stand up and vote to decide whether a decision is right or wrong in a court. We will just overturn it. We will become a super court of appeals.''

As though we don't have enough to do. We can't bring up a budget. The chemical weapons treaty isn't before us either to be voted up or down. We haven't even found time to vote to confirm 1 single judge when there are 100 vacancies in the Federal courts. But somehow we are going to have time to start reading judicial opinions and decide whether to vote to overturn them? I wonder how many judicial opinions most Members of this body have read since they have been here. I wonder how many are prepared to sit down and read the thousands delivered every year. This is balderdash of the first order.

Then, yes, the other thing they are going to do, there are now Members in the other body who suggest that if we don't like a decision, impeach the judge. Now, some who were saying that, I will grant you, have read—I have suggested that some don't read enough in this body—but some of those who say ''just impeach the judge'' when we disagree, they have at least read something. Unfortunately, they read Lewis Carroll's ''Alice in Wonderland'' and got stuck in the part where the queen says, ''Off with their heads.'' Every time the queen disagrees with something, ''Off with their heads.''

Well, we are a gentler and kinder nation, so some say, ''I disagree, impeach him, impeach him.'' My goodness, it sounds like the chipmunk chorus, like we hear in some of the songs at Christmas time.

This country was made by giants. Let us not have it torn down by pygmies. Let us respect our three branches of Government. Let us respect the independence of our judiciary. Mr. President, I have tried a lot of cases. Some I won; some I lost. But if I lost them and felt the case wrongly decided, I would appeal them. If somebody on the other side lost, they could appeal. That is what you do. I can imagine the hoots if somebody in one of these cases who lost, immediately said that we have to impeach the judge. We have appellate courts—appeal it. What are you going to do if you disagree with the appellate courts? Are you going to impeach them? Suppose they are upheld by the U.S. Supreme Court. I can see a delegation of us going right out that door, Mr. President, straight across the street with our torches held high, our pitchforks brandished, our tumbrels ''tumbreling''—the reporter of debates will have fun with that one—saying, ''We are here to impeach the Supreme Court, you naughty boys and girls. You voted differently than we think you should have.''

You know, I was reminded today of the first time that I saw a billboard to impeach the Supreme Court was when I was 18. I made my first trip down here. Some were upset that the Supreme Court didn't want to uphold segregation, so ''impeach the Supreme Court'' was their slogan. How laughable, in hindsight. How acceptable is the repeal of our segregation laws today. How laughable, in retrospect, were those billboards of that time. But at the time they were popular with a group. They were popular with a segment of the political society, and so that was why the billboards were there.

Well, I have no question in my mind that it may be popular today for some to say ''impeach judges'' when we disagree with them—but not for the high crimes and misdemeanors the Constitution speaks of, not for the only ground the Constitution allows for impeachment, but simply because we disagree with their decision. It may be popular with some.

In retrospect, it will be seen as laughable.

But at the moment it is dangerous. It is dangerous, Mr. President, because a democracy exists only if we have respect for the institutions of a democracy. A democracy exists only if we follow our traditions and our laws and our best instincts. This does none of that. It doesn't follow tradition, and it doesn't follow any laws or our best instincts. Most importantly, it does not follow the Constitution, the remarkable instrument that has maintained this Nation for over 200 years. It has turned us into the most respected, most powerful democracy known to history.

I urge all Senators, all House Members, all of us who have the responsibility, who have taken the oath to uphold the Constitution, to step back a moment, stop the foolishness of these calls for impeachment, stop the irresponsibility of refusing to fill judicial

vacancies, stop the attacks on the President as he moves from his hospital bed to one of the most important summits he will have of his Presidency.

This does not mean we cannot criticize. Everybody is free to vote for or against any proposal of the President. Any one of us is free to vote for or against any amendment of mine or anybody else's.

But what we are not free to do is, for short-term political gain, is tear down the best things that make this country run. We are not free to tear down the Constitution on issues of judicial appointments or independence just because it may sound good in a speech back home or to a fundraising group. We are not free to try to design the timing of resolutions to embarrass a President when he is about to go into a major summit.

Frankly, I will put my money on the President handling that summit with all of the issues involved, from the democracy movements within the former Soviet Union to our own nuclear security. Maybe the President is better off to have some in this body distracted by voting on this, rather than thinking of other things they could do to try to meddle into the foreign policy leadership of the President.

Mr. President, I suggest that this extreme partisanship—and that is what it is—is something I have never seen in my time in the Senate, and it is time that we back off. It does not help the Senate. If somebody wants to state a selfish reason, it won't help any one of us either. Most importantly, it doesn't help the country. I have always believed that all the men and women in here are true patriots who have, or should have, the interests of the country first and foremost above their own political well-being or the political well-being of any special interest group on the left or the right.

Maybe they want to back off. Maybe it might be good that some would acknowledge that they picked a poor time to bring this up, that it really does jump the gun. I am willing to give the benefit of the doubt that it might even have been a mistake to bring it up now. I realize the possibility is very, very slim but I will even accept the possibility that it might not even have been brought up with the intention of embarrassing the President. I assume it was. But I will accept even the possibility.

I ask the same question that so many others have asked me: Why in Heaven's name? What have we come to that we try to send the President to a summit to represent everyone of us but knowing all the headlines will be ''Senate Debating Resolution to Investigate the President of the United States?'' We know that for some this is being done for short-term political gain for upcoming fundraising or fundraising letters. But the people who read the headlines in the newspapers around the world do not, and certainly those who will be at the summit do not.

So I think it is a mistake. We ought to get on to other things.

ANTIPERSONNEL LANDMINES

In fact, I could suggest one thing that we could go to, something on which Democrats and Republicans could join is the question of antipersonnel landmines. Today there are over 100 million antipersonnel landmines buried in the ground in around 70 countries. Some of them are as small as a can of shoe polish.

Every few minutes somebody is killed, maimed, or injured from these antipersonnel landmines. Invariably the person killed, maimed, or injured is a civilian. The injuries tend to go almost in an inverse ratio to the age of the person. Some are children who are killed, or hopelessly crippled for life. In one country, I was told by their leaders that they cleared their landmines ''an arm and a leg at a time.''

This Senate has supported legislation on antipersonnel landmines that I have written, the Leahy ban on the export of landmines. That was something, in a rare show of unity, where Republicans and Democrats across the political spectrum came together and the United States has been able to take the high road of banning the export of landmines as a result. In this body, Republicans and Democrats across the political spectrum, including at that time the two leaders, Senator Dole and Senator DASCHLE, came together and supported legislation of mine to ban for 1 year the use of these antipersonnel landmines by the United States, the first time we have ever unilaterally banned such a weapon. Our hope was that when we demonstrated that it was possible for us to do it for 1 year, we could certainly do it for every year thereafter and again give us a leadership position with the world.

I urge the administration now to consider making that a permanent ban and to consider joining with Canada and others who want to seek such a ban throughout the world.

My legislative efforts have been very simple. It would ban production of antipersonnel landmines, ban the export of antipersonnel landmines, and ban the use of antipersonnel landmines. Country after country after country has now adopted similar steps. Country after country after country has notified me through their prime ministers, or through their presidents, or the head of their parliaments, and said, ''We have adopted this legislation.''

I must admit to a growing sense of satisfaction of seeing this done, but at the same time a sense of apprehension that not enough are doing it, and it is not being done quickly enough because every year more—sometimes millions more—landmines are put into the ground, and every year thousands and thousands more children and civilian men and women are injured. More and more years in vast parts of countries they can't raise their crops, they can't graze their animals, and their children can't go to school because of the landmines, Mr. President.

I have visited critical sites all over the world where the Leahy War Victims Fund is used where we buy prosthetics, provide wheelchairs, and give training and rehabilitation to people who have lost arms or legs from landmines.

My wife is a registered nurse, and she has gone with me when she was able to get away from her own duties at the hospital. She has gone with me to these various sites. She has helped people with the fitting of prosthetics. She has helped with the care of those in the hospitals.

I remember one time, especially, in the country of Uganda, after we had visited this site. We had American volunteers and others at one of the first sites at which the Leahy War Victims Fund was used. She came to me because there was a little boy horribly malformed and terribly crippled. She and the other nurses there had helped to bathe and clothe the child. She asked what was wrong with him. He was crippled by polio. She had hardly ever seen in her years as a nurse a polio victim, unless it was somebody who had polio decades ago. She asked how could this be because, as the distinguished Presiding Officer who is a physician knows, polio is one of the easiest things protected against. For everyone of us who has children, they automatically get their polio vaccination. We don't think of it anymore. She said, ''Wasn't a polio vaccination available for this young boy?'' And there was. The country had a polio vaccination program. But they could not get to his village with it because of all the landmines around.

So this young boy was never injured by a landmine, but he is crippled for life in a country where he is unable to work and grow his food, and in all probability will not live long because of the presence of landmines. So if the landmine doesn't get you, the landmine still gets you.

That is why, Mr. President, the only way you get rid of landmines is to get rid of them. Every single country has to ban them. And those of us who have the resources, the power and the technology should join together and start removing mines. This is true whether it is in Bosnia, where the mines are the one major threat to American peacekeepers, or throughout Africa, Central America, every place that landmines exist.

They serve no real military benefit—clearly not for our Nation, the most powerful nation that history has ever known. They serve as a terrible, terrible weapon to the children who pick up the little piece of metal thinking that it is a toy and have their face torn off, or are left with other terrible problems. They pose a terrible threat to a woman who goes to the well to get water for her family and has her legs blown off. They pose a terrible problem to the man who is out trying to harvest

his crops to feed his family, and he touches a landmine and his family no longer has a father.

That is why we should ban them.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FBI MISMANAGEMENT—PART 4

IG ASKS FBI DIRECTOR TO CORRECT RECORD

Mr. GRASSLEY. Mr. President, I rise today to continue my observations about major problems in the FBI's crime lab, and about the Bureau's failed leadership. This is my fourth such statement.

My colleagues are no doubt curious about the harshness of my criticisms of the Bureau's leadership. But my critique directly matches the level of the Bureau's misleading of the public.

I have not been unfair or unmeasured in my comments. I dare say, I have been softer on the FBI than others in Congress. Yet the ranks of those of us who are perturbed are growing swiftly.

I have raised these issues for two reasons: First, to use the Justice Department's and FBI's own documents to show where the Bureau is misleading the public; and second, to contribute an understanding of why it is happening.

I will briefly remind my colleagues of what I already revealed before this body. Many of the allegations of the lab's whistleblower—Dr. Frederic Whitehurst—are being substantiated. FBI documents are showing that. In previous statements, I have referenced three problem cases, examined by the Justice Department's Inspector General, that were uncovered by the press. The three cases are those of ALCEE L. HASTINGS, George Trepal, and Walter Leroy Moody. The conduct of specific FBI agents in each of these cases is in question.

Second, the FBI tried to explain Dr. Whitehurst away by questioning his credibility, and saying no one else backs up his allegations. But now we know that is false. At least two other scientists have backed him up. One has been made public. The other is fixing to.

Third, we now know that the FBI investigated these same allegations, knew about the problems, and covered them up. They did not fix them. They covered them up. The IG, then, took an independent look and flushed out the problems. The Bureau is now doing a mad scramble to control the damage. At the heart of its damage control operation is an effort to mislead. And that effort comes right from the top of the FBI. Right from the Director himself—Louis Freeh.

But their scheme is unraveling, Mr. President. I rise today, to assist in the unraveling process. The public has a right to know what the FBI is covering up. And I am here to help them know.

The latest case of misleading by the FBI involves the public testimony of Mr. Freeh approximately 2 weeks ago. On March 5, Mr. Freeh testified before the House Appropriations Subcommittee on Commerce, Justice, State. The chairman is Representative HAROLD ROGERS of Kentucky.

During the hearing, Mr. Freeh was asked why the FBI placed Dr. Whitehurst on administrative leave. In response, Mr. Freeh stated:

> [T]he action that was taken against Mr. Whitehurst was taken solely and directly on the basis of the recommendation by the Inspector General and their findings with respect to Mr. Whitehurst....

Mr. Freeh also said the IG, Mr. Michael Bromwich, was notified about the action and had not objected. Mr. Freeh concludes by saying:

> The only reason that action was taken was because of what the Inspector General wrote and recommended to the FBI.

When the IG found out what Director Freeh had stated, he fired off a letter the very next day. He demanded that Mr. Freeh correct the record in three specific areas.

First, the FBI has consistently maintained that it was not just the IG report that factored into action against Dr. Whitehurst. I know this, Mr. President, because the Deputy Director, Weldon Kennedy, told me the same thing. The other reason involves the FBI's belief that Dr. Whitehurst would not answer questions in an administrative inquiry. It seems the FBI Director is using the IG report to hide behind. In my view, he wants the public to think he was forced by the IG to take action against a whistleblower.

Second, the IG says it is inaccurate for Mr. Freeh to say the IG did not object to action against Dr. Whitehurst. In fact, the IG spent over a year objecting to such treatment of Dr. Whitehurst. I had not known this before, Mr. President. According to the IG, representatives of the FBI had an active campaign—for more than a year—to take action against the whistleblower. The IG spells this out in detail in his letter.

