Engel	Kucinich	Rangel
Eshoo	LaFalce	Rivers
Etheridge	Lantos	Rodriguez
Evans	Lee	Roybal-Allard
Fattah	Levin	Rush
Filner	Lewis (GA)	Sanders
Frank (MA)	Lofgren	Sawyer
Furse	Lowey	Schumer
Gallegly	Luther	Serrano
Gejdenson	Maloney (NY)	Shays
Gephardt	Matsui	Skaggs
Green	McDermott	Stokes
Gutierrez	McGovern	Strickland
Hamilton	McKinney	Stupak
Hastings (FL)	McNulty	Thompson
Hilliard	Meehan	Thurman
Hinojosa	Miller (CA)	Tierney
Hooley	Minge	Torres
Jackson (IL)	Moakley	Velazquez
Jackson-Lee (TX)	Nadler	Vento
Johnson (WI)	Neal	Watt (NC)
Johnson, E. B.	Oberstar	Waxman
Kaptur	Obey	Wexler
Kennedy (MA)	Olver	Woolsey
Kind (WI)	Owens	Yates
Kleczka	Poshard	
	Rahall	

NOT VOTING—20

Andrews	Ewing	Meeks (NY)
Armey	Gonzalez	Paxon
Bateman	Goodling	Payne
Burr	Harman	Riley
Carson	Hinchey	Stabenow
Clay	Manton	Thomas
Crane	McCrery	

☐ 1212

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RILEY. Mr. Speaker, due to unavoidable circumstances, I was not present for rollcall vote No. 166. Had I been present, I would have voted ''aye'' in favor of the rule.

The SPEAKER pro tempore (Mr. PETRI). Pursuant to House Resolution 440 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3616.

☐ 1214

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3616) to authorize appropriations for fiscal year 1999 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1999, and for other purposes, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Tuesday, May 19, 1998 pursuant to House Resolution 435, all time for general debate had expired. Pursuant to House Resolution 441, no further general debate is in order.

The committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

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 Year 1999''.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term ''congressional defense committees'' means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1999 for procurement for the Army as follows:

(1) For aircraft, $1,420,759,000.

(2) For missiles, $1,232,285,000.

(3) For weapons and tracked combat vehicles, $1,507,638,000.

(4) For ammunition, $1,053,455,000.

(5) For other procurement, $3,136,918,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1999 for procurement for the Navy as follows:

(1) For aircraft, $7,420,847,000.

(2) For weapons, including missiles and torpedoes, $1,192,195,000.

(3) For shipbuilding and conversion, $5,992,361,000.

(4) For other procurement, $3,969,507,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1999 for procurement for the Marine Corps in the amount of $691,868,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for procurement of ammunition for the Navy and the Marine Corps in the amount of $451,968,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1999 for procurement for the Air Force as follows:

(1) For aircraft, $8,219,077,000.

(2) For missiles, $2,234,668,000.

(3) For ammunition, $383,627,000.

(4) For other procurement, $7,046,372,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1999 for Defense-wide procurement in the amount of $1,962,866,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1999 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $50,000,000.

(2) For the Air National Guard, $50,000,000.

(3) For the Army Reserve, $50,000,000.

(4) For the Naval Reserve, $50,000,000.

(5) For the Air Force Reserve, $50,000,000.

(6) For the Marine Corps Reserve, $50,000,000.

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1999 for procurement for the Inspector General of the Department of Defense in the amount of $1,300,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 1999 the amount of $834,000,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 108. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 1999 for the Department

of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $402,387,000.

SEC. 109. DEFENSE EXPORT LOAN GUARANTEE PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1999 for the Department of Defense for carrying out the Defense Export Loan Guarantee Program under section 2540 of title 10, United States Code, in the total amount of $1,250,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR LONGBOW HELLFIRE MISSILE PROGRAM.

Beginning with the fiscal year 1999 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract for procurement of the AGM–114 Longbow Hellfire missile.

SEC. 112. M1A2 SYSTEM ENHANCEMENT PROGRAM STEP 1 PROGRAM.

Of the funds authorized to be appropriated for the Army in section 101 for weapons and tracked combat vehicles, $20,300,000 shall be available only for the Step 1 program for the M1A2 System Enhancement Program.

Subtitle C—Navy Programs

SEC. 121. MULTIYEAR PROCUREMENT AUTHORITY FOR THE DEPARTMENT OF THE NAVY.

(a) AUTHORITY FOR SPECIFIED NAVY AIRCRAFT PROGRAMS.—Beginning with the fiscal year 1999 program year, the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract for procurement for the following programs:

(1) The AV–8B aircraft program.

(2) The T–45TS aircraft program.

(3) The E–2C aircraft program.

(b) AUTHORITY FOR MARINE CORPS MEDIUM TACTICAL VEHICLE REPLACEMENT.—Beginning with the fiscal year 1999 program year, the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract to procure the Marine Corps Medium Tactical Vehicle Replacement.

Subtitle D—Other Matters

SEC. 141. FUNDING, TRANSFER, AND MANAGEMENT OF THE ASSEMBLED CHEMICAL WEAPONS ASSESSMENT PROGRAM.

(a) FUNDING.—Of the amount authorized to be appropriated in section 107, $12,600,000 shall be available for the Assembled Chemical Weapons Assessment Program (in this section referred to as the ''Program'').

(b) TRANSFER OF PROGRAM RESPONSIBILITY.—(1) The Under Secretary of Defense for Acquisition and Technology and the Secretary of the Army shall jointly submit to Congress, not later than December 1, 1998, a plan for the transfer of oversight of the Program from the Under Secretary to the Secretary.

(2) Oversight of the Program shall be transferred pursuant to the plan submitted under paragraph (1) not later than 60 days after the date of the submission of the notice required under section 152(f)(2) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 214; 50 U.S.C. 1521(f)(2)).

(c) PLAN FOR PILOT PROGRAM.—If the Secretary of Defense proceeds with a pilot program under section 152(f) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 214; 50 U.S.C. 1521(f)), the Secretary shall prepare a plan for the pilot program and shall submit to Congress a report on such plan (including information on the cost of, and schedule for, implementing the pilot program).

(d) MANAGEMENT OF PROGRAM.—The Program shall be managed independently of the baseline incineration program until the pilot program is completed.

(e) DEFINITION.—In this section, the term ''Assembled Chemical Weapons Assessment Program'' means the program established in section 152(e) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 214; 50 U.S.C. 1521), and section 8065 of the Department of Defense Appropriations Act, 1997 (as contained in section 101 of Public Law 104–208; 110 Stat. 3009–101), for identifying and demonstrating alternatives to the baseline incineration process for the demilitarization of assembled chemical munitions.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 1999 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,791,997,000.

(2) For the Navy, $8,377,059,000.

(3) For the Air Force, $13,785,401,000.

(4) For Defense-wide activities, $9,283,515,000, of which—

(A) $251,106,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $29,245,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.

(a) FISCAL YEAR 1999.—Of the amounts authorized to be appropriated by section 201, $3,078,251,000 shall be available for basic research and applied research projects.

(b) BASIC RESEARCH AND APPLIED RESEARCH DEFINED.—For purposes of this section, the term ''basic research and applied research'' means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. MANAGEMENT RESPONSIBILITY FOR NAVY MINE COUNTERMEASURES PROGRAMS.

Section 216(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1317, as amended) is amended by striking out ''through 1999'' and inserting in lieu thereof ''through 2003''.

SEC. 212. FUTURE AIRCRAFT CARRIER TRANSITION TECHNOLOGIES.

Of the funds authorized to be appropriated under section 201(2) for Carrier System Development (program element 0603512N), $50,000,000 shall be available for research, development, test, evaluation, and insertion into the CVN–77 nuclear aircraft carrier program of technologies designed to transition to, demonstrate enhanced capabilities for, or mitigate cost and technical risks of, the CV(X) aircraft carrier program.

SEC. 213. MANUFACTURING TECHNOLOGY PROGRAM.

(a) REQUIREMENTS RELATING TO COMPETITION.—Section 2525(d)(1) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(1)''; and

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

''(B) For each grant awarded and each contract, cooperative agreement, or other transaction entered into on a cost-share basis under the program, the ratio of contract recipient cost to Government cost shall be determined by competitive procedures. For a project for which the Government receives an offer from only one offeror, the contracting officer shall negotiate the ratio of contract recipient cost to Government cost that represents the best value to the Government.''.

(b) REQUIREMENTS RELATING TO COST SHARE WAIVERS.—Section 2525(d)(2) of such title is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(2) by inserting ''(A)'' after ''(2)''; and

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

''(B) For any grant awarded or contract, cooperative agreement, or other transaction entered into on a basis other than a cost-sharing basis because of a determination made under subparagraph (A), the transaction file for the project concerned must document the rationale for the determination.

''(C) The Secretary of Defense may delegate the authority to make determinations under subparagraph (A) only to the Under Secretary of Defense for Acquisition and Technology or a service acquisition executive, as appropriate.''.

(c) COST SHARE GOAL.—Section 2525(d) of such title is amended—

(1) by striking out paragraph (4); and

(2) in paragraph (3)—

(A) by striking out ''At least'' and inserting in lieu thereof ''As a goal, at least'';

(B) by striking out ''shall'' and inserting in lieu thereof ''should''; and

(C) by adding at the end the following: ''The Secretary of Defense, in coordination with the Secretaries of the military departments and upon recommendation of the Under Secretary of Defense for Acquisition and Technology, shall establish annual objectives to meet such goal.''.

(d) ADDITIONAL INFORMATION TO BE INCLUDED IN FIVE-YEAR PLAN.—Section 2525(e)(1) of such title is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

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

''(C) the extent of cost sharing in the manufacturing technology program by companies in the private sector, weapons system program offices and other defense program offices, Federal agencies other than the Department of Defense, nonprofit institutions and universities, and other sources.''.

Subtitle C—Ballistic Missile Defense

SEC. 231. NATIONAL MISSILE DEFENSE POLICY.

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

(1) Threats posed by ballistic missiles and weapons of mass destruction to the national territory of the United States continue to grow as the trend in ballistic missile proliferation and development is toward longer range and increasingly sophisticated missiles.

(2) Russian and Chinese sources continue to proliferate missile and other advanced technologies.

(3) North Korea is developing the Taepo-Dong 2 missile, which would have a range sufficient to strike Alaska and Hawaii, and other countries hostile to the United States, including Iran, Libya, and Iraq, have demonstrated an interest in acquiring or developing ballistic missiles capable of reaching the United States.

(4) Russia's increased reliance on nuclear forces to compensate for the decline of its conventional forces and uncertainty regarding command and control of those nuclear forces increase the possibility of an accidental or unauthorized launch of Russian ballistic missiles.

(5) The United States could be deterred from effectively promoting or protecting its national interests around the world if any State or territory of the United States is vulnerable to long-range ballistic missiles deployed by nations hostile to the United States.

(b) SENSE OF CONGRESS CONCERNING NATIONAL MISSILE DEFENSE POLICY.—It is the sense of Congress that—

(1) any national missile defense system deployed by the United States must provide effective defense against limited, accidental, or unauthorized ballistic missile attack for all 50 States; and

(2) the territories of the United States should be afforded effective protection against ballistic missile attack.

SEC. 232. LIMITATION ON FUNDING FOR THE MEDIUM EXTENDED AIR DEFENSE SYSTEM.

None of the funds appropriated for fiscal year 1999 for the Ballistic Missile Defense Organization may be obligated for the Medium Extended Air Defense System (MEADS) until the Secretary of Defense certifies to Congress that the future-years defense plan includes sufficient programmed funding for that system to complete the design and development phase. If the Secretary does not submit such a certification by January 1, 1999, then (effective as of that date) the funds appropriated for fiscal year 1999 for the Ballistic Missile Defense Organization that are allocated for the MEADS program shall be available to support modification of the Patriot Advanced Capability–3, Configuration 3, so as to support the requirement for mobile theater missile defense to be met by the MEADS system.