That sounds suspiciously like retaliation against a whistleblower. And as you know, Congress has passed statutes prohibiting retaliation against whitleblowers. But it would certainly explain why the FBI is over-reacting to the IG's report, with respect to Dr. Whitehurst. I suspect that the IG would have had nothing but praise for Dr. Whitehurst, and the Bureau's response would still be, ''See? The IG recommends that we fire Whitehurst!''

I met on January 28 with then-Deputy Director Kennedy. I asked him what it was in the IG report that he thought gave the FBI grounds to take action against Dr. Whitehurst. I am bound to maintain the confidence of what is contained in the report that Mr. Kennedy cited. But let me assure you, Mr. President. When you see the report, you will be scratching your head in bewilderment. I was.

Third, the IG says no such recommendation pertaining to Dr. Whitehurst is in his report.

These were the three specific points about which the IG took issue with Mr. Freeh. If I could offer a translation, I will bet Mr. Bromwich thought Mr. Freeh misled the subcommittee. If Mr. Bromwich indeed reached that conclusion, the facts would be on his side.

The IG's request that Mr. Freeh correct the record was responded to on March 11. In letters to both Mr. Bromwich and Mr. ROGERS, Mr. Freeh appears to do what some of his agents have been accused of doing in a court room—cutting corners to get a conviction.

I ask unanimous consent that those three letters be printed in the RECORD.

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

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE INSPECTOR GENERAL,
Washington, DC, March 6, 1997.

Hon. LOUIS J. FREEH,
Director, Federal Bureau of Investigation, U.S. Department of Justice, Washington, DC.

DEAR DIRECTOR FREEH: I am writing to urge you to correct testimony you gave during your appearance yesterday before the House Subcommittee on Appropriations. I have reviewed the videotape of your testimony and believe that your response to a question regarding Dr. Whitehurst is incorrect in three respects.

Your testimony was as follows:

Q. (By Chairman Rogers) Now why was Mr. Whitehurst suspended?

A. What I can say in the open session, sir, is that the action that was taken against Mr. Whitehurst was taken solely and directly on the basis of the recommendation by the Inspector General and their findings with respect to Mr. Whitehurst, which they furnished us in writing. We notified the Inspector General and the Deputy Attorney General's office that we were going to take administrative action. They did not object to it. The only reason that action was taken was because of what the Inspector General wrote and recommended to the FBI. And when that is public, I think you will be satisfied.

First, we have consistently been informed that the FBI did not take administrative action against Dr. Whitehurst ''solely and directly on the basis of the recommendation by the Inspector General and their findings with respect to Mr. Whitehurst,'' as you testified. Rather, Deputy Counsel James Maddock has informed us (and others) on several occasions that the FBI's action was also taken because of Dr. Whitehurst's refusal—after being administratively compelled—to testify in 1996 in the matter regarding leaks of information about the laboratory. Indeed, that dual rationale was contained in the memo from Weldon Kennedy to the Deputy Attorney General, a copy of which was sent to me, on January 24, 1997, notifying her of the FBI's intention to place Whitehurst on administrative leave that afternoon.

Second, it was inaccurate to say that I ''did not object'' when the FBI notified my office that it intended to place Dr. Whitehurst on administrative leave. In fact, at a meeting held on January 21, I expressed my opposition when Mr. Maddock informed us that the FBI intended to take such action against Dr. Whitehurst. This was consistent with the position that I had taken over the course of more than a year when FBI representatives had repeatedly proposed firing Whitehurst or placing him on some sort of administrative leave. Although it is correct that I did not specifically respond to Mr. Kennedy's January 24 memorandum informing the Deputy Attorney General of the FBI's decision to place Dr. Whitehurst on leave that same afternoon—or formally reiterate my objection to taking any action against Dr. Whitehurst—it was because I had already made my views known rather than because I agreed with the FBI's proposed action.

Third, your testimony implies that we specifically recommended that Dr. Whitehurst be placed on administrative leave based on the draft report. The draft report in fact contains no such recommendation, nor can it be fairly construed to imply that such action should be taken while the draft was being reviewed.

Because I believe the inaccuracies in your testimony should be corrected as promptly as possible, I urge you to write to Chairman Rogers and Congressman Mollohan to correct the record. Should sharing this letter with the Appropriations Subcommittee assist in correcting the record, please feel free to include it with your correction.

Very truly yours,

MICHAEL R. BROMWICH,
Inspector General.

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, March 11, 1997.

Mr. MICHAEL R. BROMWICH,
Inspector General, U.S. Department of Justice, Washington, DC.

DEAR MR. BROMWICH: In your letter of March 6, 1997, you state that it is your understanding that the FBI did not place Frederic Whitehurst on administrative leave solely on the basis of the recommendations set forth in your draft report. Your understanding is correct and I am writing to clarify my prior statement in that regard.

In a memorandum to Deputy Director Kennedy dated January 23, 1997, I recused myself from any Whitehurst-related disciplinary or administrative matters contained in the OIG report regarding the FBI Laboratory. Instead, I designated the Deputy Director to make or review all such decisions. It is my understanding that Deputy Director Kennedy based the decision to place Mr. Whitehurst on administrative leave on the following two grounds: (1) the FBI's receipt of notice in your draft findings that you intend to recommend that the FBI consider whether Mr. Whitehurst can continue to usefully serve the FBI in any capacity; and, (2) Mr. Whitehurst's refusal to answer questions, in direct contravention of an order to cooperate by an FBI Acting Assistant Director, with regard to an investigation into allegations that Mr. Whitehurst, without authorization, disclosed official information to the media.

We maintain that either of these grounds, standing alone, suffices to justify the temporary personnel action with respect to Mr. Whitehurst. However, as you know, the Department of Justice advised against taking any action concerning Mr. Whitehurst's refusal to cooperate with the leak investigation until you issued your draft report on the Laboratory investigation. Therefore, upon review of your draft findings with respect to Mr. Whitehurst, we notified your office that the FBI would be placing Mr. Whitehurst on administrative leave. As we advised Mr. Whitehurst in a letter dated January 24, 1997, this action did not constitute an adverse action, did not indicate inappropriate conduct on his part, and did not involve any loss of pay. However, because your draft findings put the FBI on notice of potentially serious problems with respect to Mr. Whitehurst and other Laboratory employees, the FBI would have been remiss had it failed to take temporary actions with respect to these individuals.

We received your draft report on the FBI Laboratory on January 21, 1997. On January 24, 1997, after reviewing your findings and recommendations, the FBI temporarily reassigned two Laboratory employees to positions outside the Laboratory, temporarily reassigned one employee within the Laboratory, and placed one employee, Mr. Whitehurst, on administrative leave with pay. You indicate in your letter that, at a meeting on January 21, 1997, you expressed opposition to the decision to place Mr. Whitehurst on administrative leave. I understand this topic was only briefly addressed and that the discussion moved on to other topics, which may account for why both Mr. Maddock and Mr. Collingwood do not recall your comments on this issue. Furthermore, as you concede in your letter, you did not respond to the Deputy Director's memorandum dated January 24, 1997, in which he informed the Deputy Attorney General that Mr. Whitehurst would be placed on administrative leave that afternoon.

Finally, you are correct that the draft report does not specifically recommend that Mr. Whitehurst be placed on administrative leave. I did not intend to imply that to the Subcommittee. However, it is significant that, after a 17-month investigation of the Laboratory, Mr. Whitehurst is the only FBI employee whose suitability for continued employment you question. Your findings also make clear that the majority of Mr. Whitehurst's allegations are unfounded and that he is often unable to distinguish fact from conjecture. I believe that the Subcommittee would have considered your draft findings with regard to Mr. Whitehurst helpful in balancing your testimony before them on February 26, 1997, that ''[w]e have found substantial problems based on the allegations that Dr. Whitehurst made to us.''

In order to clarify the entire record, I recommend that we provide the Subcommittee Chairman and Ranking Minority Member with your draft findings concerning Mr. Whitehurst in executive session and request that the findings be treated confidentially. I believe a fair reading of these findings supports Deputy Director Kennedy's decision to place Mr. Whitehurst on administrative leave with pay pending the finalization of your report on the FBI Laboratory and our review of that report to the extent it concerns Mr. Whitehurst's employment.

I appreciate your having provided me with an opportunity to address your concerns.

Sincerely,

LOUIS J. FREEH,
Director.

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, March 11, 1997.

Hon. HAROLD ROGERS,
U.S. House of Representatives, Chairman, Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations, Washington, DC.

DEAR MR. CHAIRMAN: Enclosed please find a letter to me from Michael R. Bromwich, Inspector General, Department of Justice, dated March 6, 1997, as well as my response to that letter.

As indicated by Mr. Bromwich, my testimony before the Subcommittee on March 5, 1997 was incomplete with regard to the decision to place Frederic Whitehurst on administrative leave. Although I recused myself from any Whitehurst-related disciplinary or administrative matters, I understand from former Deputy Director Kennedy that he based the decision to place Mr. Whitehurst on administrative leave on two grounds: (1) the FBI's receipt of notice in Mr. Bromwich's draft findings that he intends to recommend that the FBI consider whether Mr. Whitehurst can continue to usefully serve the FBI in any capacity; and, (2) Mr. Whitehurst's refusal to answer questions, in direct contravention of an order to cooperate by an FBI Acting Assistant Director, with regard to an investigation into allegations that Mr. Whitehurst, without authorization, disclosed official information to the media. In response to Subcommittee questioning, I failed to include the second basis for Deputy Director Kennedy's decision. I have submitted an amendment to the record in this regard.

In light of the Subcommittee's concerns regarding the decision to place Mr. Whitehurst on administrative leave, I believe that Mr. Bromwich's draft findings with respect to Mr. Whitehurst should be provided to you in full. As you can see from the enclosed correspondence, I have urged Mr. Bromwich to share his draft findings with you in executive session in order to clarify the record and explain one of the underlying bases for the FBI's temporary action with regard to Mr. Whitehurst. Mr. Bromwich objects to providing you with these draft findings and has directed that I not quote from them in testimony or correspondence with the Subcommittees.

I appreciate the opportunity to clarify my prior testimony and look forward to providing you and the Subcommittee members a thorough briefing following the release of Mr. Bromwich's final report on the FBI Laboratory.

Sincerely,

LOUIS J. FREEH,
Director.

Mr. GRASSLEY. Mr. President, to begin with, Mr. Freeh, in his letter to the IG—just as Mr. Kennedy did with me—believes that he can interpret the IG's report better than the IG can. He is saying to the IG, in effect, ''I don't care what you meant to say about Dr. Whitehurst. I care about what you said.'' He then plays a game of semantics and interprets the IG report as he wishes, not as the IG intended.

Then, elsewhere in the letters, Mr. Freeh takes a few pot shots at Dr. Whitehurst and at the IG. I understand why he would take pot shots at the IG. After all, the IG did an independent investigation of the crime lab. He apparently, according to news accounts, found credibility in many of Dr. Whitehurst's allegations. And that contradicts the FBI's own findings, which were nothing more than a whitewash of the exact same allegations. And the whitewash was done under this current director, Director Freeh. And Director Freeh personally signed off on the review. So, yes, I understand what would motivate the FBI Director to go after the IG.

But it is less clear why Mr. Freeh, before a subcommittee of Congress and later under his own signature, would go after Dr. Whitehurst. Why would the

FBI Director involve himself, by misleading the public and the subcommittee, in an attack on Dr. Whitehurst? After all, Mr. Freeh recused himself from matters dealing with Dr. Whitehurst. Last week, I released the document showing the recusal.

What kind of recusal is this? Is this part of a Kafka novel? Now, everyone in the entire Justice Department, including the FBI, knows how the FBI Director feels about Dr. Whitehurst. When decision-time comes to fire or retain Dr. Whitehurst, everyone has the message, directly from the FBI Director, regarding what he thinks about Dr. Whitehurst.

Finally, Mr. President, since I am on the subject of misleading. On March 5, the same day Mr. Freeh misled the Nation and the subcommittee on the IG report, he misled the public in another way. He announced in a press release the enhancement of a more independent Office of Professional Responsibility, or OPR. The new head of OPR would report directly to Mr. Freeh and his deputy.

But how can it be independent? It reports directly to Mr. Freeh and his deputy. Am I again reading one of Kafka's novels? Think of how reassuring the new, independent OPR is for Dr. Whitehurst, given what the Director said about him this past week.

The one truism that I have uncovered in all this, Mr. President, is this: The FBI has shown, beyond a shadow of a doubt, that it cannot police itself. This institution—the U.S. Congress—has bent over backward over the years to give the FBI what it says it needs. We have done it in good faith. We have done it without performing the necessary oversight. We put too much trust in the FBI. The FBI has squandered our trust.

In the coming weeks and months, I will attempt to show that, at the expense of fighting crime effectively, the FBI has engaged in a colossal campaign to build its empire. They have done it right under the noses of our oversight committees, the Judiciary Committees—of which I have been a member since I came to the Senate.

What the FBI needs is a good dose of oversight. They need to be reined in. There needs to be more independent oversight of their management. There needs to be more accountability of their budget, which has grown too large too quickly.