SEC. 233. LIMITATION ON FUNDING FOR COOPERATIVE BALLISTIC MISSILE DEFENSE PROGRAMS.

Of the funds appropriated for fiscal year 1999 for the Russian-American Observational Satellite (RAMOS) program, $5,000,000 may not be obligated until the Secretary of Defense certifies to Congress that the Department of Defense has received detailed information concerning the nature, extent, and military implications of the transfer of ballistic missile technology from Russian sources to Iran.

SEC. 234. LIMITATION ON FUNDING FOR COUNTERPROLIFERATION SUPPORT.

None of the funds appropriated for fiscal year 1999 for counterproliferation support in Program Element 63160BR may be obligated until the Secretary of Defense submits to Congress the report required by section 234 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1664; 50 U.S.C. 2367) to be submitted not later than January 30, 1998.

SEC. 235. BALLISTIC MISSILE DEFENSE PROGRAM ELEMENTS.

(a) BMD PROGRAM ELEMENTS.—(1) Chapter 9 of title 10, United States Code, is amended by inserting after section 222 the following new section:

"§ 223. Ballistic missile defense programs

''(a) PROGRAM ELEMENTS SPECIFIED.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the amount requested for activities of the Ballistic Missile Defense Organization shall be set forth in accordance with the following program elements:

''(1) The Patriot system.

''(2) The Navy Area system.

''(3) The Theater High-Altitude Area Defense system.

''(4) The Navy Theater Wide system.

''(5) The Medium Extended Air Defense System.

''(6) Joint Theater Missile Defense.

''(7) National Missile Defense.

''(8) Support Technologies.

''(9) Family of Systems Engineering and Integration.

''(10) Ballistic Missile Defense Technical Operations.

''(11) Threat and Countermeasures.

''(12) International Cooperative Programs.

''(b) TREATMENT OF MAJOR DEFENSE ACQUISITION PROGRAMS.—Amounts requested for Theater Missile Defense and National Missile Defense major defense acquisition programs shall be specified in individual, dedicated program elements, and amounts appropriated for those programs shall be available only for Ballistic Missile Defense activities.

''(c) MANAGEMENT AND SUPPORT.—The amount requested for each program element specified in subsection (a) shall include requests for the amounts necessary for the management and support of the programs, projects, and activities contained in that program element.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 222 the following new item:

''223. Ballistic missile defense programs.''.

(b) REPEAL OF SUPERSEDED PROVISION.—Section 251 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 221 note) is repealed.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 1999 for the use of the Armed Forces 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, $16,339,700,000.
(2) For the Navy, $21,839,328,000.
(3) For the Marine Corps, $2,539,703,000.
(4) For the Air Force, $18,816,108,000.
(5) For Defense-wide activities, $10,354,216,000.
(6) For the Army Reserve, $1,197,622,000.
(7) For the Naval Reserve, $948,639,000.
(8) For the Marine Corps Reserve, $116,993,000.
(9) For the Air Force Reserve, $1,747,696,000.
(10) For the Army National Guard, $2,464,815,000.
(11) For the Air National Guard, $3,096,933,000.
(12) For the Defense Inspector General, $130,764,000.
(13) For the United States Court of Appeals for the Armed Forces, $7,324,000.
(14) For Environmental Restoration, Army, $377,640,000.
(15) For Environmental Restoration, Navy, $281,600,000.
(16) For Environmental Restoration, Air Force, $379,100,000.
(17) For Environmental Restoration, Defense-wide, $26,091,000.
(18) For Environmental Restoration, Formerly Used Defense Sites, $195,000,000.
(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $47,311,000.
(20) For Drug Interdiction and Counter-drug Activities, Defense-wide, $727,582,000.
(21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $15,000,000.
(22) For Defense Health Program, $9,663,035,000.
(23) Former Soviet Union Threat Reduction programs, $417,400,000.
(24) For Overseas Contingency Operations Transfer Fund, $746,900,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1999 for the use of the Armed Forces 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, $1,076,571,000.
(2) For the National Defense Sealift Fund, $669,566,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 1999 from the Armed Forces Retirement Home Trust Fund the sum of $70,745,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. TRANSFER FROM 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 1999 in amounts as follows:

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

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

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

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

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.

SEC. 305. REFURBISHMENT OF M1–A1 TANKS.

Of the amount authorized to be appropriated pursuant to section 301(1) for operation and maintenance for the Army, $31,000,000 shall be available only for the refurbishment of up to 70 M1–A1 tanks under the AIM-XXI program.

SEC. 306. OPERATION OF PREPOSITIONED FLEET, NATIONAL TRAINING CENTER, FORT IRWIN, CALIFORNIA.

Of the amount authorized to be appropriated pursuant to section 301(1) for operation and maintenance for the Army, $60,200,000 shall be available only to pay costs associated with the operation of the prepositioned fleet of equipment during training rotations at the National Training Center, Fort Irwin, California.

SEC. 307. RELOCATION OF USS WISCONSIN.

Of the amount authorized to be appropriated pursuant to section 301(2) for operation and maintenance for the Navy, $6,000,000 may be available for the purpose of relocating the USS WISCONSIN, which is currently in a reserve status at the Norfolk Naval Shipyard, Virginia, to a suitable location in order to increase available berthing space at the shipyard.

SEC. 308. FISHER HOUSE TRUST FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 1999, out of funds in Fisher House Trust Funds not otherwise appropriated, for the operation of Fisher houses described in section 2221(d) of title 10, United States Code, as follows:

(1) From the Fisher House Trust Fund, Department of the Army, $250,000 for Fisher houses that are located in proximity to medical treatment facilities of the Army.

(2) From the Fisher House Trust Fund, Department of the Navy, $150,000 for Fisher houses that are located in proximity to medical treatment facilities of the Navy.

(3) From the Fisher House Trust Fund, Department of the Air Force, $150,000 for Fisher houses that are located in proximity to medical treatment facilities of the Air Force.

Subtitle B—Information Technology Issues

SEC. 311. ADDITIONAL INFORMATION TECHNOLOGY RESPONSIBILITIES OF CHIEF INFORMATION OFFICERS.

(a) IN GENERAL.—(1) Chapter 131 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2223. Information technology: additional responsibilities of Chief Information Officers

''(b) ADDITIONAL RESPONSIBILITIES.—In addition to the responsibilities provided for in chapter 35 of title 44 and in section 5125 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1425)—

''(1) the Chief Information Officer of the Department of Defense, with respect to the elements of the Department of Defense other than the military departments, shall—

''(A) review and provide recommendations to the Secretary of Defense on Department of Defense budget requests for information technology and national security systems;

''(B) ensure the interoperability of information technology and national security systems throughout the Department of Defense; and

''(C) ensure that information technology and national security systems standards that will apply throughout the Department of Defense are prescribed; and

''(2) the Chief Information Officer of each military department, with respect to the military department concerned, shall—

''(A) review budget requests for all information technology and national security systems;

''(B) ensure that information technology and national security systems are in compliance with standards of the Government and the Department of Defense;

''(C) ensure that information technology and national security systems are interoperable with other relevant information technology and national security systems of the Government and the Department of Defense;

''(D) provide for the elimination of duplicate information technology and national security systems within and between the military departments and Defense Agencies; and

''(E) coordinate with the Joint Staff with respect to information technology and national security systems.

''(b) DEFINITIONS.—In this section:

''(1) The term 'Chief Information Officer' means the senior official designated by the Secretary of Defense or a Secretary of a military department pursuant to section 3506 of title 44.

''(2) The term 'information technology' has the meaning given that term by section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

''(3) The term 'national security system' has the meaning given that term by section 5142 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1452).''.

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

''2223. Information technology: additional responsibilities of Chief Information Officers.''.

(b) EFFECTIVE DATE.—Section 2223 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1998.

SEC. 312. DEFENSE-WIDE ELECTRONIC MALL SYSTEM FOR SUPPLY PURCHASES.

(a) ELECTRONIC MALL SYSTEM.—In this section, the term ''electronic mall system'' means an electronic system for displaying, ordering, and purchasing supplies and materiel available from sources within the Department of Defense and from the private sector.

(b) DEVELOPMENT AND MANAGEMENT.—Using existing systems and technology available in the Department of Defense, the Defense Logistics Agency shall develop a single, defense-wide electronic mall system. The Defense Logistics Agency shall be responsible for the management of the resulting electronic mall system. The Secretary of each military department and the head of each Defense Agency shall provide to the Defense Logistics Agency the necessary and requested data to support the development and operation of the electronic mall system.

(c) IMPLEMENTATION DATE.—The electronic mall system shall be operational and available throughout the Department of Defense not later than June 1, 1999. After that date, a military department or Defense Agency (other than the Defense Logistics Agency) may not develop or operate an electronic mall system.

SEC. 313. PROTECTION OF FUNDING PROVIDED FOR CERTAIN INFORMATION TECHNOLOGY AND NATIONAL SECURITY PROGRAMS.

(a) USE FOR SPECIFIED PURPOSES.—Of the amounts authorized to be appropriated to the Department of Defense for fiscal years 1999, 2000, and 2001 for information technology and national security programs of the Department of Defense, not less than the amount specified in subsection (b) shall be available for each such fiscal year for the purposes of the information technology and national security programs described in such subsection, unless an alternative use of the funds is specifically approved by a law enacted after the date of the enactment of the law originally authorizing the funds.

(b) COVERED PROGRAMS AND AMOUNTS.—The information technology and national security programs referred to in subsection (a), and the amounts to be available for each program, are the following:

(1) The Force XXI program of the Army, $360,000,000.

(2) The Information Technology for the 21st Century programs of the Navy, $472,000,000.

(3) The Communications Infrastructure programs of the Air Force, $228,500,000.

(4) The Telecom and Computing Infrastructure programs of the Marine Corps, $93,000,000.

(c) DEFINITIONS.—In this section:

(1) The term ''information technology'' has the meaning given that term in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

(2) The term ''national security system'' has the meaning given that term in section 5142 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1452).

SEC. 314. PRIORITY FUNDING TO ENSURE YEAR 2000 COMPLIANCE OF MISSION CRITICAL INFORMATION TECHNOLOGY AND NATIONAL SECURITY SYSTEMS.

(a) FUNDS FOR COMPLETION OF YEAR 2000 CONVERSION.—(1) Of the amounts authorized to be appropriated pursuant to this Act for information technology and national security systems of the Department of Defense designated as mission critical, not more than 25 percent may be used to fund activities unrelated to ensuring that the awareness, assessment, and renovation phases of year 2000 conversion for such information technology and national security systems are completed.

(2) Of the amounts authorized to be appropriated pursuant to this Act for information technology and national security systems of the Department of Defense (other than information technology and national security systems covered by paragraph (1)), not less than $1,000,000,000 shall be available only for transfer to support activities to ensure that the awareness, assessment, renovation, and validation phases of year 2000 conversion for information technology and national security systems covered by paragraph (1) are completed.

(b) EXCEPTIONS.—(1) This section does not apply to or affect funding for information technology and national security programs identified in section 313(b).

(2) The Secretary of Defense may authorize expenditures in excess of the 25 percent limitation specified in subsection (a)(1) if the Secretary determines that additional expenditures are required to prevent the failure of the information technology or national security system and provides prior notice to Congress of the reasons for the additional expenditures.

(c) TERMINATION.—(1) On the date on which the Secretary of Defense determines that the year 2000 renovation phase has been completed for a particular information technology or national security system covered by paragraph (1) of subsection (a), such paragraph shall cease to apply to that information technology or national security system.

(2) Paragraph (2) of such subsection shall cease to apply on the date on which the Secretary of Defense determines that all of the information technology and national security systems covered by paragraph (1) of such subsection are fully funded through the validation phase of year 2000 conversion, have an established contingency plan, and have completed a point of origin to point of execution evaluation.

(d) COMPTROLLER GENERAL REVIEW.—Not later than January 30, 1999, the Comptroller General shall submit to Congress a briefing containing the following:

(1) Separate lists of each information technology and national security system of the Department of Defense covered by subsection (a)(1) for which the renovation phase of year 2000 conversion is not completed by December 30, 1998.

(2) A evaluation of the effect of subsection (a) on the year 2000 conversion success rate.

(3) A list of each information technology and national security system covered by subsection (a)(1) that will not achieve year 2000 compliance by September 30, 1999.

(4) An explanation of how the military departments, the Joint Chiefs of Staff, and Defense Agencies are applying the definition of mission critical.

(5) Recommendations regarding the manner in which funding could best be allocated to achieve year 2000 compliance for the greatest number of information technology and national security systems covered by subsection (a)(1).

(e) DEFINITIONS.—In this section:

(1) The term ''information technology'' has the meaning given that term in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

(2) The term ''national security system'' has the meaning given that term in section 5142 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1452).

(3) The term ''mission critical'' means an information technology or national security system of the Department of Defense identified as mission critical in the table prepared by the Joint Chiefs of Staff entitled ''Mission Critical Systems (All Services/Agencies)'', dated March 20, 1998, or in the table printed by the Defense Integrated Support Tool entitled ''Year 2000 Information on Mission Critical Systems'', dated March 19, 1998.

(4) The terms ''awareness'', ''assessment'', ''renovation'', and ''validation'' have the meanings given the terms in the Department of Defense ''Year 2000 Management Plan'', version 1.0, released in April 1997.

SEC. 315. EVALUATION OF YEAR 2000 COMPLIANCE AS PART OF TRAINING EXERCISES PROGRAMS.

(a) REPORT ON EVALUATION PLAN.—Not later than December 15, 1998, the Secretary of Defense shall submit to Congress a report containing a plan to include a simulated year 2000 as part of the military exercises described in subsection (b) in order to evaluate, in an operational environment, the extent to which information technology and national security systems involved in the exercises will successfully operate, including the ability of the systems to access and transmit information from point of origin to point of termination, during the actual year 2000.

(b) COVERED MILITARY EXERCISES.—A military exercise referred to in subsection (a) is a military exercise conducted by the Department of Defense, during the period beginning on January 1, 1999, and ending on September 30, 1999—

(1) under the training exercises program known as the ''CJCS Exercise Program'';

(2) at the Naval Strike and Air Warfare Center, the Army National Training Center, or the Air Force Air Warfare Center; or

(3) as part of Naval Carrier Group fleet training or Marine Corps Expeditionary Unit training.

(c) ELEMENTS OF REPORT.—The report under subsection (a) shall include the following:

(1) A list of all military exercises described in subsection (b) to be conducted during the period specified in such subsection.

(2) A description of the manner in which the year 2000 will be simulated for information technology and national security systems involved in each military exercise.

(3) The duration of the year 2000 simulation in each military exercise.

(4) The methodology to be used in turning over the information technology and national security systems to the year 2000 in order to best identify those systems that fail to operate reliably during the military exercise.

(5) A list of the information technology and national security systems excluded from the plan under subsection (d)(1), including how the

military exercise will utilize an excluded system's year 2000 contingency plan.

(6) A list of the exercises and information technology and national security systems excluded from the plan under subsection (d)(2), and a description of the effect that continued year 2000 noncompliance of the systems would have on military readiness.

(d) EXCLUSIONS.—(1) Subsection (a) shall not apply to an information technology or national security system if the Secretary of Defense determines that the system will be incapable of performing reliably during the year 2000 simulation portion of the military exercise. In the case of each excluded system, the system may not be used during the period of the year 2000 simulation. Instead, the excluded system shall be replaced by the year 2000 contingency plan for the system.

(2) If the mission of a military exercise will be seriously hampered by the number of information technology and national security systems covered by paragraph (1), the Secretary of Defense may exclude the entire exercise from the requirements of subsection (a).

(3) Subsection (a) shall not apply to an information technology or national security system with cryptological applications.

(4) If the decision to exclude a military exercise or information technology or national security system is made under paragraph (1) or (2) after the date of the submission of the report required by subsection (a), the Secretary of Defense shall notify Congress of the exclusion not later than two weeks before commencing the military exercise. The notification shall include the information required under paragraph (5) or (6) of subsection (c), depending on whether the exclusion covers the entire exercise or particular information technology and national security systems.

(e) COMPTROLLER GENERAL REVIEW.—Not later than January 30, 1999, the Comptroller General shall review the report and plan submitted under subsection (a) and submit to Congress a briefing evaluating the methodology to be used under the plan to simulate the year 2000, describing the potential information that will be collected as a result of implementation of the plan, and describing the impact that the plan will have on military readiness.

(f) DEFINITIONS.—In this section:

(1) The term ''information technology'' has the meaning given that term in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

(2) The term ''national security system'' has the meaning given that term in section 5142 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1452).

Subtitle C—Environmental Provisions

SEC. 321. AUTHORIZATION TO PAY NEGOTIATED SETTLEMENT FOR ENVIRONMENTAL CLEANUP AT FORMER DEPARTMENT OF DEFENSE SITES IN CANADA.

(a) AUTHORIZATION.—To the extent provided in appropriations Acts, the Secretary of Defense may pay an amount to the Government of Canada of not more than $100,000,000 (in fiscal year 1996 constant dollars), for purposes of implementing the October 1996 negotiated settlement between the United States and Canada relating to environmental cleanup at various sites in Canada that were formerly used by the Department of Defense.

(b) METHOD OF PAYMENT.—The amount authorized by subsection (a) shall be paid in 10 annual payments, with the first payment made from amounts appropriated for fiscal year 1998.

(c) FISCAL YEAR 1998 PAYMENT.—The payment under this section for fiscal year 1998 shall be made from amounts appropriated pursuant to section 301(5) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1669).

(d) FISCAL YEAR 1999 PAYMENT.—The payment under this section for fiscal year 1999 shall be made from amounts appropriated pursuant to section 301(5).

(e) LIMITATION.—The authorization provided in this section shall not be construed as setting a precedent for payment under a treaty of an environmental claim made by another nation, unless the Senate has given its consent to the ratification of the treaty.

SEC. 322. REMOVAL OF UNDERGROUND STORAGE TANKS.

Of the amount authorized to be appropriated pursuant to section 301(18) (relating to environmental restoration of formerly used defense sites), the Secretary of the Army may use not more than $150,000 for the removal of underground storage tanks at the Authorities Allied Industrial Park, Macon, Georgia.

Subtitle D—Defense Infrastructure Support Improvement

SEC. 331. REPORTING AND STUDY REQUIREMENTS BEFORE CHANGE OF COMMERCIAL AND INDUSTRIAL TYPE FUNCTIONS TO CONTRACTOR PERFORMANCE.

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

(1) by redesignating subsection (c) as subsection (h) and transferring such subsection to appear after subsection (g); and

(2) by striking out subsections (a) and (b) and inserting in lieu thereof the following new subsections:

''(a) REPORTING AND STUDY REQUIREMENTS AS PRECONDITION TO CHANGE IN PERFORMANCE.—A commercial or industrial type function of the Department of Defense that, as of October 1, 1980, was being performed by Department of Defense civilian employees may not be changed to performance by a private contractor or changed to procurement through a private contractor until the Secretary of Defense fully complies with the reporting and study requirements specified in subsections (b) and (c).

''(b) NOTIFICATION AND ELEMENTS OF STUDY.—(1) Before commencing to study a commercial or industrial type function described in subsection (a) for possible change to performance by a private contractor or possible change to procurement through a private contractor, the Secretary of Defense shall submit to Congress a report containing the following:

''(A) The function to be studied for possible change.

''(B) The location at which the function is performed by Department of Defense civilian employees.

''(C) The number of civilian employee positions potentially affected.

''(D) The anticipated length and cost of the study.

''(E) A certification that the performance of the commercial or industrial type function by civilian employees of the Department of Defense is not precluded due to any constraint or limitation in terms of man years, end strengths, full-time equivalent positions, or maximum number of employees.

''(2) The responsibility of the Secretary of Defense to submit the report required under paragraph (1) may be delegated only to senior acquisition executives or higher officials for the military departments and the Defense Agencies.

''(3) The study of a commercial or industrial type function for possible change in performance shall include the following:

''(A) A comparison of the cost of performance of the function by Department of Defense civilian employees and by private contractor to demonstrate whether change to performance by a private contractor or change to procurement through a private contractor will result in savings to the Government over the life of the contract, including in the comparison—

''(i) the amount estimated by the Secretary of Defense (based on bids received) to be the amount of a contract for performance of the function by a private contractor;

''(ii) the cost to the Government of Department of Defense civilian employees performing the function; and

''(iii) the costs and expenditures which the Government would incur (in addition to the amount of the contract) because of the award of such a contract.

''(B) An examination of the potential economic effect of performance of the function by a private contractor—

''(i) on employees who would be affected by such a change in performance; and

''(ii) on the local community and the Government, if more than 75 employees perform the function.

''(C) An examination of the effect of performance of the function by a private contractor on the military mission of the function.

''(4) If the commercial or industrial type function at issue involves a working-capital fund in the Department of Defense and the study concerns the possible procurement by a requisitioning agency of services or supplies from a private contractor instead of the working-capital fund, in lieu of the comparison required by paragraph (3), the study shall include a comparison of the sources of the services or supplies to determine which source is more cost-effective for the requisitioning agency.

''(5) An individual or entity at a facility where a commercial or industrial type function is studied for possible change in performance may raise an objection to the study on the grounds that the report required under paragraph (1) as a precondition for the study does not contain the certification required by subparagraph (E) of such paragraph. The objection may be raised at any time during the course of the study, shall be in writing, and shall be submitted to the Secretary of Defense. If the Secretary determines that the certification was omitted, the commercial or industrial type function covered by the study may not be the subject of request for proposal or award of a contract until a certification is made that fully complies with paragraph (1)(E) and the other requirements of this section are satisfied.

''(c) NOTIFICATION OF DECISION.—(1) If, as a result of the completion of a study under subsection (b)(3), a decision is made to change the commercial or industrial type function that was the subject of the study to performance by a private contractor or to procurement through a private contractor, the Secretary of Defense shall submit to Congress a report describing that decision. The report shall—

''(A) indicate that the study under subsection (b)(3) has been completed;

''(B) certify that the Government calculation for the cost of performance of the function by Department of Defense civilian employees is based on an estimate of the most efficient and cost effective organization for performance of the function by Department of Defense civilian employees;

''(C) certify that the comparison required by subsection (b)(3)(A) (or alternatively by subsection (b)(4)) as part of the study demonstrates that the performance of the function by a private contractor or procurement of the function through a private contractor will result in savings to the Government over the life of the contract;

''(D) certify that the entire comparison is available for examination; and

''(E) contain a timetable for completing change of the function to contractor performance.

''(2) The actual change of the function to contractor performance may not begin until after the submission of the report required by this subsection.''.

(b) CONFORMING AMENDMENTS.—(1) Subsections (e)(2) and (f)(1) of such section are amended by striking out ''converted'' and inserting in lieu thereof ''changed''.

(2) Subsection (f)(2) of such section is amended by striking out ''conversion'' and inserting in lieu thereof ''change''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of

the enactment of this Act but shall not apply with respect to conversion of a function of the Department of Defense to performance by a private contractor concerning which the Secretary of Defense provided to Congress, before the date of the enactment of this Act, a notification under paragraph (1) of section 2461(a) of title 10, United States Code, as in effect on the day before the date of the enactment of this Act.

SEC. 332. CLARIFICATION OF REQUIREMENT TO MAINTAIN GOVERNMENT-OWNED AND GOVERNMENT-OPERATED CORE LOGISTICS CAPABILITY.