The FBI's leadership has come under fire because of its response to problems that have surfaced. It has chosen to mislead rather than acknowledge. That tells me, the Bureau is more worried about its image than its product.

Until the FBI acknowledges it cannot police itself, and works with Congress to establish more and better oversight, the FBI's leaders will keep taking heavy criticism from Capitol Hill.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of a letter from Dr. Whitehurst's attorneys to Director Freeh, dated today, taking the Director to task for his testimony and correspondence. I believe this letter will provide the necessary context for the public to judge whether Mr. Freeh's pot shots were fair.

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

KOHN, KOHN & COLAPINTO, P.C.,
ATTORNEYS AT LAW,
Washington, DC, March 17, 1997.

Hon. LOUIS J. FREEH,
Director, Federal Bureau of Investigation, U.S. Department of Justice, Washington, DC.

DEAR DIRECTOR FREEH: We have read with great interest your letters dated March 11, 1997 sent to Mr. Michael R. Bromwich, the Inspector General (''IG'') of the U.S. Department of Justice (''DOJ'') and the Honorable Harold Rogers, Chairman, U.S. House of Representatives Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations, respectively. These two letters directly concern our client, Dr. Frederic Whitehurst, Supervisory Special Agent, Federal Bureau of Investigation (''FBI''), and relate to testimony you provided to the Subcommittee on March 5, 1997.

As a threshold matter, we understood that you had recused yourself from involvement with any administrative action concerning Dr. Whitehurst's employment with the FBI or his whistleblower allegations that have been investigated as part of the DOJ IG ''Whitehurst Review.'' Nonetheless, by publishing your opinions concerning Dr. Whitehurst to a wide national audience, by providing testimony about his employment status and by requesting an executive session with a committee of the U.S. Congress to discuss matters related to Dr. Whitehurst, you clearly have not recused yourself from these matters. Furthermore, we were informed by a member of the news media prior to your testimony that you intended to answer questions concerning the actions the FBI took regarding Dr. Whitehurst. Thus, your comments about Dr. Whitehurst do not appear to have been spontaneous or accidental.

By widely publishing your very negative opinions about Dr. Whitehurst you have called into question the effectiveness of any purported ''recusal'' in matters related to the FBI crime lab or Dr. Whitehurst's employment.

In your letter to Mr. Bromwich you have deliberately distorted and published selected ''draft'' findings of the Inspector General in a manner clearly intended to discredit Dr. Whitehurst. You have alleged that the IG has concluded that ''the majority of Mr. Whitehurst's allegations are unfounded and that he is often unable to distinguished fact from conjecture.''

We highly doubt that the IG reached such conclusions or whether such conclusions will be contained in any final report issued by that office. Our review of more than 10,000 pages of documents released by the FBI pursuant to a court order and other publicly available materials related to the IG report, demonstrate that the vast majority of Dr. Whitehurst's major allegations have been fully substantiated. These include, but are not limited to, the allegation about misconduct in the Judge Hastings matter, major problems in the handling of evidence in the Oklahoma City Bombing matter, major problems in the FBI lab work and testimony in the World Trade Center Bombing matter, confirmation that Dr. Whitehurst's reports have been illegally altered and that illegally altered lab documents have been used as evidence in courts of law, confirmation that in a case you prosecuted the FBI Crime Lab did not follow proper protocols or properly evaluate the evidence, the withholding of exculpatory evidence in the case of the bombing of an airliner, confirmation that the contamination of the FBI Lab with the explosive residue PETN was not properly addressed, confirmation that your subordinates took adverse action against Dr. Whitehurst based on his lawful testimony in the World Trade Center case and his lawful actions of filing allegations of misconduct with the Department of Justice and confirmation that you were fully aware that the FBI crime lab could not meet the minimum standards of accreditation one year before the Oklahoma City Bombing tragedy occurred.

In regard to your statement that Dr. Whitehurst could not ''distinguish fact from conjecture,'' the fact that many of his most important allegations have been fully validated belies this point.[1]

We are very distressed at your apparent ignorance of the controlling FBI regulations and Executive Orders which govern Dr. Whitehurst's whistleblowing activities. As you should be well aware, in order to *encourage* employee whistleblowing, these regulations actually provide for and require the reporting of ''conjecture.''

We had assumed you were fully aware of Executive Order 12731 signed by President George Bush on October 17, 1990. This Executive Order, along with the published ''supplementary Information'' interpreting this Order, were directly provided to every employee of the U.S. Department of Justice, including Dr. Frederic Whitehurst. In being provided a copy of this packet of information Dr. Whitehurst was informed that ''These standards apply to all Department of Justice employees. Please read and retain them for future reference.'' Exhibit 1, U.S. Department of Justice, ''This Package Contains Important Ethics Materials, The Executive Order On Conduct and the Standards of Conduct'' (undated), attached hereto. As a loyal and dedicated public servant and federal law enforcement officer, Dr. Whitehurst read this packet of information. The Executive Order contained in the packet states as follows: ''Employees *shall* disclose waste, fraud, abuse, and corruption to appropriate authorities.'' Ex. 1, quoting from Executive Order 12731, Part I Section 101(k) (emphasis added).

As you can see, under this Executive Order, Dr. Whitehurst was under a mandatory duty to report certain allegations to the ''appropriate authorities.'' Pursuant to this obligation he in fact informed you and others within the FBI of very serious problems in the FBI crime lab. After the FBI failed to take action on these allegations Dr. Whitehurst fully informed the Inspector General of these allegations.

In regard to your purported concern over ''conjecture,'' the DOJ packet also contained the explanatory notes concerning Executive Order 12731, Part I Section 101(k) which were written by the Office of Government Ethics (''OGE'') and included as part of the final rule making governing the Executive Order. These comments make explicit what is implicit in the Executive Order, *i.e.*, that federal employees had a duty to ''overreport'' indications of misconduct and that the appropriate authorities would determine whether allegations were ''spurious.'' The OGE explained this reasoning as follows:

[1] As I am sure you are aware, Mr. James Maddock, FBI Deputy General Counsel, and the individual appointed to serve as the FBI's ''point man'' concerning matters related to Dr. Whitehurst, personally informed us on several occasions in late 1996 that the FBI knew the IG had validated many of Dr. Whitehurst's allegations and that the FBI either had or would take corrective action. Mr. Maddock's statements are at odds with your characterization of the IG's findings.

''Five agencies suggested changes to §2635.101(b)(11) [the OGE Code of Federal Regulations provision which incorporated the requirements of Executive Order 12731, Part I Section 101(k)], the principle requiring disclosure of fraud, waste, abuse and corruption. The recommendation by two agencies to change ''shall'' to ''should'' was not adopted. Section 2635.101(b)(11) is a verbatim restatement of the principle enunciated in the Executive order and the recommended substitution of precatory for mandatory language would change the principle. *The Office of Government Ethics does not share those agencies' concern that the principle will elicit frivolous reporting. The Government's interest in curbing waste, fraud, abuse and corruption is better served by overreporting than by underreporting, and the authorities to whom such disclosure are to be made can best determine the merits of allegations and ensure that harm does not result from any that are spurious.''*

Exhibit 1, quoting from Federal Register p. 35007 (emphasis added).

In addition, the OGE warned that agencies could not require employees to apply ''complex legal principles'' when determining whether to report potential ''improprieties.'' *Id.* Thus Dr. Whitehurst, who read these regulations prior to filing any allegations with the Office of Inspector General, or the FBI for that matter, acted pursuant to mandatory authority when he reported potential violations of complex legal matters such as improper withholding of Brady information by the FBI and DOJ, potential perjury, the use of improper scientific procedures and the lack of scientific integrity at the FBI lab.

Thus, it is incumbent upon the Director of the FBI to insure that all FBI employees report any allegations of misconduct, and to err on the side of ''overreporting'' these kinds of concerns. We are very troubled that your office has not enforced the requirement that employees are under a mandatory duty to disclose indications of misconduct. Instead of strictly enforcing the law, you have publicly attacked Dr. Whitehurst for doing exactly what he was require to do under federal law.

Not only was Dr. Whitehurst required to report his concerns pursuant to Executive Order, the OGE regulations and the Department of Justice employee handout, the FBI's own internal procedures regarding employee conduct required that Dr. Whitehurst report ''any indication'' of ''possible'' misconduct, whether proven or not, to the appropriate authorities. Section 1–22(c) of the FBI Manual of Administrative Operations and Procedures (MAOP) states as follows:

''Each employee has the responsibility to report promptly, any indication of possible exploitation or misuse of Bureau resources; information as to violations of law, rules or regulations; personal misconduct. . . .''

Exhibit 2, FBI MAOP Section 1–22 (emphasis added), attached hereto.

Once again, it is clear that Dr. Whitehurst had to report unproven and ''possible'' ''indications'' of misconduct to the appropriate authorities. It is fundamentally wrong for you to challenge his right to ''overreport,'' and ridicule his allegations as ''conjecture'' in the face of these legal mandates and in the face of the severe crisis that has gone unaddressed within the crime lab. To make matters even worse, you were fully aware of many of these problems in 1994, yet you failed to approve an independent review of these matters and failed to correct these problems.

In your March 11th letter to Mr. Bromwich you also state that Dr. Whitehurst could have been placed on leave as a result of his ''refusal to answer questions, in direct ocntravention of an order to cooperate by an FBI Acting Director, with regard to an investigation into allegations that Mr. Whitehurst, without authorization, disclosed official information to the media.'' Once again, your characterization of events is neither complete nor accurate. Dr. Whitehurst was asked to answer questions concerning an investigation conducted by the Inspector General about an alleged leak of information to a journalist. Dr. Whitehurst was originally informed that his cooperation with this investigation was completely voluntary. Specifically, the Special Investigative Counsel assigned by the IG to conduct the investigation stated that the interview would be ''voluntary'' and that Dr. Whitehurst could ''terminate'' the interview ''at any time.'' Exhibit 3, Hutchison to Kohn, February 13, 1996, attached hereto. The fact that this interview was originally scheduled as a ''voluntary'' interview is consistent with the manner in which the IG conducted its interviews during the course of the IG's ''Whitehurst Review.'' Documents reviewed by Dr. Whitehurst's counsel demonstrate that FBI employees were informed by the IG of their right to refuse to answer questions and the fact that such refusal would not result in any adverse actions.

Unfortunately, the FBI issued an instruction that Dr. Whitehurst could not fully communicate with his private attorneys concerning the proposed interview. This instruction was clearly retaliatory, unconstitutional and illegal. The DOJ was informed that as long as this instruction stood, we would instruct our client not to answer any questions and that the government's restriction on Dr. Whitehurst's communications with his private counsel would be challenged in federal court. Exhibit 4, Cochran and Kohn to Reno (March 27, 1996) attached hereto.

On March 19, 1996, after the FBI was informed of our objections to the improper restrictions on Dr. Whitehurst's communications with counsel, and after Dr. Whitehurst had been informed that the interview would be ''voluntary,'' the FBI Acting Assistant Director ordered Dr. Whitehurst to ''appear'' and answer questions on a mandatory basis. Exhibit 5, Thompson to Whitehurst (March 19, 1996), attached hereto. This order was issued almost three weeks after the FBI was informed of our objections and position regarding the government's interference with Dr. Whitehurst's communications with counsel.[2] See, Ex. 4.

Unfortunately, your letters of March 11th are not the first time you have treated Dr. Whitehurst in a disrespectful fashion. In 1994, after Dr. Whitehurst contacted your Office of General Counsel and, in good faith, attempted to communicate his concerns about the crime lab, the Office of General Counsel, with your specific concurrence, ridiculed him as a ''perfectionist'' who ''refuses to compromise or be realistic about his expectations of the LD [Laboratory Division]''. Memorandum of May 26, 1994, initialed by FBI General Counsel H.M. Shapiro. These types of derogatory characterizations are inconsistent with the regulations governing FBI employee-whistleblowing. It is highly unprofessional for the FBI to personally deride an individual who had the courage to come forward and point out problems within the crime lab. Frankly, we are shocked at the complete disrespect toward Dr. Whitehurst you have repeatedly shown or approved. Given the FBI's record in its dealings with Dr. Whitehurst we are not surprised that you objected to the IG's February 26, 1997 testimony confirming that the IG had ''found substantial problems [at the FBI crime lab] based on the allegations that Dr. Whitehurst made to us.'' Freeh to Bromwich, p. 2 (March 11, 1997). The FBI's pattern of attacking Dr. Whitehurst and ignoring the real problems which exist in the crime lab are not consistent with the goals of law enforcement.

In your letter to Mr. Bromwich you suggest that Congress should be briefed in ''executive session'' about undisclosed issues related to Dr. Whitehurst. The inference you clearly intended to leave with any person who read this letter borders on blatant ''McCarthyism''. You suggest that Dr. Whitehurst engaged in misconduct which needed to be ''treated confidentially.'' The facts indicate that the FBI's treatment of Dr. Whitehurst and its indifference in responding to his serious allegations will be recorded as one of the saddest chapters in law enforcement history.

In the future, if you intend to provide any member of Congress with a ''confidential'' briefing regarding Dr. Whitehurst, we hereby request that we be notified in advance of this briefing and that you request permission for Dr. Whitehurst's counsel to attend any such briefing and respond to the information you place before Congress.