Section 2464 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) RULE OF CONSTRUCTION.—The requirement under subsection (a) that the Department of Defense maintain a core logistics capability that is Government-owned and Government-operated is not satisfied when a core logistics workload is converted to contractor performance even though the actual performance of the workload will be carried out in a Government-owned, Government-operated facility of the Department of Defense as a subcontractor of the private contractor. Nothing in section 2474 of this title or section 337 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2717) authorizes the use of subcontracts as a means to provide workloads to Government-owned, Government-operated facilities of the Department of Defense in order to satisfy paragraph (4) of subsection (a).''.

SEC. 333. OVERSIGHT OF DEVELOPMENT AND IMPLEMENTATION OF AUTOMATED IDENTIFICATION TECHNOLOGY.

(a) SMARTCARD PROGRAM DEFINED.—In this section, the term ''smartcard program'' means an automated identification technology program, including any pilot program, employing one or more of the following technologies:

(1) Magnetic stripe.

(2) Bar codes, both linear and two-dimensional (including matrix symbologies).

(3) Smartcard.

(4) Optical memory.

(5) Personal computer memory card international association carriers.

(6) Other established or emerging automated identification technologies, including biometrics and radio frequency identification.

(b) OVERSIGHT RESPONSIBILITY.—(1) The Smartcard Technology Office established in the Defense Human Resources Field Activity of the Department of Defense shall be responsible for—

(A) overseeing the development and implementation of all smartcard programs in the Department; and

(B) coordinating smartcard programs with the Joint Staff, the Secretaries of the military departments, and the directors of the Defense Agencies.

(2) After the date of the enactment of this Act, funds appropriated for the Department of Defense may not be obligated for a smartcard program unless the program is reviewed and approved by the Smartcard Technology Office. The review and approval before that date of a smartcard program by the Office is sufficient to satisfy the requirements of this paragraph.

(c) TYPES OF OVERSIGHT.—As part of its oversight responsibilities, the Smartcard Technology Office shall establish standards designed—

(1) to ensure the compatibility and interoperability of smartcard programs in the Department of Defense; and

(2) to identify and terminate redundant, unfeasible, or uneconomical smartcard programs.

SEC. 334. CONDITIONS ON EXPANSION OF FUNCTIONS PERFORMED UNDER PRIME VENDOR CONTRACTS.

(a) PRIME VENDOR CONTRACT DEFINED.—For purposes of this section, the term ''prime vendor contract'' means an innovative contract that gives a defense contractor the responsibility to manage, store, and distribute inventory, manage and provide services, or manage and perform research, on behalf of the Department of Defense on a frequent, regular basis, for users within the Department on request. The term includes contracts commonly referred to as prime vendor support contracts, flexible sustainment contracts, and direct vendor delivery contracts.

(b) CONDITIONS ON EXPANDED USE.—If the Secretary of Defense or the Secretary of a military department proposes to enter into a prime vendor contract for a hardware system, including the performance or management of depot-level maintenance and repair (as defined in section 2460 of title 10, United States Code) or logistics management responsibilities, the Secretary may not enter into the prime vendor contract until the end of the 60-day period beginning on the date on which the Secretary submits to Congress a report, specific to that proposal, that—

(1) describes the competitive procedures to be used to award the prime vendor contract;

(2) evaluates the effect of the prime vendor contract on working-capital funds in the Department of Defense; and

(3) contains a cost/benefit analysis that demonstrates that use of the prime vendor contract will result in savings to the Government over the life of the contract.

(c) COMPTROLLER GENERAL REVIEW.—During the waiting period provided in subsection (b) for a proposed prime vendor contract, the Comptroller General shall review the report submitted under subsection (b) with respect to that contract and submit to Congress a report regarding—

(1) whether the cost savings to the Government identified in the report submitted under subsection (b) are achievable; and

(2) whether use of a prime vendor contract will comply with the requirements of chapter 146 of title 10, United States Code, applicable to depot-level maintenance and repair.

(d) RELATIONSHIP TO OTHER LAWS.—Nothing in this section shall be construed to exempt a prime vendor contract from the requirements of section 2461 of title 10, United States Code, or any other provision of chapter 146 of such title.

SEC. 335. CLARIFICATION OF DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.

Section 2460(a) of title 10, United States Code, is amended by inserting before the period at the end of the first sentence the following: ''or the location at which the maintenance or repair is performed''.

SEC. 336. CLARIFICATION OF COMMERCIAL ITEM EXCEPTION TO REQUIREMENTS REGARDING CORE LOGISTICS CAPABILITIES.

Section 2464(a)(5) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(5)'';

(2) by adding at the end of subparagraph (A), as so designated, the following: ''The determination of whether a modification is minor shall be based on a comparison of only the critical systems of the version sold in the commercial marketplace and the version purchased by the Government, and a modification may not be considered to be minor unless at least 90 percent of the total content by component value remains identical.''; and

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

''(B) In this paragraph, the term 'substantial quantities' means, with respect to determining whether an item is a commercial item, that purchases and leases of the item to the general public constitute the majority of all transactions involving the item at the time the exception under paragraph (3) is proposed to be exercised.''.

SEC. 337. DEVELOPMENT OF PLAN FOR ESTABLISHMENT OF CORE LOGISTICS CAPABILITIES FOR MAINTENANCE AND REPAIR OF C–17 AIRCRAFT.

(a) FINDINGS.—Congress finds the following:

(1) The C–17 aircraft, which is replacing the C–141 aircraft, will serve as the cornerstone of heavy airlift capability of the Armed Forces.

(2) The C–17 aircraft achieved initial operational capability in January 1995 and will complete the significant fourth year of its operational capability in January 1999.

(3) As provided in section 2464(a)(3) of title 10, United States Code, the C–17 aircraft is a weapon system that is ''necessary to enable the armed forces to fulfill the strategic and contingency plans prepared by the Chairman of the Joint Chiefs of Staff''.

(4) The depot-level maintenance and repair of such a weapon system must be performed at Government-owned, Government-operated facilities of the Department of Defense in order to maintain the core logistics capabilities of the Department of Defense, as required under such section 2464.

(5) The sole-source contract entered into in January 1998 regarding the depot-level maintenance and repair of C–17 aircraft and related tasks, known as the Interim Contract for the C–17 Flexible Sustainment Program, does not meet the requirements of law.

(b) PLAN REQUIRED.—Not later than March 1, 1999, the Secretary of the Air Force shall submit to Congress a plan for the establishment of the core logistics capabilities for the C–17 aircraft consistent with the requirements of section 2464 of title 10, United States Code.

(c) EFFECT ON EXISTING CONTRACT.—After March 1, 1999, the Secretary of the Air Force may not extend the Interim Contract for the C–17 Flexible Sustainment Program until after the end of the 60-day period beginning on the date the plan required by subsection (b) is received by Congress.

(d) COMPTROLLER GENERAL REVIEW.—During the period specified in subsection (c), the Comptroller General shall review the plan required under subsection (b) and submit to Congress a report evaluating the merits of the plan.

SEC. 338. CONTRACTOR-OPERATED CIVIL ENGINEERING SUPPLY STORES PROGRAM.

(a) DEFINITIONS.—In this section:

(1) The term ''contractor-operated civil engineering supply store'' means a Government-owned facility that, as of the date of the enactment of this Act, is operated by a contractor under the contractor-operated civil engineering supply store (COCESS) program of the Department of the Air Force for the purpose of—

(A) maintaining inventories of civil engineering supplies on behalf of a military department; and

(B) furnishing such supplies to the department as needed.

(2) The term ''civil engineering supplies'' means parts and supplies needed for the repair and maintenance of military installations.

(b) FINDINGS.—Congress finds the following:

(1) In 1970, the Strategic Air Command of the Air Force began to use contractor-operated civil engineering supply stores to improve the efficiency and effectiveness of materials management and relieve the Air Force from having to maintain large inventories of civil engineering supplies.

(2) Contractor-operated civil engineering supply stores are designed to support the civil engineering and public works efforts of the Armed Forces through the provision of quality civil engineering supplies at competitive prices and within a reasonable period of time.

(3) Through the use of a contractor-operated civil engineering supply store, a guaranteed inventory level of civil engineering supplies is maintained at a military installation, which ensures that urgently needed civil engineering supplies are available on site.

(4) The contractor operating the contractor-operated civil engineering supply store is an independent business organization whose customer is a military department and the Armed Forces and who is subject to all the rules of private business and the regulations of the Government.

(5) The use of contractor-operated civil engineering supply stores ensures the best price and best buy for the Government.

(6) Ninety-five percent of the cost savings realized through the use of contractor-operated civil engineering supply stores is due to savings in the cost of actually procuring supplies.

(7) In the past 30 years, private contractors have never lost a cost comparison conducted pursuant to the criteria set forth in Office of Management and Budget Circular A–76 for the provision of civil engineering supplies to the Government.

(c) CONDITIONS ON MULTI-FUNCTION CONTRACTS.—A civil engineering supplies function that is performed, as of the date of the enactment of this Act, by a contractor-operated civil engineering supply store may not be combined with another supply function or any service function, including any base operating support function, for purposes of competition or contracting, until—

(1) the Secretary of Defense submits to Congress a report—

(A) notifying Congress of the proposed combined competition or contract; and

(B) explaining why a combined competition or contract is the best method by which to achieve cost savings and efficiencies to the Government; and

(2) the Comptroller General reviews the report and submits to Congress a briefing regarding whether the cost savings and efficiencies identified in the report are achievable.

(d) RELATIONSHIP TO OTHER LAWS.—If a civil engineering supplies function covered by subsection (c) is proposed for combination with a supply or service function that is subject to the study and reporting requirements of section 2461 of title 10, United States Code, the Secretary of Defense may include the report required under subsection (c) as part of the report under such section.

SEC. 339. REPORT ON SAVINGS AND EFFECT OF PERSONNEL REDUCTIONS IN ARMY MATERIEL COMMAND.

(a) REPORT REQUIRED.—Not later than March 31, 1999, the Comptroller General shall submit to the congressional defense committees a report concerning—

(1) the effect that the proposed personnel reductions in the Army Materiel Command will have on workload and readiness if implemented; and

(2) the likelihood that the cost savings projected to occur from such reductions will actually be achieved.

(b) DELAY IN IMPLEMENTATION OF REDUCTIONS PENDING REPORT.—During the period specified in subsection (c), the Secretary of Defense and the Secretary of the Army may not commence personnel reductions based on the guidelines contained in the May 1997 report of the Quadrennial Defense Review (including the National Defense Panel) prepared pursuant to subtitle B of title IX of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 111 note) at any Army Material Command facility that provides depot-level maintenance and repair or at any Army Arsenal.

(c) DURATION OF DELAY.—Subsection (b) applies only during the period beginning on the date of the enactment of this Act and ending on the earlier of the following:

(1) March 31, 1999.

(2) The date on which the report required by subsection (a) is submitted.

Subtitle E—Commissaries and Nonappropriated Fund Instrumentalities

SEC. 341. CONTINUATION OF MANAGEMENT AND FUNDING OF DEFENSE COMMISSARY AGENCY THROUGH THE OFFICE OF THE SECRETARY OF DEFENSE.

Section 192 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) SPECIAL RULE FOR DEFENSE COMMISSARY AGENCY.—Notwithstanding the results of the periodic review required under subsection (c) with regard to the Defense Commissary Agency, the Secretary of Defense may not transfer to the Secretary of a military department the responsibility to manage and fund the provision of services and supplies provided by the Defense Commissary Agency unless the transfer of the management and funding responsibility is specifically authorized by a law enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1999.''.

SEC. 342. EXPANSION OF CURRENT ELIGIBILITY OF RESERVES FOR COMMISSARY BENEFITS.

(a) DAYS OF ELIGIBILITY FOR READY RESERVE MEMBERS WITH 50 CREDITABLE POINTS.—Section 1063 of title 10, United States Code, is amended—

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

(2) in subsection (a)—

(A) by striking out ''(1)'';

(B) by striking out ''12 days of eligibility'' and inserting in lieu thereof ''24 days of eligibility''; and

(C) by striking out ''(2) Paragraph (1)'' and inserting in lieu thereof ''(b) EFFECT OF COMPENSATION OR TYPE OF DUTY.—Subsection (a)''.

(b) DAYS OF ELIGIBILITY FOR RESERVE RETIREES UNDER AGE 60.—Section 1064 of such title is amended by striking out ''for 12 days each calendar year'' and inserting in lieu thereof ''for 24 days each calendar year''.

(c) ELIGIBILITY OF MEMBERS OF NATIONAL GUARD SERVING IN FEDERALLY DECLARED DISASTER.—Chapter 54 of such title is amended by inserting after section 1063 the following new section:

''§1063a. Use of commissary stores and MWR retail facilities: members of National Guard serving in federally declared disaster

''(a) ELIGIBILITY OF MEMBERS.—A member of the National Guard who, although not in Federal service, is called or ordered to duty in response to a federally declared disaster shall be permitted to use commissary stores and MWR retail facilities during the period of such duty on the same basis as members of the armed forces on active duty.

''(b) ELIGIBILITY OF DEPENDENTS.—A dependent of a member of the National Guard who is permitted under subsection (a) to use commissary stores and MWR retail facilities shall be permitted to use such stores and facilities, during the same period as the member, on the same basis as dependents of members of the armed forces on active duty.

''(c) DEFINITIONS.—In this section:

''(1) FEDERALLY DECLARED DISASTER.—The term 'federally declared disaster' means a disaster or other situation for which a Presidential declaration of major disaster is issued under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

''(2) MWR RETAIL FACILITIES.—The term 'MWR retail facilities' means exchange stores and other revenue-generating facilities operated by nonappropriated fund activities of the Department of Defense for the morale, welfare, and recreation of members of the armed forces.''.

(d) SECTION HEADINGS.—(1) The heading of section 1063 of such title is amended to read as follows:

''§1063. Use of commissary stores: members of Ready Reserve with at least 50 creditable points''.

(2) The heading of section 1064 of such title is amended to read as follows:

''§1064. Use of commissary stores: persons qualified for retired pay under chapter 1223 but under age 60''.

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 54 of such title is amended by striking out the items relating to sections 1063 and 1064 and inserting in lieu thereof the following items:

''1063. Use of commissary stores: members of Ready Reserve with at least 50 creditable points.

''1063a. Use of commissary stores and MWR retail facilities: members of National Guard serving in federally declared disaster.

''1064. Use of commissary stores: persons qualified for retired pay under chapter 1223 but under age 60.''.

SEC. 343. REPEAL OF REQUIREMENT FOR AIR FORCE TO SELL TOBACCO PRODUCTS TO ENLISTED PERSONNEL.

(a) REPEAL.—Section 9623 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 939 of such title is amended by striking out the item relating to section 9623.

SEC. 344. RESTRICTIONS ON PATRON ACCESS TO, AND PURCHASES IN, OVERSEAS COMMISSARIES AND EXCHANGE STORES.

(a) AUTHORITY TO IMPOSE RESTRICTIONS; LIMITATIONS ON AUTHORITY.—Chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

''§2491. Overseas commissary and exchange stores: access and purchase restrictions

''(a) GENERAL AUTHORITY.—The Secretary of Defense may establish restrictions on the ability of eligible patrons of commissary and exchange stores located outside of the United States to purchase certain merchandise items (or the quantity of certain merchandise items) otherwise included within an authorized merchandise category if the Secretary determines that such restrictions are necessary to prevent the resale of such merchandise in violation of host nation laws or treaty obligations of the United States. In establishing a quantity or other restriction, the Secretary shall ensure that the restriction is consistent with the purpose of the overseas commissary and exchange system to provide reasonable access for eligible patrons to purchase merchandise items made in the United States.

''(b) CONTROLLED ITEM LISTS.—For each location outside the United States that is served by the commissary system or the exchange system, the Secretary of Defense may maintain a list of controlled merchandise items, except that, after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1999, the Secretary may not change the list to add a merchandise item unless, before making the change, the Secretary submits to Congress a notice of the proposed addition and the reasons for the addition of the item.

''(c) SPECIAL RULES FOR KOREA.—(1) The Secretary of Defense may not prohibit a dependent who resides in Korea, is at least 21 years of age, and is otherwise eligible to use the commissary and exchange system, from purchasing alcoholic beverages through the commissary and exchange system. Quantity restrictions on the purchase of alcoholic beverages may be imposed, and any such restriction may be enforced through the use of an issued ration control device, but a dependent may not be required to sign for any purchase. A quantity restriction on malt beverages may not restrict purchases to fewer than eight cases, of 24-units per case, per month. Daily or weekly restrictions on malt beverage purchases may not be imposed. The purchase of malt beverages may be recorded on a ration control device, but eligible patrons may not be required to sign for any purchase.

''(2) A dependent residing in Korea who is at least 18 years of age and otherwise eligible to use the commissary and exchange system may purchase tobacco products on the same basis as other eligible patrons of the commissary and exchange system.

''(3) Eligible patrons of the commissary and exchange system who are traveling through a military air terminal in Korea shall be authorized to the purchase sundry items, including tobacco products, on a temporary basis during the

normal operating hours of commissary and exchange stores operated in connection with the terminal.

''(4) In applying restrictions to dependents of members of the armed forces, the Secretary of Defense may not differentiate between a dependent whose movement to Korea was authorized at the expense of the United States under section 406 of title 37 and other dependents residing in Korea.

''(d) REPORTING REQUIREMENTS.—The Secretary of Defense shall submit to Congress an annual report describing the host nation laws and the treaty obligations of the United States, and the conditions within host nations, that necessitate the use of quantity or other restrictions on purchases in commissary and exchange stores located outside the United States.''.

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

''2491. Overseas commissary and exchange stores: access and purchase restrictions.''.

SEC. 345. EXTENSION OF DEMONSTRATION PROJECT FOR UNIFORM FUNDING OF MORALE, WELFARE, AND RECREATION ACTIVITIES.

Section 335 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 2241 note) is amended—

(1) in subsection (c), by striking out ''not later than September 30, 1998'' and inserting in lieu thereof ''on September 30, 1999''; and

(2) in subsection (e)(2), by striking out ''a final report on the results'' and inserting in lieu thereof ''an additional report on the progress''.

SEC. 346. PROHIBITION ON CONSOLIDATION OR OTHER ORGANIZATIONAL CHANGES OF DEPARTMENT OF DEFENSE RETAIL SYSTEMS.

(a) DEFENSE RETAIL SYSTEMS DEFINED.—For purposes of this section, the term ''defense retail systems'' means the defense commissary system and exchange stores and other revenue-generating facilities operated by nonappropriated fund activities of the Department of Defense for the morale, welfare, and recreation of members of the Armed Forces.

(b) PROHIBITION.—The operation and administration of the defense retail systems may not be consolidated or otherwise changed, and a study or review may not be commenced regarding the need for or merits of such a consolidation or change, unless the consolidation, change, study, or review is specifically authorized by a law enacted after the date of the enactment of this Act.

(c) EFFECT ON EXISTING STUDY.—Nothing in this section shall be construed to prohibit the study of defense retail systems, known as the ''Joint Exchange Due Diligence Study'', which is underway on the date of the enactment of this Act pursuant to a contract awarded by the Department of the Navy on April 21, 1998, except that any recommendation contained in the completed study regarding the operation or administration of the defense retail systems may not be implemented unless implementation of the recommendation is specifically authorized by a law enacted after the date of the enactment of this Act.

SEC. 347. AUTHORIZED USE OF APPROPRIATED FUNDS FOR RELOCATION OF NAVY EXCHANGE SERVICE COMMAND.

The Navy Exchange Service Command is not required to reimburse the United States for appropriated funds allotted to the Navy Exchange Service Command during fiscal years 1994, 1995, and 1996 to cover costs incurred by the Navy Exchange Service Command to relocate to Virginia Beach, Virginia, and to lease headquarters space in Virginia Beach.

SEC. 348. EVALUATION OF MERIT OF SELLING MALT BEVERAGES AND WINE IN COMMISSARY STORES AS EXCHANGE SYSTEM MERCHANDISE.

(a) PATRON SURVEY.—(1) The Secretary of Defense shall enter into a contract with a commercial survey firm to conduct a survey of eligible patrons of the commissary store system to determine patron interest in having commissary stores sell malt beverages and wine as exchange store merchandise.

(2) The survey shall be conducted at not less than three military installations in the United States of each of the Armed Forces (other than the Coast Guard).

(3) The survey shall be completed, and the results submitted to the Secretary of Defense, not later than November 30, 1998.

(b) DEMONSTRATION PROJECT.—(1) After consideration of the survey results, the Secretary of Defense may conduct a demonstration project at seven military installations in the United States (two Army installations, two Air Force installations, two Navy installations, and one Marine Corps installation) to evaluate the merit of selling malt beverages and wine in commissary stores as exchange store merchandise. Under the demonstration project, the Secretary may sell malt beverages and wine in commissary stores as exchange store merchandise notwithstanding the general requirement that merchandise sold in, at, or by commissary stores be commissary store inventory.

(2) The demonstration project may only be conducted in States where it is legal to sell malt beverages and wine in grocery stores.

(3) Not later than February 1, 1999, the Secretary of Defense shall determine whether to conduct the demonstration project. Any such demonstration project shall be completed not later than September 30, 2000.

(c) REPORT.—(1) If the Secretary of Defense conducts a demonstration project under subsection (b), the Secretary shall submit to Congress a report describing the results of the demonstration project. The report shall include a description of patron views, the impact on commissary sales, the impact on exchange sales, and the impact, if any, on dividends for morale, welfare, and recreation activities.

(2) The report shall be submitted not later than March 1, 2000.

(d) LIMITATION.—Nothing in this section shall be construed to authorize the sale of malt beverages and wine in commissary stores as commissary store inventory.

Subtitle F—Other Matters

SEC. 361. ELIGIBILITY REQUIREMENTS FOR ATTENDANCE AT DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

(a) DEPENDENTS OF MEMBERS RESIDING IN CERTAIN AREAS.—Subsection (a) of section 2164 of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''If'';

(2) by designating the second sentence as paragraph (2); and

(3) by adding at the end of paragraph (2) (as so designated) the following new sentence: ''If a member of the armed forces is assigned to a remote location or is assigned to an unaccompanied tour of duty, a dependent of the member who resides, on or off a military installation, in a territory, commonwealth, or possession of the United States, as authorized by the member's orders, may be enrolled in an educational program provided by the Secretary under this subsection.''.

(b) WAIVER OF FIVE-YEAR ATTENDANCE LIMITATION.—Subsection (c)(2) of such section is amended by striking out subparagraph (B) and inserting in lieu thereof the following new subparagraph:

''(B) At the discretion of the Secretary, a dependent referred to in subparagraph (A) may be enrolled in the program for more than five consecutive school years if the dependent is otherwise qualified for enrollment, space is available in the program, and the Secretary will be reimbursed for the services provided. Any such extension shall cover only one school year at a time.''.

SEC. 362. SPECIFIC EMPHASIS OF PROGRAM TO INVESTIGATE FRAUD, WASTE, AND ABUSE WITHIN DEPARTMENT OF DEFENSE.

Section 392 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 113 note) is amended by inserting before the period the following: ''and any fraud, waste, and abuse occurring in connection with overpayments made to vendors by the Department of Defense, including overpayments identified under section 354 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 10 U.S.C. 2461 note)''.

SEC. 363. REVISION OF INSPECTION REQUIREMENTS RELATING TO ARMED FORCES RETIREMENT HOME.

Section 1518 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 418) is amended to read as follows:

''SEC. 1518. INSPECTION OF RETIREMENT HOME.