Finally, your letters of March 11th referenced above were filed in violation of the Privacy Act and other applicable federal laws. We hereby request that you take immediate steps to correct the inaccurate information contained in your letters. Pursuant to the Privacy Act we also hereby request that a copy of this letter be sent to all persons to whom you provided a copy of your March 11th letters. In addition, pursuant to the Freedom of Information Act, 5 U.S.C. §552, the Privacy Act, 5 U.S.C. §552a and the February 5, 1997 Order issued by the Honorable Gladys Kessler in *Whitehurst* v. *FBI, et al.*, C.A. No. 96–572(GK) (D.D.C.) we hereby request immediate access to all documents directly or indirectly related to: (a) the subject matter of this letter; (b) all interactions with the U.S. Congress related to Dr. Whitehurst; (c) all notes concerning any conversations between the FBI and the DOJ IG; (d) all documents related to and a complete accounting of all disclosures of information made about Dr. Whitehurst from any FBI employee to any person outside of the FBI (including, but not limited to, the Director of the FBI, the FBI Deputy Director, Mr. Jim Maddock, Mr. Weldon Kennedy, the office of public affairs, of office of congressional affairs, the Acting Assistant Director, Laboratory Division and Mr. D.W. Thompson); (e) all documents in any manner related to the above-referenced March 11, 1997 letters signed by the FBI Director; and (f) all documents in any manner related to any briefing given by any FBI employee to any Member of the U.S. Congress, or any person employed by the U.S. Congress or a Member thereof.

We also request that fees be waived concerning our FOI/PA request because this information will significantly contribute to the public interest and the public's understanding of the operation of its government. In addition, we request that this FOIA and Privacy Act request be expedited given the intense public interest in these matters.

Thank you in advance for your prompt attention. We expect full compliance with the

[2] Notably, a subsequent attempt by the FBI to force Dr. Whitehurst to answer hostile questioning by arbitrarily switching a voluntary interview to a mandatory one was enjoined by court order. In September, 1996 the FBI once again ordered Dr. Whitehurst to submit to a mandatory interview and provide information to a prosecutor. The retaliatory nature of that instruction was so obvious that a U.S. District Court Judge issued a temporary restraining order and a permanent injunction prohibiting the mandatory interview. Ex. 6, *U.S.* v. *McVeigh*, Orders of Judge Matsch (Sept. 12, 1996 and Oct. 29, 1996).

FOIA and Privacy Act requests contained herein within ten days.

Sincerely yours,

STEPHEN M. KOHN,
MICHAEL D. KOHN,
DAVID K. COLAPINTO,
Attorneys for Dr. Whitehurst.

Mr. GRASSLEY. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HAGEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF AN INDEPENDENT COUNSEL TO INVESTIGATE ALLEGATIONS OF ILLEGAL FUNDRAISING

The Senate continued with the consideration of the joint resolution.

Mr. HAGEL. Mr. President, I rise today in support of Senate Joint Resolution 22, asking that an independent counsel be appointed to investigate the alleged illegal fundraising activities in the 1996 Presidential campaign.

It is in the best interest of both the Nation and the Congress that an independent counsel be appointed. In light of the continued severity of the allegations that arise on a nearly daily basis, this is the only way to properly investigate wrongdoing and prosecute where laws were broken. The requests for an independent counsel have been bipartisan. I have twice written Attorney General Janet Reno and asked that an independent counsel be appointed. To date, I have not received a reply.

We need an independent counsel to supplement congressional hearings. Only an independent counsel has the power to bring charges against those alleged of breaking the law. Congress will investigate, as we should—that is our responsibility—but we need someone looking into this with the ability to prosecute.

I also fear whether Congress will be able to bear the entire responsibility for investigating these alleged campaign finance abuses and still act on the important issues awaiting our attention. We were elected by the people to address the challenges facing America. We were elected to solve problems.

As we look forward to the 21st century, America is faced with serious challenges. Domestically, we must come to terms with our Federal budgetary problems, our national debt, the burden of taxes and regulations, the threat of crime, the explosive growth projected in entitlement programs. Internationally, we need to reshape a foreign policy, a foreign policy that will guide us through the uncharted and potentially treacherous waters of the post-cold-war era. This is a time of great hope, a time of great promise for the world. The fulfillment of this hope and promise will come only if America demonstrates bold, imaginative leadership, leadership that seizes the moment.

Determining the direction our Nation will take beyond the year 2000 is a very critical debate, one that all the Nation should be involved with. The issues involved require and deserve the full attention of this body. We must not be held hostage by partisan bickering over campaign finance investigations and daily allegations of political wrongdoing.

For example, Medicare's slide into bankruptcy will not wait for a determination of whether campaign finance laws were broken in last year's Presidential campaign. Action needs to be taken now to save Medicare, or America's seniors will pay the price.

If we allow the poison of political retribution and revenge to dominate the Congress, we will never be able to work together on these very important issues. The congressional hearings are important. Surely they are important. Surely they must go forward. But we need to get to the bottom of this mess. At the same time, we cannot allow these hearings to overshadow the present challenges facing this body.

Political leaders frequently express their dismay at the lack of confidence and trust the American people have in them and in all political institutions. However, we bring it on ourselves when the image we present to the American people is one of constant partisan wrangling and bitter accusations.

When we allow our system to become polarized and paralyzed, the American people have to wonder who is on the job, who is looking out for their interests, who is governing America.

The American people are tired of the lack of civility and the inflammatory rhetoric that too frequently dominate the political discourse in Washington. They are tired of the gridlock that results when both ends of Pennsylvania Avenue put political considerations before the Nation's business. The American people want action. They want their elected representatives to give their full attention to the challenges facing this country. They deserve nothing less.

The destiny and legacy of our people is that we have always risen to meet the challenges put before us. As we lead America and the world into the 21st century, we must build on this legacy. Big challenges lie ahead. We fail our children and the children of the world if we allow ourselves to become bogged down in political intrigue and fail to address these important issues now.

Criminal investigations should be taken out of politics. Prosecuting wrongdoing should be done without regard to politics. The Attorney General needs to appoint an independent counsel now.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

REPORT RELATIVE TO THE EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 22

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on developments concerning the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, and matters relating to the measures in that order and in Executive Order 12959 of May 6, 1995. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c) (IEEPA), section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c). This report discusses only matters concerning the national emergency with respect to Iran that was declared in Executive Order 12957 and does not deal with those relating to the emergency declared on November 14, 1979, in connection with the hostage crisis.

1. On March 15, 1995, I issued Executive Order 12957 (60 *Fed. Reg.* 14615, March 17, 1995) to declare a national emergency with respect to Iran pursuant to IEEPA, and to prohibit the financing, management, or supervision by United States persons of the development of Iranian petroleum resources. This action was in response to actions and policies of the Government of Iran, including support for international terrorism, efforts to undermine the Middle East peace process, and the acquisition of weapons of mass destruction and the means to deliver them. A copy of the order was provided to the Speaker of the House and the President of the Senate by letter dated March 15, 1995.

Following the imposition of these restrictions with regard to the development of Iranian petroleum resources, Iran continued to engage in activities that represent a threat to the peace and security of all nations, including Iran's continuing support for international terrorism, its support for acts that undermine the Middle East peace process, and its intensified efforts to acquire weapons of mass destruction. On May 6, 1995, I issued Executive Order 12959 to further respond to the

Iranian threat to the national security, foreign policy, and economy of the United States.

Executive Order 12959 (60 *Fed. Reg.* 24757, May 9, 1995) (1) prohibits exportation from the United States to Iran or to the Government of Iran of goods, technology, or services; (2) prohibits the reexportation of certain U.S. goods and technology to Iran from third countries; (3) prohibits dealings by United States persons in goods and services of Iranian origin or owned or controlled by the Government of Iran; (4) prohibits new investments by United States persons in Iran or in property owned or controlled by the Government of Iran; (5) prohibits U.S. companies and other United States persons from approving, facilitating, or financing performance by a foreign subsidiary or other entity owned or controlled by a United States person of certain reexport, investment, and trade transactions that a United States person is prohibited from performing; (6) continues the 1987 prohibition on the importation into the United States of goods and services of Iranian origin; (7) prohibits any transaction by a United States person or within the United States that evades or avoids or attempts to violate any prohibition of the order; and (8) allowed U.S. companies a 30-day period in which to perform trade transaction pursuant to contracts predating the Executive order.

At the time of signing Executive Order 12959, I directed the Secretary of the Treasury to authorize through specific licensing certain transactions, including transactions by United States persons related to the Iran-United States Claims Tribunal in The Hague, established pursuant to the Algiers Accords, and related to other international obligations and United States Government functions, and transactions related to the export of agricultural commodities pursuant to preexisting contracts consistent with section 5712(c) of title 7, United States Code. I also directed the Secretary of the Treasury, in consultation with the Secretary of State, to consider authorizing United States persons through specific licensing to participate in market-based swaps of crude oil from the Caspian Sea area for Iranian crude oil in support of energy projects in Azerbaijan, Kazakstan, and Turkmenistan.

Executive Order 12959 revoked sections 1 and 2 of Executive Order 12613 of October 29, 1987, and sections 1 and 2 of Executive Order 12957 of march 15, 1995, to the extent they are inconsistent with it. A copy of Executive Order 12959 was transmitted to the Speaker of the House of Representatives and the President of the Senate by letter dated May 6, 1995.

2. On March 5, 1997, I renewed for another year the national emergency with respect to Iran pursuant to IEEPA. This renewal extended the authority for the current comprehensive trade embargo against Iran in effect since May 1995. Under these sanctions, virtually all trade with Iran is prohibited except for information and informational materials and certain other limited exceptions.

3. The Iranian Transactions Regulations (the ''Regulations'' or ITR), 31 CFR Part 560, were amended on October 21, 1996 (61 *Fed. Reg.* 54936, October 23, 1996), to implement section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, by adjusting for inflation the amount of the civil monetary penalties that may be assessed under the Regulations. The amendment increases the maximum civil monetary penalty provided in the Regulations from $10,000 to $11,000 per violation.

The amended Regulations also reflect an amendment to 18 U.S.C. 1001 contained in section 330016(1)(L) of Public Law 103–322, September 13, 1994; 108 Stat. 2147. The amendment notes the availability of higher criminal fines pursuant to the formulas set forth in 18 U.S.C. 3571. A copy of the amendment is attached.

Section 560.603 of the ITR was amended on November 15, 1996 (61 *Fed. Reg.* 58480), to clarify rules relating to reporting requirements imposed on United States persons with foreign affiliations. Initial reporting under the amended Regulation has been deferred until May 30, 1997, by a January 14, 1997 *Federal Register* notice (62 *Fed. Reg.* 1832). Copies of the amendment and the notice are attached.

4. During the current 6-month period, the Department of the Treasury's Office of Foreign Assets Control (OFAC) made numerous decisions with respect to applications for licenses to engage in transactions under the ITR, and issued 13 licenses. The majority of denials were in response to requests to authorize commercial exports to Iran—particularly of machinery and equipment for the petroleum and manufacturing industries—and the importation of Iranian-origin goods. The licenses issued authorized the export and reexport of goods, services, and technology essential to ensure the safety of civil aviation and safe operation of certain commercial passenger aircraft in Iran; certain financial and legal transactions; the importation of Iranian-origin artwork for public exhibition; and certain diplomatic transactions. Pursuant to sections 3 and 4 of Executive Order 12959 and in order to comply with the Iran-Iraq Arms Non-Proliferation Act of 1992 and other statutory restrictions applicable to certain goods and technology, including those involved in the air-safety cases, the Department of the Treasury continues to consult with the Departments of State and Commerce on these matters.

The U.S. financial community continues to interdict transactions associated with Iran and to consult with OFAC about their appropriate handling. Many of these inquiries have resulted in investigations into the activities of U.S. parties and, where appropriate, the initiation of enforcement action.

5. The U.S. Customs Service has continued to effect numerous seizures of Iranian-origin merchandise, primarily carpets, for violation of the import prohibitions of the ITR. Various enforcement actions carried over from previous reporting periods are continuing and new reports of violations are being aggressively pursued. Since my last report, OFAC has collected a civil monetary penalty in the amount of $5,000. The violation underlying this collection involves the unlicensed import of Iranian-origin goods for transshipment to a third country aboard a U.S.-flag vessel. Civil penalty action or review is pending against 21 companies, financial institutions, and individuals for possible violations of the Regulations.

6. The expenses incurred by the Federal Government in the 6-month period from September 15, 1996, through March 14, 1997, that are directly attributable to the exercise of powers and authorities conferred by the declaration of a national emergency with respect to Iran are approximately $800,000, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the U.S. Customs Service, the Office of the Under Secretary for Enforcement, and the Office of the General Counsel), the Department of State (particularly the Bureau of Economic and Business Affairs, the Bureau of Near Eastern Affairs, the Bureau of Intelligence and Research, and the Office of the Legal Adviser), and the Department of Commerce (the Bureau of Export Administration and the General Counsel's Office).