''(a) PERIODIC INSPECTION.—The Inspector Generals of the military departments shall conduct, at three-year intervals, an inspection of the Retirement Home and the records of the Retirement Home. Each inspection under this subsection shall be performed by a single Inspector General on an alternating basis.

''(b) REPORT.—The Inspector General of a military department who performs an inspection of the Retirement Home under subsection (a) shall submit to the Retirement Home Board, the Secretary of Defense, and Congress a report describing the results of the inspection and containing such recommendations as the Inspector General considers appropriate.''.

SEC. 364. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 1999.—Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities—

(1) $30,000,000 shall be available only for the purpose of providing educational agencies assistance (as defined in subsection (d)(1)) to local educational agencies; and

(2) $5,000,000 shall be available only for the purpose of making educational agencies payments (as defined in subsection (d)(2)) to local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 1999, the Secretary of Defense shall—

(1) notify each local educational agency that is eligible for educational agencies assistance for fiscal year 1999 of that agency's eligibility for such assistance and the amount of such assistance for which that agency is eligible; and

(2) notify each local educational agency that is eligible for an educational agencies payment for fiscal year 1999 of that agency's eligibility for such payment and the amount of the payment for which that agency is eligible.

(c) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse funds made available under paragraphs (1) and (2) of subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).

(d) DEFINITIONS.—In this section:

(1) The term ''educational agencies assistance'' means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(2) The term ''educational agencies payments'' means payments authorized under section 386(d) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note).

(3) The term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 365. STRATEGIC PLAN FOR EXPANSION OF DISTANCE LEARNING INITIATIVES.

(a) DEVELOPMENT OF PLAN.—The Secretary of Defense shall develop a strategic plan for guiding and expanding distance learning initiatives in the Department of Defense. The strategic plan shall cover the five-year period beginning on October 1, 1999.

(b) ELEMENTS OF PLAN.—The strategic plan required by this section shall contain at a minimum the following elements:

(1) Measurable goals and objectives, including outcome-related performance indicators, for developing distance learning initiatives in the Department that would be consistent with the principles of the Government Performance and Results Act of 1993 (section 306 of title 5 and sections 1115 through 1119, 9703, and 9704 of title 31).

(2) A description of the manner in which distance learning initiatives will be developed and managed in the Department.

(3) An estimate of the costs and benefits associated with developing and maintaining an infrastructure in the Department to support distance learning initiatives and a statement of planned expenditures for investments necessary to build and maintain the infrastructure.

(4) A description of mechanisms that will be used to oversee the development and coordination of distance learning initiatives in the Department.

(c) CONSIDERATION OF CURRENT EFFORT.—In developing the strategic plan required by this section, the Secretary of Defense may recognize the collaborative distance learning effort of the Department of Defense and other Federal agencies and private industry (known as the Advanced Distribution Learning initiative), but the strategic plan shall be specific to the goals and objectives of the Department.

(d) SUBMISSION OF PLAN.—Not later than March 1, 1999, the Secretary of Defense shall submit to Congress the completed strategic plan required by this section.

SEC. 366. PUBLIC AVAILABILITY OF OPERATING AGREEMENTS BETWEEN MILITARY INSTALLATIONS AND FINANCIAL INSTITUTIONS.

With respect to an agreement between the commander of a military installation in the United States (or the designee of an installation commander) and a financial institution that permits, allows, or otherwise authorizes the provision of financial services by the financial institution on the military installation, nothing in the terms or nature of such an agreement shall be construed to exempt the agreement from the provisions of sections 552 and 552a of title 5, United States Code.

SEC. 367. DEPARTMENT OF DEFENSE READINESS REPORTING SYSTEM.

(a) ESTABLISHMENT OF SYSTEM.—(1) Chapter 2 of title 10, United States Code, is amended by inserting after section 116 the following new section:

''§ 117. Readiness reporting system: establishment; reporting to congressional committees

''(a) REQUIRED READINESS REPORTING SYSTEM.—The Secretary of Defense shall establish a comprehensive readiness reporting system for the Department of Defense. The readiness reporting system shall measure in an objective, accurate, and timely manner the capability of the armed forces to carry out—

''(1) the National Security Strategy prescribed by the President in the most recent annual national security strategy report under section 108 of the National Security Act of 1947 (50 U.S.C. 404a);

''(2) the defense planning guidance provided by the Secretary of Defense pursuant to section 113(g) of this title; and

''(3) the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff.

''(b) READINESS REPORTING SYSTEM CHARACTERISTICS.—In establishing the readiness reporting system, the Secretary shall ensure—

''(1) that the readiness reporting system is applied uniformly throughout the Department of Defense;

''(2) that information in the readiness reporting system is continually updated, with any change in the overall readiness status of a unit, of an element of the training establishment, or an element of defense infrastructure that is required to be reported as part of the readiness reporting system shall be reported within 24 hours of the event necessitating the change in readiness status; and

''(3) that sufficient resources are provided to establish and maintain the system so as to allow reporting of changes in readiness status as required by this section.

''(c) CAPABILITIES.—The readiness reporting system shall have the capability to do the following:

''(1) Measure the capability of units (both as elements of their respective armed force and as elements of joint forces) to conduct their assigned wartime missions.

''(2) Measure the capability of training establishments to provide trained and ready forces for wartime missions.

''(3) Measure the capability of defense installations and facilities and other elements of Department of Defense infrastructure, both in the United States and abroad, to provide appropriate support to forces in the conduct of their wartime missions.

''(4) Measure critical warfighting deficiencies in unit capability, training establishments, and defense infrastructure.

''(5) Measure the level of current risk based upon the readiness reporting system relative to the capability of forces to carry out their wartime missions.

''(6) Measure such other factors relating to readiness as the Secretary prescribes.

''(d) PERIODIC JOINT READINESS REVIEW.—The Chairman of the Joint Chiefs of Staff shall periodically, and not less frequently than monthly, conduct a joint readiness review. The Chairman shall incorporate into each such review the current information derived from the readiness reporting system and shall assess the capability of the armed forces to execute their wartime missions based upon their posture at the time of the review. The Chairman shall submit to the Secretary of Defense the results of each review, including the deficiencies in readiness identified during that review.

''(e) SUBMISSION TO CONGRESSIONAL COMMITTEES.—The Secretary shall each month submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on National Security and the Committee on Appropriations of the House of Representatives a report in writing containing the complete results of each review under subsection (d) during the preceding month, including the current information derived from the readiness reporting system. Each such report shall be submitted in unclassified form and may, as the Secretary determines necessary, also be submitted in classified form.

''(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section. In those regulations, the Secretary shall prescribe the units that are subject to reporting in the readiness reporting system, what type of equipment is subject to such reporting, and the elements of the training establishment and of defense infrastructure that are subject to such reporting.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 116 the following new item:

''117. Readiness reporting system: establishment; reporting to congressional committees.''.

(b) IMPLEMENTATION.—The Secretary of Defense shall establish and implement the readiness reporting system required by section 117 of title 10, United States Code, as added by subsection (a), so as to ensure that the capabilities required by subsection (c) of that section are attained not later than July 1, 1999.

(c) IMPLEMENTATION PLAN.—Not later than March 1, 1999, the Secretary of Defense shall submit to Congress a report setting forth the Secretary's plan for implementation of section 117 of title 10, United States Code, as added by subsection (a).

(d) REPEAL OF QUARTERLY READINESS REPORT REQUIREMENT.—Effective July 1, 1999, or the date on which the first report of the Secretary of Defense is submitted under section 117(d) of title 10, United States Code, as added by subsection (a), whichever is later—

(1) section 482 of title 10, United States Code, is repealed; and

(2) the table of sections at the beginning of chapter 23 of such title is amended by striking out the item relating to that section.

SEC. 368. TRAVEL BY RESERVISTS ON CARRIERS UNDER CONTRACT WITH GENERAL SERVICES ADMINISTRATION.

(a) RESERVE USE OF FEDERAL SUPPLY TRANSPORTATION.—Chapter 1217 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 12603. Travel: use of carriers under contract with General Services Administration

''A member of a reserve component who requires transportation in order to perform inactive duty training may use a carrier under contract with the General Services Administration to provide the transportation. The transportation shall be provided by the carrier in the same manner as transportation is provided to members of the armed forces and civilian employees who are traveling at Government expense, except that the Reserve is responsible for the cost of the travel at the contract rate. The Secretary concerned may require the Reserve to use a Government approved travel card to ensure that the transportation is procured for the purpose of performing inactive duty training.''.

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

''12603. Travel: use of carriers under contract with General Services Administration.''.

Subtitle G—Demonstration of Commercial-Type Practices To Improve Quality of Personal Property Shipments

SEC. 381. DEMONSTRATION PROGRAM REQUIRED.

(a) IN GENERAL.—The Secretary of Defense shall conduct a demonstration program, to be known as the ''Commercial-Like Activities for Superior Quality Demonstration Program'', pursuant to this subtitle to test commercial-style practices to improve the quality of personal property shipments within the Department of Defense.

(b) DEFINITIONS.—In this subtitle:

(1) The term ''CLASS Demonstration Program'' means the Commercial-Like Activities for Superior Quality Demonstration Program required by subsection (a).

(2) The term ''affiliated'' means an entity that is owned and controlled by another entity or an independently owned entity whose day-to-day business operations are controlled by another entity.

(3) The term ''best value CLASS score'' means a weighted score that reflects an eligible provider's past performance rating score and the schedules of charges for services provided.

(4) The term ''broker'' means an entity, described in section 13102(2) of title 49, United States Code, that conducts operations on behalf of the Military Traffic Management Command and possesses appropriate authority from the Department of Transportation or an appropriate State regulatory agency to arrange for the transportation of personal property in interstate, intrastate, or foreign commerce.

(5) The term ''freight forwarder'' means an entity that provides the services described in section 13102(8) of title 49, United States Code, in interstate, intrastate, or foreign commerce and possesses the authority to provide such services from the Department of Transportation or an appropriate State regulatory agency.

(6) The term ''motor carrier'' means an entity that uses motor vehicles to transport personal property in interstate, intrastate, or foreign commerce and possesses the authority to provide such services from the Department of Transportation or an appropriate State regulatory agency.

(7) The term ''motor vehicles'' has the meaning given such term in section 13102(14) of title 49, United States Code.

(8) The term ''move management services provider'' means an entity that provides certain services in connection with the shipment of the household goods of a member of the Armed Forces, such as arranging, coordinating, and monitoring the shipment.

(9) The term ''test plan'' means the plan prepared under section 384 for the conduct of the CLASS Demonstration Program.

SEC. 382. GOALS OF DEMONSTRATION PROGRAM.

The goals of the CLASS Demonstration Program are to—

(1) adopt commercial-style practices to improve the quality of Department of Defense personal property shipments within the United States and to foreign locations;

(2) adopt simplified acquisition procedures for the selection of contractors qualified to provide various types of personal property shipping services and for the award of individual orders to such contractors;

(3) assure ready access of the Department of Defense to a sufficient number of qualified providers of personal property shipping to permit timely shipments during periods of high demand for such services;

(4) assure maximum practicable opportunities for small business concerns to participate as prime contractors rather than subcontractors;

(5) empower Installation Transportation Officers to assure that the personal property shipping needs of individual members of the Armed Forces are met in a timely manner by quality contractors who minimize opportunities for damage; and

(6) provide for the expedited resolution of claims for damaged or lost property through direct settlement negotiations between the service provider and the member of the Armed Forces who sustains the loss, with commercial-like arbitration available to the member with the assistance of the military department concerned.

SEC. 383. PROGRAM PARTICIPANTS.

(a) ELIGIBLE SERVICE PROVIDERS.—(1) Any motor carrier, freight forwarder, or broker regularly providing personal property shipping services that is approved by the Military Traffic Management Command to provide such services to the Department of Defense is eligible to participate in the CLASS Demonstration Program. A motor carrier providing domestic personal property shipping services shall not be precluded from providing such services to international destinations through an affiliated freight forwarder.

(2) If a motor carrier is affiliated with another motor carrier or freight forwarder that also seeks qualification to participate in the CLASS Demonstration Program, the affiliate must demonstrate that it also conducts independent regular motor carrier operations using motor vehicles or independent freight forwarding services described in subparagraph (A), (B), or (C) of section 13102(8) of title 49, United States Code. If a freight forwarder is affiliated with another freight forwarder or motor carrier that also seeks qualification to participate in the program, the affiliate must demonstrate that it also conducts regular independent operations.

(b) MOVE MANAGEMENT SERVICES PROVIDERS.—The test plan may provide for the participation of a broker providing move management services. A move management service provider shall be compensated for providing such services solely by the Department of Defense. The test plan shall prohibit a move management services provider from obtaining a commission (or similar type of payment however denominated) from a motor carrier or freight forwarder providing the personal property shipping services.

(c) DEMONSTRATION PROGRAM PARTICIPANTS.—Eligible service providers shall be offered participation in the CLASS Demonstration Program on the basis of their best value CLASS score. Each eligible service provider's best value CLASS score shall be computed in a manner that assigns 70 percent of the weighted average to the provider's past performance rating and 30 percent to the provider's offered prices.

SEC. 384. TEST PLAN.

(a) IN GENERAL.—The CLASS Demonstration Program shall be conducted pursuant to a test plan.

(b) COMPONENTS OF THE TEST PLAN.—In addition to such other matters as the Secretary of Defense considers appropriate, the test plan shall include the following components:

(1) RATING PAST PERFORMANCE.—A past performance rating score shall be developed for each eligible service provider based on—

(A) evaluations from service members who have received personal property shipping services during a specified six-month rating period prior to the commencement of the CLASS Demonstration Program; or

(B) a rating of comparable personal property shipping services provided to non-Department of Defense customers during the same rating period, if an eligible provider did not make a sufficient number of military personal property shipments during the rating period to be assigned a rating pursuant to subparagraph (A).

(2) PARTICIPATION BY QUALITY SERVICE PROVIDERS.—A minimum best value CLASS score shall be established for participation in the CLASS Demonstration Program. In establishing the minimum score for participation, consideration shall be given to assuring access to sufficient numbers of service providers to meet the needs of members of the Armed Forces during periods of high demand for such personal property shipping services.

(3) SIMPLIFIED ACQUISITION PROCEDURES.—The CLASS Demonstration Program shall make use of simplified acquisition procedures similar to those provided in section 2304(g)(1)(A) of title 10, United States Code.

(4) PRICING.—The test plan shall specify pricing policies to be met by the CLASS Demonstration Program participants. The pricing policies shall reflect the following:

(A) Domestic pricing shall be based on the contemporary Household Goods Carriers Commercial Tariff 400–M, or subsequent reissues thereof, applicable to commercial domestic shipments with discounts and adjustments for States outside the continental United States.

(B) So-called single factor rates for international shipments.

(C) Full value protection for a shipment based on the actual cash value of the contents of the shipment with liability limited on a per pound basis as well as a total-value basis.

(5) ALLOCATION OF ORDERS.—Orders to provide personal property shipping services shall be allocated by the appropriate Installation Transportation Officer taking into consideration—

(A) the service provider's best value CLASS score;

(B) maximum practicable utilization of small business service providers;

(C) exceptional performance of a CLASS Demonstration Program participant; and

(D) other criteria necessary to advance the goals of the CLASS Demonstration Program, except that carrier selection by a member of the Armed Forces using the CLASS Demonstration Program shall be honored if the selection does not conflict with subparagraph (A) or (B) and the need to maintain adequate capacity.

(6) PERFORMANCE EVALUATION DURING THE TERM OF THE DEMONSTRATION PROGRAM.—The CLASS Demonstration Program shall provide for procedures for evaluation of the Demonstration Program participants by the members of the Armed Forces furnished personal property shipping services and by Installation Transportation Officers. To the maximum extent practicable, such evaluations shall be objective and quantifiable. The program participant shall be accorded the opportunity to review and make comment on a performance evaluation provided by an individual in a manner that will not deter candid evaluations by the individual. The results of this evaluation may be used in developing future best value CLASS scores.

(7) MODERN CUSTOMER SERVICE TECHNIQUES.—The CLASS Demonstration Program shall maximize the testing of modern customer service techniques, such as in-transit tracking of shipments and service member communication with the service provider by means of toll-free telephone numbers.

(8) DIRECT CLAIMS SETTLEMENT TECHNIQUES.—The CLASS Demonstration Program shall provide for settlement of claims for personal property lost or damaged directly with the firm providing the services. The procedures shall provide for—

(A) acknowledgment of a claim by the service provider within 30 days of receipt;

(B) provision of a settlement offer within 120 days;

(C) filing of a claim within nine months, with appropriate extensions for extenuating circumstances relating to war or national emergency that impair the ability of a member of the Armed Forces to file a timely claim; and

(D) referring of an unsettled claim by the member of the Armed Forces to a designated claims officer for assistance in resolving the claim or seeking commercial-like arbitration of the claim, or both, if considered appropriate by the claims officer.

(9) CRITERIA FOR EVALUATION OF THE OVERALL DEMONSTRATION PROGRAM.—The CLASS Demonstration Program shall include the development of criteria to evaluate the overall performance and effectiveness of the CLASS demonstration program.

(c) DEVELOPMENT IN COLLABORATION WITH INDUSTRY.—In developing the test plan, the Secretary of Defense shall maximize collaboration with representatives of associations that represent all segments of the affected industries. Special efforts shall be made to actively involve those associations that represent small business providers of personal property shipping services.

(d) OPPORTUNITY FOR PUBLIC COMMENT ON PROPOSED TEST PLAN.—Notice of the availability of the test plan shall be published in the Federal Register and given by other means likely to result in the notification of eligible service providers and associations that represent them. Copies of the proposed test plan may be made available in a printable electronic format. The public shall be afforded 60 days to comment on the proposed test plan.

SEC. 385. OTHER METHODS OF PERSONAL PROPERTY SHIPPING.

The CLASS Demonstration Program shall not impair the access of a member of the Armed Forces to the shipment of personal property through the programs known as the Do-It-Yourself Program or the Direct Procurement Method Program.

SEC. 386. DURATION OF DEMONSTRATION PROGRAM.

The CLASS Demonstration Program shall commence on the first day of the fiscal year quarter after the issuance of the test plan in final form and terminate on the last day of the fiscal year quarter after eight fiscal year quarters of operation. The CLASS Demonstration Program shall take the place of the re-engineering pilot solicitation of the Military Traffic

Management Command identified as DAMTO1–97–R–3001.

SEC. 387. EVALUATION OF DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall provide for the evaluation the CLASS Demonstration Program throughout the term of the program pursuant to the evaluation criteria included in the test plan.

(b) INTERIM REPORTS.—The Secretary of Defense shall issue such interim reports relating to the implementation of the CLASS Demonstration Program as may be appropriate.

(c) FINAL REPORT.—The Secretary of Defense shall issue a final report on the CLASS Demonstration Program within 180 days before the termination date of the program. The report may include recommendations for further implementation of the CLASS Demonstration Program.

(d) CONGRESSIONAL RECIPIENTS.—The reports required by this section shall be furnished to the congressional defense committees and the Committee on Small Business of the Senate and the House of Representatives.

(e) PUBLIC AVAILABILITY.—The Secretary of Defense shall provide public notice of the availability of copies of the reports submitted to the congressional recipients through a notice in the Federal Register and such other means as may be appropriate. Copies of the reports may be made available in a printable electronic format or in a printed form.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 1999, as follows:

(1) The Army, 484,800.

(2) The Navy, 376,423.

(3) The Marine Corps, 173,922.

(4) The Air Force, 371,577.

SEC. 402. REVISION IN PERMANENT END STRENGTH LEVELS.

(a) REVISED END STRENGTH FLOORS.—Subsection (b) of section 691 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out ''495,000'' and inserting in lieu thereof ''484,800'';

(1) in paragraph (2), by striking out ''390,802'' and inserting in lieu thereof ''376,423''; and

(2) in paragraph (3), by striking out ''174,000'' and inserting in lieu thereof ''173,922''.

(b) REVISION TO FLEXIBILITY AUTHORITY FOR THE ARMY.—Subsection (e) of such section is amended by striking out ''or, in the case of the Army, by not more than 1.5 percent''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998.

SEC. 403. DATE FOR SUBMISSION OF ANNUAL MANPOWER REQUIREMENTS REPORT.

Section 115a(a) of title 10, United States Code, is amended—

(1) by striking out '', not later than February 15 of each fiscal year,'' in the first sentence; and

(2) by striking out ''The report shall be in writing and'' in the second sentence and inserting in lieu thereof ''The report shall be submitted each year not later than 30 days after the date on which the budget for the next fiscal year is transmitted to Congress pursuant to section 1105 of title 31, shall be in writing, and''.

SEC. 404. EXTENSION OF AUTHORITY FOR CHAIRMAN OF THE JOINT CHIEFS OF STAFF TO DESIGNATE UP TO 12 GENERAL AND FLAG OFFICER POSITIONS TO BE EXCLUDED FROM GENERAL AND FLAG OFFICER GRADE LIMITATIONS.

Section 526(b)(2) of title 10, United States Code, is amended by striking out ''October 1, 1998'' and inserting in lieu thereof ''October 1, 2001''.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—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, 357,000.

(2) The Army Reserve, 209,000.

(3) The Naval Reserve, 90,843.

(4) The Marine Corps Reserve, 40,018.

(5) The Air National Guard of the United States, 106,991.

(6) The Air Force Reserve, 74,242.

(7) The Coast Guard Reserve, 8,000.

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) 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.

Within the end strengths prescribed in section 411(a), 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, 21,763.

(2) The Army Reserve, 12,804.

(3) The Naval Reserve, 15,590.

(4) The Marine Corps Reserve, 2,362.

(5) The Air National Guard of the United States, 10,930.

(6) The Air Force Reserve, 991.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 1999 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 5,395.

(2) For the Army National Guard of the United States, 23,125.

(3) For the Air Force Reserve, 9,761.

(4) For the Air National Guard of the United States, 22,408.

SEC. 414. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO SERVE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) OFFICERS.—The table in section 12011(a) of title 10, United States Code, is amended to read as follows:

''Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	776	140
Lieutenant Colonel or Commander	1,524	520	672	90
Colonel or Navy Captain	438	188	274	30''.

(b) SENIOR ENLISTED MEMBERS.—The table in section 12012(a) of such title is amended to read as follows:

''Grade	Army	Navy	Air Force	Marine Corps
E–9	623	202	388	20
E–8	2,585	429	979	94''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take efffect on October 1, 1998.

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1999 a total of $70,697,086,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1999.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. CODIFICATION OF ELIGIBILITY OF RETIRED OFFICERS AND FORMER OFFICERS FOR CONSIDERATION BY SPECIAL SELECTION BOARDS.

(a) PERSONS NOT CONSIDERED BY PROMOTION BOARDS DUE TO ADMINISTRATIVE ERROR.—Subsection (a) of section 628 of title 10, United States Code, is amended—

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

''(a) PERSONS NOT CONSIDERED BY PROMOTION BOARDS DUE TO ADMINISTRATIVE ERROR.—(1) If the Secretary of the military department concerned determines that because of administrative error a person who should have been considered for selection for promotion by a promotion board was not so considered, the Secretary shall convene a special selection board under this subsection to determine whether that person (whether or not then on active duty) should be recommended for promotion.'';

(2) in paragraph (2), by striking out ''the officer as his record'' in the first sentence and inserting in lieu thereof ''the person whose name was referred to it for consideration as that record''; and

(3) in paragraph (3), by striking out ''an officer in a grade'' and all that follows through ''the officer'' and inserting in lieu thereof ''a person whose name was referred to it for consideration for selection for appointment to a grade other than a general officer or flag officer grade, the person''.