7. The situation reviewed above continues to involve important diplomatic, financial, and legal interests of the United States and its nationals and presents an extraordinary and unusual threat to the national security, foreign policy, and economy of the United States. The declaration of the national emergency with respect to Iran contained in Executive Order 12957 and the comprehensive economic sanctions imposed by Executive Order 12959 underscore the United States Government opposition to the actions and policies of the Government of Iran, particularly its support of international terrorism and its efforts to acquire weapons of mass destruction and the means to deliver them. The Iranian Transactions Regulations issued pursuant to Executive Orders 12957 and 12959 continue to advance important objectives in promoting the nonproliferation and antiterrorism policies of the United States. I shall exercise the powers at my disposal to deal with these problems and will report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *March 14, 1997.*

MESSAGES FROM THE HOUSE

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

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

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

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

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

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

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

MEASURES REFERRED

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

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

MEASURE READ THE FIRST TIME

The following joint resolution was read the first time:

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

EXECUTIVE AND OTHER COMMUNICATIONS

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

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

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

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

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

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

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

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

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

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

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

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. ROBB:

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

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

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

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

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

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

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

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

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

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

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

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

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

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

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

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBB:

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

THE LOCAL GOVERNMENT INTERSTATE WASTE CONTROL ACT

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

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

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

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

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

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

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

Striking the right balance between State and local authority was only half the battle. The other major issue implicated by placing restrictions on out-of-State waste is how to treat existing facilities. In many cases, existing facilities which accept out-of-State waste do so in the face of local opposition. These communities understandably want us to stop the garbage from flowing. It would not be fair, however, to those who expended millions of dollars to build new landfills in compliance with strict federal regulations to cut off their commerce completely. Therefore, my measure balances these interests by allowing the Governor of each State to limit the amount of out-of-State waste which can be disposed of in an existing facility.

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

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

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

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

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

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

THE PATIENT RIGHT TO KNOW ACT

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

PROCEDURAL HISTORY

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

THE PROBLEM

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

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

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

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

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

ATTEMPTS AT A SOLUTION

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

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

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

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

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

THE CONGRESS MAY AND MUST ACT

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

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

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

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

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

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

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

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

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1998 AND 1999

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

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

THE MILITARY CONSTRUCTION AUTHORIZATION ACT FOR FISCAL YEAR 1998

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

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

S. 450

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

SECTION 1. SHORT TITLE.

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

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—PROCUREMRNT

AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide Activities.
Sec. 105. Defense Inspector General.
Sec. 106. Defense Health Program.
Sec. 107. Chemical Demilitarization Program.
Sec. 108. Transfer from the National Defense Stockpile Transaction Fund.
Sec. 109. National Guard and Reserve Component Equipment: Annual Report to Congress.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. Authorization of Appropriations.
Sec. 202. Permanent Authority to Provide for Use of Test and Evaluation Installations by Commercial Entities.

TITLE III—OPERATION AND MAINTENANCE

SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Operation and Maintenance Funding.
Sec. 302. Working Capital Funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Fisher House Trust Funds.
Sec. 305. Transfer from the National Defense Stockpile Transaction Fund.
Sec. 306. Repeal of Defense Business Operations Fund.

SUBTITLE B—ENVIRONMENTAL PROVISIONS

Sec. 311. Amendments to Authority to Enter into Agreements with Other Agencies in Support of Environmental Technology Certification.
Sec. 312. Storage and Disposal of Nondefense Toxic and Hazardous Materials.

SUBTITLE C—OTHER MATTERS

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

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

SUBTITLE A—ACTIVE FORCES

Sec. 401. End Strengths for Active Forces.

SUBTITLE B—RESERVE FORCES

Sec. 411. End Strengths for Selected Reserve.
Sec. 412. End Strengths for Reserves on Active Duty in Support of the Reserves.

TITLE V—MILITARY PERSONNEL POLICY

SUBTITLE A—OFFICER PERSONNEL POLICY

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

SUBTITLE B—ENLISTED PERSONNEL POLICY

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

SUBTITLE C—RESERVE PERSONNEL POLICY

Sec. 521. Correction to retired Grade, General Rule Concerning Nonregular Service.
Sec. 522. Grade Requirement for Involuntary Separation Board Composition.

SUBTITLE D—EDUCATION POLICY

Sec. 531. Protection of Educational Assistance Program Entitlements for Selected Reserve Members Serving on Active Duty in Support of a Contingency Operation.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

SUBTITLE A—PAY AND ALLOWANCES

Sec. 601. Military Pay Raise for Fiscal Year 1998.
Sec. 602. Change in Requirements for Pay of Ready Reserve Muster Duty Allowance.

SUBTITLE B—BONUSES AND SPECIAL PAYS

Sec. 611. Nuclear Qualified Officers: Bonuses and Special Pay.
Sec. 612. Incentive for Enlisted Members to Extend Tours of Duty Overseas.
Sec. 613. Amendments to Selected Reserve Reenlistment Bonus.
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SUBTITLE C—ALLOWANCES

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

SUBTITLE D—OTHER MATTERS
Sec. 631. Authorization for Reimbursement of Tax Liabilities Incurred by Participants in the F. Edward Hebert Armed Forces Health Professions Scholarship Program.
Sec. 632. Authorization for Increased Stipend Payments Made Under the F. Edward Hebert Armed Forces Health Professions Scholarship Program.
TITLE VII—HEALTH CARE PROVISIONS
Sec. 701. Repeal of the Statutory Restriction on Use of Funds for Abortions.
Sec. 702. Expanding the Limits Imposed on Providing Prosthetic Devices to Military Health Care Beneficiaries.
TITLE VIII—REPEAL OF ACQUISITION REPORTS AND ACQUISITION POLICY
SUBTITLE A—REPEAL OF CERTAIN ACQUISITION REPORTS
Sec. 801. Repeal of Acquisition Reports Required by Defense Authorization Acts.
Sec. 802. Repeal of Extraneous Acquisition Reporting Requirements.
SUBTITLE B—ACQUISITION POLICY
Sec. 811. Use of Single Payment Date for Mixed Invoices.
Sec. 812. Retention of Expired Funds During the Pendency of Contract Litigation.
Sec. 813. Expanding the Authority to Cross Fiscal Years to All Severable Service Contracts Not Exceeding a Year.
Sec. 814. Small Arms Weapons Procurement Objectives for the Army.
Sec. 815. Availability of Simplified Procedures to Commercial Item Procurements.
Sec. 816. Unit Cost Reports.
Sec. 817. Repeal of Additional Documentation Requirement for Competition Exception for International Agreements.
Sec. 818. Elimination of Drug-Free Workplace Certification Requirement for Grants.
Sec. 819. Vestiture of Title.
Sec. 820. Undefinitized Contract Actions.
Sec. 821. Authority of Directors of Department of Defense Agencies to Lease Non-Excess Property.
TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT
Sec. 901. Amendment to Frequency of Providing Policy Guidance for Contingency Plans.
Sec. 902. Revision of Membership Terms for Strategic Environmental Research and Development Program Scientific Advisory Board.
Sec. 903. Closure of the Uniform Services University of the Health Sciences.
Sec. 904. Repeal of Requirement to Operate Naval Academy Dairy Farm, Gambrills, Maryland.
Sec. 905. Inclusion of Information Resources Management College in the National Defense University.
TITLE X—GENERAL PROVISIONS
SUBTITLE A—FINANCIAL MATTERS
Sec. 1001. Two-year Extension of Counterproliferation Authorities.
SUBTITLE B—NAVAL VESSELS
Sec. 1010. Negotiating Sales of Vessels Stricken from the Naval Register.
Sec. 1011. Authority to Charter Vessel for Longer than Five Years In Support of Surveillance Towed Array Sensor (Surtass) Program.
Sec. 1012. Eighteen Month Shipbuilding Claims.
SUBTITLE C—OTHER MATTERS
Sec. 1020. Arrest Authority for Special Agents of the Defense Criminal Investigative Service.
Sec. 1021. Access to Pre-accession Offender Records.
Sec. 1022. Extension of Authority to Provide Additional Support For Counter-Drug Activities of Mexico.
Sec. 1023. Asia-Pacific Center for Security Studies.
Sec. 1024. Protection of Certain Imagery and Geospatial Information and Data.
Sec. 1025. National Guard Civilian Youth Opportunities Pilot Program.
Sec. 1026. Repeal of Annual Department of Defense Conventional Standoff Weapons Master Plan and Report on Standoff Munitions.
Sec. 1027. Revisions to the Ballistic Missile Defense Act of 1995.
Sec. 1028. Repeal of Reporting Requirements, Special Operations Forces: Training with Friendly Foreign Forces.
SUBTITLE D—MILITARY CONSTRUCTION PROVISIONS
Sec. 1031. Authority for the Secretary of the Army to Construct a Heliport at Fort Irwin, California.
Sec. 1032. Repeal of Reports Required by Military Construction Authorization Acts.
Sec. 1033. Financial Incentive for Energy Savings.
Sec. 1034. Water Conservation Financial Incentives.
Sec. 1035. Privatization of Government Owned Utility Systems.
TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL
Sec. 1101. Extension of Voluntary Separation Incentive Pay Authorization.
Sec. 1102. Elimination of Time Limitation for Placement Consideration of Involuntarily Separated Reserve Technicians.
Sec. 1103. Pay Practices When Overseas Teachers Transfer to General Schedule Positions.
Sec. 1104. Citizenship Requirements for Staff of the George C. Marshall Center for Security Studies.
Sec. 1105. Preservation of Civil Service Rights for Employees of the Former Defense Mapping Agency.
Sec. 1106. Authorization for the Marine Corps University to Employ Civilian Professors.

TITLE I—PROCUREMENT

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ARMY

(a) AIRCRAFT.—Funds are hereby authorized to be appropriated for procurement of aircraft for the Army as follows:
(1) $1,162,459,000 for fiscal year 1998.
(2) $1,240,541,000 for fiscal year 1999.
(b) MISSILES.—Funds are hereby authorized to be appropriated for procurement of missiles for the Army as follows:
(1) $1,178,151,000 for fiscal year 1998.
(2) $1,541,375,000 for fiscal year 1999.
(c) WEAPONS AND TRACKED COMBAT VEHICLES.—Funds are hereby authorized to be appropriated for procurement of weapons and tracked combat vehicles for the Army as follows:
(1) $1,065,707,000 for fiscal year 1998.
(2) $1,475,106,000 for fiscal year 1999.
(d) AMMUNITION.—Funds are hereby authorized to be appropriated for procurement for ammunition for the Army as follows:
(1) $890,902,000 for fiscal year 1998.
(2) $975,973,000 for fiscal year 1999.
(e) OTHER PROCUREMENT.—Funds are hereby authorized to be appropriated for procurement for ammunition for the Army as follows:
(1) $2,455,030,000 for fiscal year 1998.
(2) $3,139,830,000 for fiscal year 1999.

SEC. 102. NAVY AND MARINE CORPS.

(a) AIRCRAFT.—Funds are hereby authorized to be appropriated for procurement of aircraft for the Navy as follows:
(1) $6,085,965,000 for fiscal year 1998.
(2) $7,669,355,000 for fiscal year 1999.
(b) WEAPONS.—Funds are hereby authorized to be appropriated for procurement of weapons (including missiles and torpedoes) for the Navy as follows:
(1) $1,136,293,000 for fiscal year 1998.
(2) $1,435,740,000 for fiscal year 1999.
(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for ammunition for the Navy and Marine Corps as follows:
(1) $336,797,000 for fiscal year 1998.
(2) $502,625,000 for fiscal year 1999.
(d) SHIPBUILDING AND CONVERSION.—Funds are hereby authorized to be appropriated for shipbuilding and conversion for the Navy as follows:
(1) $7,438,158,000 for fiscal year 1998.
(2) $5,958,044,000 for fiscal year 1999.
(e) OTHER PROCUREMENT, NAVY.—Funds are hereby authorized to be appropriated for other procurement for the Navy as follows:
(1) $2,825,500,000 for fiscal year 1998.
(2) $4,185,375,000 for fiscal year 1999.
(f) MARINE CORPS.—Funds are hereby authorized to be appropriated for procurement for the Marine Corps as follows:
(1) $374,306,000 for fiscal year 1998.
(2) $695,536,000 for fiscal year 1999.

SEC. 103. AIR FORCE.

(a) AIRCRAFT.—Funds are hereby authorized to be appropriated for procurement of aircraft for the Air Force as follows:
(1) $5,817,847,000 for fiscal year 1998.
(2) $8,079,811,000 for fiscal year 1999.
(b) MISSILES.—Funds are hereby authorized to be appropriated for procurement of missiles for the Air Force as follows:
(1) $255,774,000 for fiscal year 1998.
(2) $2,892,106,000 for fiscal year 1999.
(c) AMMUNITION.—Funds are hereby authorized to be appropriated for ammunition for the Air Force as follows:
(1) $403,984,000 for fiscal year 1998.
(2) $456,503,000 for fiscal year 1999.
(d) OTHER PROCUREMENT.—Funds are hereby authorized to be appropriated for other procurement for the Air Force as follows:
(1) $6,561,253,000 for fiscal year 1998.
(2) $6,754,879,000 for fiscal year 1999.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for Defense-wide procurement as follows:
(1) $1,695,085,000 for fiscal year 1998.
(2) $2,616,431,000 for fiscal year 1999.

SEC. 105. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for procurement for the Inspector General of the Department of Defense as follows:
(1) $1,800,000 for fiscal year 1998.
(1) $1,100,000 for fiscal year 1999.

SEC. 106. DEFENSE HEALTH PROGRAM.

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

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

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

Funds are hereby authorized to be appropriated for the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) and the destruction of chemical warfare material of the United States that is not covered by section 1412 of such Act as follows:
(1) $620,700,000 for fiscal year 1998.
(2) $1,094,200,000 for fiscal year 1999.

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

(A) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $400,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to procurement accounts for fiscal year 1998 in amounts as follows:
(1) For Aircraft Procurement, Army, $133,000,000.
(2) For Aircraft Procurement, Navy, $134,000,000.
(3) For Aircraft Procurement, Air Force, $133,000,000.
(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—
(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and
(2) may not be expended for an item that has been denied authorization of appropriations by Congress.

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

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

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 1998.—Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Armed Forces for research, development, test, and evaluation, as follows:
(1) For the Army, $4,510,843,000.
(2) For the Navy, $7,611,022,000.
(3) For the Air Force, $14,451,379,000.
(4) For Defense-wide activities, $9,361,247,000, of which—
(i) $268,183,000 is authorized for the activities of the Director, Test and Evaluation; and
(ii) $23,384,000 is authorized for the Director of Operational Test and Evaluation.
(b) FISCAL YEAR 1999.—Funds are hereby authorized to be appropriated for fiscal year 1999 for the use of the Armed Forces for research, development, test, and evaluation, as follows:
(1) For the Army, $4,496,724,000.
(2) For the Navy, $7,756,314,000.
(3) For the Air Force, $13,799,985,000.
(4) For Defense-wide activities, $8,991,567,000, of which—
(i) $278,767,000 is authorized for the activities of the Director, Test and Evaluation; and
(ii) $23,447,000 is authorized for the Director of Operational Test and Evaluation.

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

Section 2681 of title 10, United States Code, is amended—
(1) by striking subsection (g); and
(2) by redesignating subsection (h) as subsection (g).

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization Of Appopriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

(a) FISCAL YEAR 1998.—Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenace, in amounts as follows:
(1) For the Army, $17,215,484,000.
(2) For the Navy, $21,581,130,000.
(3) For the Marine Corps, $2,305,345,000.
(4) For the Air Force, $18,910,785,000.
(5) For Defense-wide activities, $10,403,938,000.
(6) For the Army Reserve, $1,192,891,000.
(7) For the Naval Reserve, $834,711,000.
(8) For the Marine Corps Reserve, $110,366,000.
(9) For the Air Force Reserve, $1,624,420,000.
(10) For the Army National Guard, $2,258,932,000.
(11) For the Air National Guard, $2,991,219,000.
(12) For the Defense Inspector General, $136,580,000.
(13) For Drug Interdiction and Counterdrug Activities, Defense-wide, $652,582,000.
(14) For the United States Court of Appeals for the Armed Forces, $6,952,000.
(15) For Environmental Restoration, Army, $377,337,000.
(16) For Environmental Restoration, Navy, $277,500,000.
(17) For Environmental Restoration, Air Force, $378,900,000.
(18) For Environmental Restoration, Defense-wide, $27,900,000.
(19) For Environmental Restoration, Formerly Used Defense Sites, $202,300,000.
(20) For Medical Programs, Defense, $9,766,582,000.
(21) For Overseas Humanitarian, Disaster, and Civic Aid, $80,130,000.
(22) For Former Soviet Union Threat Reduction, $382,200,000.
(23) For the Overseas Contingency Operations Transfer Fund, $1,467,500,000.
(24) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $10,000,000.
(b) FISCAL YEAR 1999.—Funds are hereby authorized to be appropriated for fiscal year 1999 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:
(1) For the Army, $16,891,339,000.
(2) For the Navy, $21,518,405,000.
(3) For the Marine Corps, $2,403,946,000.
(4) For the Air Force, $18,628,356,000.
(5) For the Defense Agencies, $10,542,807,000.
(6) For the Army Reserve, $1,209,605,000.
(7) For the Naval Reserve, $858,057,000.
(8) For the Marine Corps Reserve, $115,481.000.
(9) For the Air Force Reserve, $1,631,287,000.
(10) For the Army National Guard, $2,366,670,000.
(11) For the Air National Guard, $2,981,789,000.
(12) For the Defense Inspector General, $133,798,000.
(13) For Drug Interdiction and Counterdrug Activities, Defense-wide, $652,182,000.
(14) For the United States Court of Appeals for the Armed Forces, $6,950,000.
(15) For Environmental Restoration, Army, $385,640,000.
(16) For Environmental Restoration, Navy, $287,600,000.
(17) For Environmental Restoration, Air Force, $387,100,000.
(18) For Environmental Restoration, Defense-wide, $25,600,000.
(19) For Environmental Restoration, Formerly Used Defense Sites, $202,100,000.
(20) For Medical Programs, Defense, $9,496,849,000.
(21) For Overseas Humanitarian, Disaster, and Civic Aid, $51,211,000.
(22) For Former Soviet Union Threat Reduction, $344,700,000.

SEC. 302. WORKING CAPITAL FUNDS.

(a) FISCAL YEAR 1998.—Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:
(1) For the Defense Working Capital Funds, $33,400,000.
(2) For the National Defense Sealift Fund, $1,191,426,000.
(3) For the Military Commissary Fund, $938,552,000.
(b) FISCAL YEAR 1999.—Funds are hereby authorized to be appropriated for fiscal year 1999 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, in amounts as follows:
(1) For the Defense Working Capital Funds, $30,800,000.
(2) For the National Defense Sealift Fund, $689,994,000.
(3) For the Military Commissary Fund, $938,694,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated from the Armed Forces Retirement Home Trust Fund for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home, as follows:
(1) $79,977,000 for fiscal year 1998.
(2) $73,332,000 for fiscal year 1999.

SEC. 304. FISHER HOUSE TRUST FUNDS.

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

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

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 1998 in amounts as follows:
(1) For the Army, $50,000,000.
(2) For the Navy, $50,000,000.
(3) For the Air Force, $50,000,000.
(b) TREATMENT OF TRANSFERS.—Amounts transferred under this section—
(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and
(2) may not be expanded for an item that has been denied authorization of appropriations by Congress.

SEC. 306. REPEAL OF DEFENSE BUSINESS OPERATIONS FUNDS.

(a)(1) REPEAL.—Section 2216a of title 10, United States Code, is repealed.
(2) CONFORMING AMENDMENT.—The table of sections for chapter 131 of title 10, United

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

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

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

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

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

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

''(B) Automatic data processing equipment, software.

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

''(D) Other capital improvements.''.

Subtitle B—Environmental Provisions

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

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

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

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

SEC. 312. STORAGE AND DISPOSAL OF NONDEFENSE TOXIC AND HAZARDOUS MATERIALS.

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

''(1) in subsection (a)(1)—

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

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

''(2) in subsection (b)(8)—

''(A) by striking ''by a private person'';

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

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

(3) in subsection (b)(9)—

(A) by striking ''by a private person'';

(B) by striking ''commercial'';

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

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

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

Subtitle C—Other Matters

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) ESTABLISHMENT OF ACCOUNT.—(1) There is established in the Treasury of the United States an account to be known as the ''Department of Defense 50th Anniversary of the Marshall Plan and Korean War Commemoration Account which shall be administered by the Secretary of Defense as a single account. There shall be deposited into the account all proceeds derived from activities described in subsection (d).

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

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

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

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

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

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

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

''§ 7047. Admission of Civilians.

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

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

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

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

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

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

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

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

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

''7047. Admission of civilians.''.

TITLE IV—PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

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

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

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

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

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

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

(1) The Army National Guard of the United States, 366,516.
(2) The Army Reserve, 208,000.
(3) The Naval Reserve, 94,294.
(4) The Marine Corps Reserve, 42,000.
(5) The Air National Guard of the United States, 107,377.
(6) The Air Force Reserve, 73,431.
(7) The Coast Guard Reserve, 8,000.

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

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

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

(d) ADJUSTMENTS.—The end strengths prescribed by subsection (a) or (b) for the Selected Reserve of any reserve component shall be proportionately reduced by—

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

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

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

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

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

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

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

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

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

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

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

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

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

''(b) For purposes of this section—

''(1) 'military welfare society' means the:

''(A) Army Emergency Relief;

''(B) Air Force Aid Society;

''(C) Navy-Marine Corps Relief Society;

''(D) Coast Guard Mutual Assistance; and

''(2) 'other designated entities' means:

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

''(B) entities regulating international athletic competitions;

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

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

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

''§1033. Participation in management of non-Federal entities.''.

SEC. 502. MODIFYING SELECTION BOARD ELIGIBILITY.

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

SEC. 503. LIMITATIONS ON PROMOTION CONSIDERATION ELIGIBILITY.

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

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

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

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

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

(1) by striking subsection (e); and

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

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

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

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

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

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

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

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

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

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

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

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

''(B) A health care professional (as characterized by the Secretary concerned) who is assigned to duty as a health care professional for the period of the active duty to which ordered.

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

Subtitle B—Enlisted Personnel Policy

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

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

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

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

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

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

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

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

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

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

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

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

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

Subtitle C—Reserve Personnel Policy

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

(A) RETIRED GRADE OF ARMY OFFICER.—Subsection 3961(a) of title 10, United States Code, is amended by striking ''or for nonregular service under chapter 1223 of this title,''.

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

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

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

Subtitle D—Education Policy

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

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

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

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

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

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

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

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

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

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

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

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

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

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

Subtitle B—Bonuses and Special Pays

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 613. AMENDMENTS TO SELECTED RESERVE REENLISTMENT BONUS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(c) A member may not be paid more than one six-year bonus or two three-year bonuses under this section. Furthermore, a member may not be paid a bonus under this section unless the specialty associated with the position the member is projected to occupy is a specialty in which the member successfully served while on active duty and in which the member attained a level of qualification commensurate with his grade and years of service. If the option for two three-year bonuses is chosen, the first three year bonus amount shall not exceed $2,000, paid as determined by the Secretary concerned, except that the initial payment may not exceed one-half of the total bonus amount. In order to qualify for the follow on three-year bonus, the member must reenlist immediately after the first three-year term and must meet, as determined by the Secretary concerned, all eligibility criteria at the time of that reenlistment. Failure to meet all eligibility criteria will result in forfeiture of continued eligibility for this bonus. The follow on three-year bonus, if elected and provided the member meets all eligibility requirements, shall be paid, in an amount not to exceed $2,500, as if the member had selected the three-year option alone.''.

Subtitle C—Allowances

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

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

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

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

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

SUBTITLE D—OTHER MATTERS

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

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

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

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

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

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

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

TITLE VII—HEALTH CARE PROVISIONS

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

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

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

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

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

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

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

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

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

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

TITLE VIII—REPEAL OF ACQUISITION REPORTS AND ACQUISITION POLICY

Subtitle A—Repeal of Certain Acquisition Reports

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

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

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

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

(1) by striking subsection (b); and

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

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

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

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

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

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

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

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

(1) Section 112 is repealed.

(2) Section 115 is repealed.

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

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

SEC. 802. REPEAL OF EXTRANEOUS ACQUISITION REPORTING REQUIREMENTS.

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

(1) by striking ''and'' at the end of paragraph (b)(3)(B);

(2) by striking (b)(4); and

(3) by redesignating paragraphs (b) (5), (6), and (7) as paragraphs (b) (4), (5), and (6), respectively.

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

(2) by striking subsection (g).

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

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

Subtitle B—Acquisition Policy

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

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

(1) by striking ''; and'' at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) inserting in lieu thereof ''; and''; and

(3) by inserting at the end the following new paragraph (10):

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

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

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

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

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

''(b) PERIOD OF AVAILABILITY.—The funds shall remain available for obligation and expenditure for a period not to exceed 180 calendar days following the settlement of the parties or conclusion of the litigation, including all avenues of appeal or expiration of all appeal periods. Thereafter, if the funds have not been obligated and expended, the account shall be closed and the funds shall be deposited in the Treasury as miscellaneous receipts.

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

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

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

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

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

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

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

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

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

''2410a. Severable service contracts for periods crossing fiscal years.''.

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

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

''Weapon	*Quantity*
MK19–3 grenade machine gun	20,751
M16A2 rifle	846,028
M249 squad automatic weapon	75,443
M4 carbine	119,942.''.

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

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

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

SEC. 816. UNIT COST REPORTS.

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

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

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

(4) by striking paragraph (3).

''(b) ELIMINATION OF QUALIFYING REQUIREMENT.—Section 2433(d) of such title 10 is amended by striking in paragraph (3) ''(for the first time since the beginning of the current fiscal year)''.

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

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

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

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

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

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

(3) in subsection (b)(1)—

(A) by striking subparagraph (A);

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

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

SEC. 819. VESTITURE OF TITLE.

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

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

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

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

SEC. 820. UNDEFINITIZED CONTRACT ACTIONS.

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

(1) in subsection (b)—

(A) by striking paragraph (4); and

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

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

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

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

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

''(H) Humanitarian assistance''.

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

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

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

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

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

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

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

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

''(h) A lease under subsection (g)—

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

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

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

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

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

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

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

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

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

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

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

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

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

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

(3) No new class of students may be admitted to begin studies in the Uniformed Services University of the Health Sciences after September 30, 1997. No students may be awarded degrees by such University after September 30, 2001, except that the Secretary may grant exceptions on a case-by-case basis for any students who by that date have completed substantially all degree requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

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

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

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

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

Subtitle B—Other Matters

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

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

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

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

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

SEC. 1012. EIGHTEEN MONTH SHIPBUILDING CLAIMS.

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

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

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

Subtitle C—Other Matters

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

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

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

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

''(1) carry firearms;

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

''(3) make arrests without warrant for—

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

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

arrested has committed or is committing such felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) ASIA-PACIFIC CENTER PARTICIPATION BY FOREIGN NATIONS.—(1) Notwithstanding any other provision of law, the Secretary of Defense may authorize representatives of a foreign government to participate in a program of the Asia-Pacific Center, if the Secretary determines, in consultation with the Secretary of State, that such participation is in the national interest of the United States.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SUBTITLE D—MILITARY CONSTRUCTION PROVISIONS

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

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

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

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

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

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

(1) by striking subsection (d); and

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

SEC. 1033. FINANCIAL INCENTIVES FOR ENERGY SAVINGS.

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

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

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

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

SEC. 1034. WATER CONSERVATION FINANCIAL INCENTIVES.

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

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

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

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

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

SEC. 1035. PRIVATIZATION OF GOVERNMENT OWNED UTILITY SYSTEMS.

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

''§ 2694. Privatization of Government Owned Utility Systems.

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

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

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

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

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

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

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

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

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

''2694. Privatization of Government Owned Utility Systems.''.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) in paragraph (1)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATION

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition Projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Authorization of Military Construction Project for which funds have been appropriated.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Military Housing planning and design.
Sec. 2403. Improvements to military family housing units.
Sec. 2404. Energy Conservation Projects.
Sec. 2405. Authorization of appropriations, Defense Agencies.
Sec. 2406. Use of Prior Year Appropriations.
Sec. 2407. Modification of authority to carry out fiscal year 1995 projects.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

Sec. 2501. Authorized NATO Construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

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

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

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

Sec. 2702. Extensions of authorizations of certain fiscal year 1994 projects.
Sec. 2703. Extensions of authorizations of certain fiscal year 1993 projects.
Sec. 2704. Extension of Over-The-Horizon Radar in Puerto Rico.
Sec. 2705. Effective date.
TITLE XXVIII—GENERAL PROVISIONS
SUBTITLE A—MILITARY CONSTRUCTION PROGRAM AND MILITARY FAMILY HOUSING CHANGES
Sec. 2801. Streamlining real property transactions and architectural and engineering services and construction design
SUBTITLE B—OTHER MATTERS
Sec. 2802. Increase in maximum limit for minor land acquisition.
Sec. 2803. Administrative expenses for certain real estate transactions.
Sec. 2804. Long term lease authority, Naples Improvement Initiative, Naples, Italy.
DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

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

TITLE XXI—ARMY

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

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

ARMY: INSIDE THE UNITED STATES

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

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

ARMY: OUTSIDE THE UNITED STATES

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

SEC. 2102. FAMILY HOUSING.

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

ARMY: FAMILY HOUSING

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

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

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

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

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

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

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

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

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

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

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

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

(7) For military family housing functions:

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

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

(B) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) through (4) of subsection (a).

TITLE XXII—NAVY

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

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

NAVY: INSIDE THE UNITED STATES

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

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

NAVY: OUTSIDE THE UNITED STATES

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

SEC. 2202. FAMILY HOUSING.

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

NAVY: FAMILY HOUSING

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

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

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

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

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

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

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

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

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

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

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

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

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

(8) For military family housing functions:

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

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

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

TITLE XXIII—AIR FORCE

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

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

AIR FORCE: INSIDE THE UNITED STATES

State and Installation or Location	Amount
Alabama: Maxwell Air Force Base	$5,574,000
Alaska:	
Clear Air Station	67,069,000
Eielson Air Force Base	7,764,000
Indian Mountain	1,991,000
California:	
Edwards Air Force Base	2,887,000
Vandenberg Air Force Base	26,876,000
Colorado:	
Buckley Air National Guard Base	6,718,000
Falcon Air Force Station	10,551,000
Peterson Air Force Base	4,081,000
US Air Force Academy	15,229,000
Florida:	
Eglin Auxiliary Field 9	6,470,000
MacDill Air Force Base	1,543,000
Georgia: Robins Air Force Base	18,663,000
Idaho: Mountain Home Air Force Base	17,719,000
Kansas: McConnell Air Force Base	6,669,000
Louisiana: Barksdale Air Force Base	19,410,000
Mississippi: Keesler Air Force Base	30,855,000
Missouri: Whiteman Air Force Base	17,419,000
New Jersey: McGuire Air Force Base	9,954,000
North Carolina: Pope Air Force Base	8,356,000
North Dakota: Grand Forks Air Force Base	8,560,000
Ohio: Wright-Patterson Air Force Base	10,750,000
Oklahoma: Tinker Air Force Base	9,655,000
South Carolina: Shaw Air Force Base	6,072,000
Tennessee: Arnold Air Force Base	10,750,000
Texas: Randolph Air Force Base	2,488,000
Utah: Hill Air Force Base	6,470,000
Virginia: Langley Air Force Base	4,031,000
Washington:	
Fairchild Air Force Base	7,366,000
McChord Air Force Base	9,655,000
CONUS Classified: Classified Location	6,175,000
Total	367,770,000

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

AIR FORCE: OUTSIDE THE UNITED STATES

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

SEC. 2302. FAMILY HOUSING.

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

AIR FORCE: FAMILY HOUSING

State and Installation or Location	Purpose (Units)	Amount
California:		
Edwards Air Force Base	51	$8,500,000
Travis Air Force Base	70	9,714,000
Vandenberg Air Force Base	108	17,100,000
Delaware: Dover Air Force Base	(1)	831,000
District of Columbia: Bolling Air Force Base	46	5,100,000
Florida:		
MacDill Air Force Base	58	10,000,000
Tyndall Air Force Base	32	4,200,000
Georgia: Robins Air Force Base	60	6,800,000
Idaho: Mountain Home Air Force Base	60	11,032,000
Kansas: McConnell Air Force Base	19	2,951,000
Mississippi:		
Columbus Air Force Base	50	6,200,000
Keesler Air Force Base	40	5,000,000
Montana: Malmstrom Air Force Base	28	4,842,000
New Mexico: Kirtland Air Force Base	180	20,900,000
North Dakota: Grand Forks Air Force Base	42	7,936,000
Texas:		
Dyess Air Force Base	70	10,503,000
Goodfellow Air Force Base	3	500,000
Wyoming: F E Warren Air Force Base	52	6,853,000
Total	.....	138,962,000

[1] Ancillary facility.

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

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

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

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

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

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

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

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

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

(5) For military housing functions:

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

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

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

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

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

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

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

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

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

TITLE XXIV—DEFENSE AGENCIES

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

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

DEFENSE AGENCIES: INSIDE THE UNITED STATES

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

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

DEFENSE AGENCIES: OUTSIDE THE UNITED STATES

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

SEC. 2402. MILITARY HOUSING PLANNING AND DESIGN.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(13)(A), the Secretary of Defense may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $50,000.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

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

SEC. 2404. ENERGY CONSERVATION PROJECTS.

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

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

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

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

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

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

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

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

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

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

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

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

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

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

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

(13) For military family housing functions:

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

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

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

SEC. 2406. USE OF PRIOR YEAR APPROPRIATIONS.

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

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

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

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

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

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

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

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

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

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

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

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

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

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

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $45,098,000; and

(B) for the Army Reserve, $39,112,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $13,921,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $60,225,000; and

(B) for the Air Force Reserve, $14,530,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

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

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

(1) October 1, 2000; or

(2) the date for the enactment of an Act authorizing funds for military construction for fiscal year 2001.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2000; or

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

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

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

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

ARMY: EXTENSION OF 1995 PROJECT AUTHORIZATIONS

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

NAVY: EXTENSION OF 1995 PROJECT AUTHORIZATIONS

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

AIR FORCE: EXTENSION OF 1995 PROJECT AUTHORIZATIONS

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

DEFENSE AGENCIES: EXTENSION OF 1995 PROJECT AUTHORIZATIONS

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

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

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

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

NAVY: EXTENSION OF 1994 PROJECT AUTHORIZATIONS

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

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

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

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

NAVY: EXTENSION OF 1995 PROJECT AUTHORIZATION

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

SEC. 2705. EFFECTIVE DATE.

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

(1) October 1, 1997; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

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

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

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

(A) by striking subsection (b);

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of Chapter 159 of title 10, United States Code, is amended by striking the item relating to section 2662 and inserting in lieu thereof the following:

''[2662. Repealed.]''.

Subtitle B—Other Matters

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

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

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of Chapter 159 of title 10, United States Code, is amended by striking the item relating to section 2672 and inserting in lieu thereof the following:

''2672. Acquisition: interests in land when cost is not more than $500,000.''.

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

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

''§ 2695. Administrative expenses for certain real estate transactions

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

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

''2695. Administrative expenses for certain real estate transactions.''.

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

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

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

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

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

THE NURSE AIDE TRAINING ACT OF 1997

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

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

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

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

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

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

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

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

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

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

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

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

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

S. 452

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

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

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

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

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

''(C) WAIVER AUTHORIZED.—Clause (iii) of subparagraph (B) shall not apply to a program offered in (but not by) a nursing facility in a State if the State—

''(i) determines that there is no other such program offered within a reasonable distance of the facility;

''(ii) assures, through an oversight effort, that an adequate environment exists for operating the program in the facility; and

''(iii) provides notice of such determination and assurances to the State long-term care ombudsman.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to programs offered on or after the date of enactment of this Act.●

Mr. GRASSLEY. Mr. President, today I join Senator BYRON DORGAN of North Dakota in introducing legislation aimed at reversing the lack of qualified nurse aides in rural America by encouraging local training programs to continue their work. Our goal is to improve the level of care in nursing homes. Increasing the availability of qualified staff in rural nursing homes will help older Americans live better lives.

Many rural nursing homes rely on their own training programs to certify nurse aides. Current Federal law allows these training programs to be terminated due to problems unrelated to the quality of the training program. In rural areas, terminating a nurse aide training program can result in a lack of qualified staff at a rural facility. Therefore, terminating a nurse training program can actually make conditions worse, not better.

This bill ensures that nurse aide training programs will be judged on their own merits, not on outside factors. This is commonsense legislation. Judging people on their actions and programs on their results is the American way. Judging training programs on outside factors doesn't penalize the substandard nursing homes, it penalizes older Americans.

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

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

THE MICHAEL GILLICK CHILDHOOD CANCER RESEARCH ACT

Mr. TORRICELLI. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 453

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Michael Gillick Childhood Cancer Research Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) during the period from 1980 to 1988, Ocean County, New Jersey, had a significantly higher rate of childhood cancer than the rest of the United States, including a rate of brain and central nervous system cancer that was nearly 70 percent above the rate of other States;

(2) during the period from 1979 to 1991—

(A) there were 230 cases of childhood cancer in Ocean County, of which 56 cases were in Dover Township, and of those 14 were in Toms River alone;

(B) the rate of brain and central nervous system cancer of children under 20 in Toms River was 3 times higher than expected, and among children under 5 was 7 times higher than expected; and

(C) Dover township, which would have had a nearly normal cancer rate if Toms River was excluded had a 49 percent higher cancer rate than the rest of the State and an 80 percent higher leukemia rate than the rest of the State; and

(3)(A) according to New Jersey State averages, a population the size of Toms River should have 1.6 children under age 19 with cancer; and

(B) Toms River currently has 5 children under the age of 19 with cancer.

SEC. 3. STUDY.

(a) IN GENERAL.—The Administrator of the Agency for Toxic Substances and Disease Registry shall conduct dose-reconstruction modeling and an epidemiological study of childhood cancer in Dover Township, New Jersey.

(b) GRANT TO NEW JERSEY.—The Administrator may make 1 or more grants to the State of New Jersey to carry out subsection (a).

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $1,000,000 for fiscal year 1998; and

(2) $2,000,000 for each of fiscal years 1999 and 2000.

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

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

THE STOP ALLOWING FELONS EARLY RELEASE (SAFER) ACT

Mr. DORGAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 454

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Stop Allowing Felons Early Release (SAFER) Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) violent criminals often serve only a small portion of the terms of imprisonment to which they are sentenced;

(2) a significant proportion of the most serious crimes of violent committed in the United States are committed by criminals who have been released early from a term of imprisonment to which they were sentenced for a prior conviction for a crime of violence;

(3) violent criminals who are released before the expiration of the term of imprisonment to which they were sentenced often travel to other States to commit subsequent crimes of violence;

(4) crimes of violence and the threat of crimes of violence committed by violent criminals who are released from prison before the expiration of the term of imprisonment to which they were sentenced affects tourism, economic development, use of the interstate highway system, federally owned or supported facilities, and other commercial activities of individuals; and

(5) the policies of one State regarding the early release of criminals sentenced in that State for a crime of violence often affect the citizens of other States, who can influence those policies only through Federal law.

(b) PURPOSE.—The purpose of this Act is to reduce crimes of violence by encouraging States to incarcerate violent offenders for the full term of imprisonment to which they are sentenced.

SEC. 3. ELIGIBILITY FOR TRUTH IN SENTENCING INCENTIVE GRANTS.

(a) IN GENERAL.—Section 20102(b)(1) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13702(b)(1)) is amended to read as follows:

''(1) FORMULA ALLOCATION.—

''(A) IN GENERAL.—Of amounts made available to carry out this section, the Attorney General shall allocate for each eligible State an amount equal to the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for 1993 bears to the number of part 1 violent crimes reported by all States to the Federal Bureau of Investigation for 1993.

''(B) OTHER STATES.—

''(i) IN GENERAL.—For each eligible State that has not enacted a statute meeting the requirements of clause (ii), the Attorney General shall reduce the amount allocated under subparagraph (A) by 25 percent.

''(ii) STATUTE DESCRIBED.—A statute meets for requirements of this clause if it results in the elimination of parole, good time credit release, and any other form of early release for any person convicted of a part 1 violent crime, with early release permitted only by approval of the Governor of the State after a public hearing during which representatives of the public and the victims of the part 1 violent crime at issue have had an opportunity to be heard regarding the proposed release.

''(iii) ALLOCATION.—The total amount of the reductions under clause (i) shall be allocated to each eligible State that has enacted a statute meeting the requirements of clause (ii) in accordance with the formula under subparagraph (A).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 3 years after the date of enactment of this Act.

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

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

THE 100 PERCENT TRUTH-IN-SENTENCING ACT

Mr. DORGAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 455

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''100 Percent Truth-in-Sentencing Act''.

SEC. 2. ELIMINATION OF CREDIT TOWARD SERVICE OF SENTENCE FOR SATISFACTORY BEHAVIOR.

Section 3624(b) of title 18, United States Code, is amended—

(1) by striking ''(b)'' and all that follows through ''Subject to paragraph (2),'' and inserting the following:

''(b) CREDIT TOWARD SERVICE OF SENTENCE FOR SATISFACTORY BEHAVIOR.—

''(1) IN GENERAL.—

''(A) GENERAL RULE.—Subject to paragraph (2) and to subparagraph (B) of this paragraph,'';

(2) by striking the second sentence; and

(3) by adding at the end the following:

''(B) CRIMES OF VIOLENCE.—A prisoner who is serving a term imprisonment of more than 1 year for a crime of violence shall not be eligible for credit toward the service of the prisoner's sentence under subparagraph (A).''; and

(4) by indenting paragraphs (3) and (4) 2 ems to the right.

ADDITIONAL COSPONSORS

S. 25

At the request of Mr. FEINGOLD, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 25, a bill to reform the financing of Federal elections.

S. 28

At the request of Mr. THURMOND, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 66

At the request of Mr. HATCH, the names of the Senator from Mississippi [Mr. COCHRAN], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 66, a bill to amend the Internal Revenue Code of 1986 to encourage capital formation through reductions in taxes on capital gains, and for other purposes.

S. 102

At the request of Mr. BREAUX, the names of the Senator from North Dakota [Mr. CONRAD], and the Senator from Rhode Island [Mr. REED] were added as cosponsors of S. 102, a bill to amend title XVIII of the Social Security Act to improve medicare treatment and education for beneficiaries with diabetes by providing coverage of diabetes outpatient self-management training services and uniform coverage of blood-testing strips for individuals with diabetes.

S. 112

At the request of Mr. MOYNIHAN, the names of the Senator from Virginia [Mr. ROBB], the Senator from Washington [Mrs. MURRAY], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 112, a bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of ammunition capable of piercing police body armor.

S. 146

At the request of Mr. ROCKEFELLER, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 146, a bill to permit medicare beneficiaries to enroll with qualified provider-sponsored organizations under title XVIII of the Social Security Act, and for other purposes.

S. 148

At the request of Mr. DASCHLE, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 148, a bill to amend the Public Health Service Act to provide a comprehensive program for the prevention of Fetal Alcohol Syndrome.

S. 197

At the request of Mr. ROTH, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 197, a bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, and for other purposes.

S. 230

At the request of Mr. THURMOND, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 230, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 293

At the request of Mr. HATCH, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 317

At the request of Mr. CRAIG, the name of the Senator from Nevada [Mr.

REID] was added as a cosponsor of S. 317, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 369

At the request of Mr. JEFFORDS, the names of the Senator from North Dakota [Mr. DORGAN], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 369, a bill to amend section 1128B of the Social Security Act to repeal the criminal penalty for fraudulent disposition of assets in order to obtain medicaid benefits added by section 217 of the Health Insurance Portability and Accountability Act of 1996.

S. 381

At the request of Mr. ROCKEFELLER, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 381, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trail program.

S. 387

At the request of Mr. HATCH, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 400

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 400, a bill to amend rule 11 of the Federal Rules of Civil Procedure, relating to representations in court and sanctions for violating such rule, and for other purposes.

S. 409

At the request of Mr. COATS, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 409, a bill to amend the Communications Act of 1934 to provide for the implementation of systems for rating the specific content of specific television programs.

S. 411

At the request of Mrs. HUTCHISON, the name of the Senator from Arkansas [Mr. BUMPERS] was added as a cosponsor of S. 411, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes.

S. 419

At the request of Mr. BOND, the names of the Senator from Montana [Mr. BAUCUS], the Senator from Massachusetts [Mr. KERRY], and the Senator from North Dakota [Mr. CONRAD] were added as cosponsors of S. 419, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

SENATE JOINT RESOLUTION 6

At the request of Mr. KYL, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE CONCURRENT RESOLUTION 10

At the request of Mr. GRASSLEY, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of Senate Concurrent Resolution 10, a concurrent resolution expressing the sense of the Congress regarding certification of Mexico pursuant to section 490 of the Foreign Assistance Act of 1961.

SENATE RESOLUTION 58

At the request of Mr. ROTH, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of Senate Resolution 58, a resolution to state the sense of the Senate that the Treaty of Mutual Cooperation and Security Between the United States of America and Japan is essential for furthering the security interests of the United States, Japan, and the countries of the Asia-Pacific region, and that the people of Okinawa deserve recognition for their contributions toward ensuring the Treaty's implementation.

SENATE CONCURRENT RESOLUTION 12—RELATE TO THE DECENNIAL CENSUS

Mr. TORRICELLI (for himself, Mr. ABRAHAM, Mr. KENNEDY, Mr. LIEBERMAN, Mr. SPECTER, Mr. DEWINE, Mr. GLENN, Mr. LEVIN, and Mr. SARBANES) submitted the following concurrent resolution; which was referred to the Committee on Government Affairs:

S. CON. RES. 12

Whereas the decennial census of population is the only source of complete and comparable information on the ethnic composition of the United States;

Whereas no other source can provide as accurate and reliable data on the changing ethnic composition of the population of the United States at the national, State, and local levels as is provided by the decennial census;

Whereas ancestry data, together with other demographic and socioeconomic data, collected in the decennial census assists policymakers in assessing patterns of assimilation, mobility, and achievement on the part of different population subgroups of the United States;

Whereas the United States Commission on Civil Rights uses census ancestry data to monitor unlawful discrimination based on national origin; and

Whereas ancestry data collected in the decennial census is used by many other individuals and entities, including Federal, State, and local governmental agencies, educators, service providers, businesses, and researchers: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. SENSE OF THE CONGRESS.

It is the sense of the Congress that the Secretary of Commerce should ensure that the information requested in the 2000 decennial census of population with respect to ancestry will be at least as comprehensive as the information that was requested in the 1990 decennial census (in terms of the content of the information and the range of respondents from whom that information is sought).

SEC. 2. TRANSMISSION TO THE SECRETARY OF COMMERCE.

The Secretary of the Senate shall transmit a copy of this concurrent resolution to the Secretary of Commerce.

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that an executive session of the Senate Committee on Labor and Human Resources will be held on Tuesday, March 18, 1997, 9 a.m., in SD–430 of the Senate Dirksen Building. The following are on the agenda to be considered.

1. S. 4, The Family Friendly Workplace Act.

2. Presidential nominations.

For further information, please call the committee, 202/224–5375.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Tuesday, March 18, 1997, 2 p.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is on the nomination of Alexis M. Herman to be Secretary of Labor. For further information, please call the committee, 202/224–5375.

ADDITIONAL STATEMENTS

BLOODY SUNDAY ANNIVERSARY

● Mr. TORRICELLI. Mr. President, I rise today to commemorate an important event which took place on January 30 of this year. This day marked the 25th anniversary of Bloody Sunday which left 14 civil rights marchers dead in Northern Ireland.

During the late 1960's, peaceful opposition to disenfranchisement, internment and anti-Catholic discrimination in Northern Ireland led to large protest marches throughout the region. On January 30, 1972, one of these peaceful protest marches was indiscriminately fired upon by a British regiment. Fourteen demonstrators were killed during the violence.

The investigation conducted by Lord Widgery, and the subsequent Widgery Report, were conclusive. All of the victims were unarmed, and most were shot in the back, leaving the world to conclude that the killings were reckless. However, not a single British soldier was ever prosecuted for this crime.

The victims sought only to establish the rights of equal citizens, but paid the ultimate price for challenging British authority. However, the perpetrators go unpunished, and the British Government continue to ignore the seriousness of the crime committed 25 years ago.

I urge the British Government to recognize the innocence of the demonstrators who were killed or injured on

Bloody Sunday, and work toward establishing justice for them and their families. The struggle for justice continues today in Northern Ireland, and the British should work to repair the rift in Protestant-Catholic relations.●

TRIBUTE TO GEORGE PASERO

● Mr. SMITH of Oregon. Mr. President, my home State of Oregon lost one of its most distinguished citizens last Thursday, with the passing of George Pasero.

For the past half century, generation after generation of Oregonians have opened up their newspaper and turned to the sports page to read what George Pasero had to say. As a reporter, columnist, and sports editor for the Oregon Journal from 1946 to 1982, and then as a part-time columnist for the Oregonian, George earned a reputation not only as a respected and keen observer of the world of sports, but as a professional, fair, and compassionate person.

In these days where it seems that the sports world is full of million dollar salaries and million dollar egos, George Pasero liked to focus on the true joys of sports. Let me share with you some very eloquent words from one of the final columns George wrote before his death:

''Dismiss for one evening the egomania, greed, and disrespect for authority that have so marred the high levels of professionals,'' George wrote about a banquet honoring Oregon athletes. ''Think here of your neighbor kid happily going out to soccer practice, all the basketball shooting you see on driveways, all the evenings of Little League and hamburger dinners, the prep football players with mud-caked uniforms on a rainy, cold Friday night.''

Mr. President, I am just one of countless Oregonians who will miss George's insights and wisdom. Sharon joins with me in sending our condolences to his wife, Jeanne, his daughter, Anne, his sons, John, Mark, and Jim, and his five grandchildren.●

MEASURE READ THE FIRST TIME—HOUSE JOINT RESOLUTION 58

Mr. NICKLES. Mr. President, I understand that House Joint Resolution 58 has arrived from the House, and I now ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

Mr. NICKLES. I now ask for its second reading, and I object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR TUESDAY, MARCH 18, 1997

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m. on Tuesday, March 18. I further ask unanimous consent that on Tuesday immediately following the prayer, the routine requests be granted and there then be a period of morning business until the hour of 11:30 a.m, with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator BOND, 15 minutes; Senator MOSELEY-BRAUN, 15 minutes; and Senator CAMPBELL, 15 minutes. I further ask unanimous consent that at 11:30 a.m. the Senate resume consideration of Senate Joint Resolution 18 by previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. I ask unanimous consent that the Senate stand in recess between the hours of 12:30 p.m. and 2:15 p.m. in order for the weekly party caucuses to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. NICKLES. For the information of all Senators, at 11:30 a.m. tomorrow the Senate will resume consideration of Senate Joint Resolution 18, the constitutional amendment regarding campaign funding. Following the weekly policy meetings, there will be 30 minutes of additional debate on that resolution, with a vote occurring at 2:45 p.m. on the adoption of Senate Joint Resolution 18. Following disposition of Senate Joint Resolution 18, the Senate will resume consideration of Senate Joint Resolution 22, the independent counsel resolution. Hopefully, a unanimous consent agreement will be reached to allow the Senate to debate two independent counsel resolutions, and all Members will be notified accordingly when the votes are scheduled on those resolutions. Therefore, Senators can expect recall votes throughout Tuesday's session of the Senate as we continue to make progress on Senate Joint Resolution 22.

APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to public law 104–264, appoints the following individuals to the National Civil Aviation Review Commission: The Honorable Larry Pressler of Washington, DC, and Richard E. Smith Jr. of Mississippi.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:28 p.m., adjourned until Tuesday, March 18, 1997, at 10 a.m.