(b) PERSONS CONSIDERED BY PROMOTION BOARDS IN UNFAIR MANNER.—Subsection (b) of such section is amended—

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

''(b) PERSONS CONSIDERED BY PROMOTION BOARDS IN UNFAIR MANNER.—(1) If the Secretary of the military department concerned determines, in the case of a person who was considered for selection for promotion by a promotion board but was not selected, that there was material unfairness with respect to that person, the Secretary may convene a special selection board under this subsection to determine whether that person (whether or not then on active duty) should be recommended for promotion. In order to determine that there was material unfairness, the Secretary must determine that—

''(A) the action of the promotion board that considered the person was contrary to law or involved material error of fact or material administrative error; or

''(B) the board did not have before it for its consideration material information.'';

(2) in paragraph (2), by striking out ''the officer as his record'' in the first sentence and inserting in lieu thereof ''the person whose name was referred to it for consideration as that record''; and

(3) in paragraph (3)—

(A) by striking out ''an officer'' and inserting in lieu thereof ''a person''; and

(B) by striking out ''the officer'' and inserting in lieu thereof ''the person''.

(c) CONFORMING AMENDMENTS.—(1) Subsection (c) of such section is amended—

(A) by inserting ''REPORTS OF BOARDS.—'' after ''(c)'';

(B) by striking out ''officer'' both places it appears in paragraph (1) and inserting in lieu thereof ''person''; and

(C) in paragraph (2), by adding the following new sentence at the end: ''However, in the case of a board convened under this section to consider a warrant officer or former warrant officer, the provisions of sections 576(d) and 576(f) of this title (rather than the provisions of section 617(b) and 618 of this title) apply to the report and proceedings of the board in the same manner as they apply to the report and proceedings of a selection board convened under section 573 of this title.''.

(2) Subsection (d)(1) of such section is amended—

(A) by inserting ''APPOINTMENT OF PERSONS SELECTED BY BOARDS.—'' after ''(d)'';

(B) by striking out ''an officer'' and inserting in lieu thereof ''a person'';

(C) by striking out ''such officer'' and inserting in lieu thereof ''that person'';

(D) by striking out ''the next higher grade'' the second place it appears and inserting in lieu thereof ''that grade'';

(E) by adding at the end the following: ''However, in the case of a board convened under this section to consider a warrant officer or former warrant officer, if the report of that board, as approved by the Secretary concerned, recommends that warrant officer or former warrant officer for promotion to the next higher grade, that person shall, as soon as practicable, be appointed to the next higher grade in accordance with provisions of section 578(c) of this title (rather than subsections (b), (c), and (d) of section 624 of this title).''.

(3) Subsection (d)(2) of such section is amended—

(A) by striking out ''An officer who is promoted'' and inserting in lieu thereof ''A person who is appointed'';

(B) by striking out ''such promotion'' and inserting in lieu thereof ''that appointment''; and

(C) by adding at the end the following new sentence: ''In the case of a person who is not on the active-duty list when appointed to the next higher grade, placement of that person on the active-duty list pursuant to the preceding sentence shall be only for purposes of determination of eligibility of that person for consideration for promotion by any subsequent special selection board under this section.''.

(d) APPLICABILITY TO DECEASED PERSONS.—Subsection (e) of such section is amended to read as follows:

''(e) DECEASED PERSONS.—If a person whose name is being considered for referral to a special selection board under this section dies before the completion of proceedings under this section with respect to that person, this section shall be applied to that person posthumously.''.

(e) RECODIFICATION OF ADMINISTRATIVE MATTERS.—Such section is further amended by adding at the end the following::

''(f) CONVENING OF BOARDS.—A board convened under this section—

''(1) shall be convened under regulations prescribed by the Secretary of Defense;

''(2) shall be composed in accordance with section 612 of this title or, in the case of board to consider a warrant officer or former warrant officer, in accordance with section 573 of this title and regulations prescribed by the Secretary of the military department concerned; and

''(3) shall be subject to the provisions of section 613 of this title.

''(g) PROMOTION BOARD DEFINED.—In this section, the term 'promotion board' means a selection board convened by the Secretary of a military department under section 573(a) or 611(a) of this title.''.

(f) RATIFICATION OF CODIFIED PRACTICE.—The consideration by a special selection board convened under section 628 of title 10, United States Code, before the date of the enactment of this Act of a person who, at the time of consideration, was a retired officer or former officer of the Armed Forces (including a deceased retired or former officer) is hereby ratified.

SEC. 502. COMMUNICATION TO PROMOTION BOARDS BY OFFICERS UNDER CONSIDERATION.

Section 614(b) of title 10, United States Code, is amended by striking out ''his case'' and inserting in lieu thereof ''enhancing his case for selection for promotion''.

SEC. 503. PROCEDURES FOR SEPARATION OF REGULAR OFFICERS FOR SUBSTANDARD PERFORMANCE OF DUTY OR CERTAIN OTHER REASONS.

(a) ELIMINATION OF REQUIREMENT FOR A BOARD OF REVIEW.—Section 1182(c) of title 10, United States Code, is amended by striking out ''it shall send the record of its proceedings to a board of review convened under section 1183 of this title'' and inserting in lieu thereof ''it shall report that determination to the Secretary concerned'';

(b) REPEAL OF BOARD OF REVIEW.—(1) Section 1183 of such title is repealed.

(2) The table of sections at the beginning of chapter 60 of such title is amended by striking out the item relating to section 1183.

(c) CONFORMING AMENDMENTS.—(1) Section 1184 of such title is amended by striking out ''board of review convened under section 1183 of this title'' and inserting in lieu thereof ''board of inquiry convened under section 1182 of this title''.

(2) The heading of such section and the item relating to such section in the table of sections at the beginning of chapter 60 of such title are amended by striking out the last two words.

(d) ELIMINATION OF 30-DAY NOTICE REQUIREMENT.—Section 1185(a)(1) of such title is amended by striking out '', at least 30 days before the hearing of his case by a board of inquiry,''.

SEC. 504. POSTHUMOUS COMMISSIONS AND WARRANTS.

Section 1521 of title 10, United States Code, is amended—

(1) by inserting ''(whether before or after the member's death)'' in subsection (a)(3) after ''approved by the Secretary concerned''; and

(2) by adding at the end of subsection (b) the following new sentence: ''In the case of a member to whom subsection (a)(3) applies who dies before approval by the Secretary concerned of the appointment or promotion, the commission shall issue as of the date of death.''.

SEC. 505. TENURE OF CHIEF OF THE AIR FORCE NURSE CORPS.

Section 8069(b) of title 10, United States Code, is amended by striking out '', but not for more than three years, and may not be reappointed to the same position'' in the last sentence.

Subtitle B—Reserve Component Matters

SEC. 511. COMPOSITION OF SELECTIVE EARLY RETIREMENT BOARDS OF RESERVE GENERAL AND FLAG OFFICERS OF THE NAVY AND MARINE CORPS.

Section 14705(b) of title 10, United States Code, is amended to read as follows:

''(b) BOARDS.—(1) If the Secretary of the Navy determines that consideration of officers for early retirement under this section is necessary, the Secretary shall convene a continuation board under section 14101(b) of this title to recommend an appropriate number of officers for early retirement.

''(2) In the case of such a board convened to consider officers in the grade of rear admiral or major general—

''(A) the Secretary may appoint the board without regard to section 14102(b) of this title; and

''(B) each member of the board must be serving in a grade higher than the grade of rear admiral or major general.''.

SEC. 512. ACTIVE STATUS SERVICE REQUIREMENT FOR PROMOTION CONSIDERATION FOR ARMY AND AIR FORCE RESERVE COMPONENT BRIGADIER GENERALS.

Section 14301 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(g) A reserve component brigadier general of the Army or the Air Force who is in an inactive status is eligible (notwithstanding subsection (a)) for consideration for promotion to major general by a promotion board convened under section 14101(a) of this title if the officer—

''(1) has been in an inactive status for less than one year as of the date of the convening of the promotion board; and

''(2) had continuously served for at least one year on the reserve active status list or the active duty list (or a combination of both) immediately before the officer's most recent transfer to an inactive status.''.

SEC. 513. REVISION TO EDUCATIONAL REQUIREMENT FOR PROMOTION OF RESERVE OFFICERS.

(a) EXTENSION FOR ARMY OCS GRADUATES.—Section 12205(b)(4) of title 10, United States Code, is amended by inserting after ''October 1, 1995'' the following: '', or in the case of an officer commissioned through the Army Officer Candidate School, October 1, 2000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of October 1, 1995.

Subtitle C—Military Education and Training

SEC. 521. REQUIREMENTS RELATING TO RECRUIT BASIC TRAINING.

(a) ARMY.—(1) Chapter 401 of title 10, United States Code, is amended by adding at the end the following new section:

''§4319. Recruit basic training: separate platoons and separate housing for male and female recruits

''(a) SEPARATE PLATOONS.—The Secretary of the Army shall require that during basic training—

''(1) male recruits shall be assigned to platoons consisting only of male recruits; and

''(2) female recruits shall be assigned to platoons consisting only of female recruits.

''(b) SEPARATE HOUSING FACILITIES.—The Secretary of the Army shall require that during basic training male and female recruits be housed in separate barracks or other troop housing facilities.

''(c) INTERIM AUTHORITY FOR HOUSING RECRUITS ON SEPARATE FLOORS.—(1) If the Secretary of the Army determines that it is not feasible, during some or all of the period beginning on April 15, 1999, and ending on October 1, 2001, to comply with subsection (b) at any particular installation at which basic training is conducted because facilities at that installation are insufficient for such purpose, the Secretary may grant a waiver of subsection (b) with respect to that installation. Any such waiver may not be in effect after October 1, 2001, and may only be in effect while the facilities at that installation are insufficient for the purposes of compliance with subsection (b).

''(2) If the Secretary grants a waiver under paragraph (1) with respect to an installation, the Secretary shall require that male and female recruits in basic training at that installation during any period that the waiver is in effect not be housed on the same floor of a barracks or other troop housing facility.

''(d) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training program of the Army that constitutes the basic training of new recruits.''.

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

''4319. Recruit basic training: separate platoons and separate housing for male and female recruits.''.

(3) The Secretary of the Army shall implement section 4319 of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 15, 1999.

(b) NAVY AND MARINE CORPS.—(1) Part III of subtitle C of title 10, United States Code, is amended by inserting after chapter 601 the following new chapter:

''CHAPTER 602—TRAINING GENERALLY

''Sec.
''6931. Recruit basic training: separate small units and separate housing for male and female recruits.

''§ 6931. Recruit basic training: separate small units and separate housing for male and female recruits

''(a) SEPARATE SMALL UNIT ORGANIZATION.—The Secretary of the Navy shall require that during basic training—

''(1) male recruits in the Navy shall be assigned to divisions, and male recruits in the Marine Corps shall be assigned to platoons, consisting only of male recruits; and

''(2) female recruits in the Navy shall be assigned to divisions, and female recruits in the Marine Corps shall be assigned to platoons, consisting only of female recruits.

''(b) SEPARATE HOUSING.—The Secretary of the Navy shall require that during basic training male and female recruits be housed in separate barracks or other troop housing facilities.

''(c) INTERIM AUTHORITY FOR HOUSING RECRUITS ON SEPARATE FLOORS.—(1) If the Secretary of the Navy determines that it is not feasible, during some or all of the period beginning on April 15, 1999, and ending on October 1, 2001, to comply with subsection (b) at any particular installation at which basic training is conducted because facilities at that installation are insufficient for that purpose, the Secretary may grant a waiver of subsection (b) with respect to that installation. Any such waiver may not be in effect after October 1, 2001, and may only be in effect while the facilities at that installation are insufficient for the purposes of compliance with subsection (b).

''(2) If the Secretary grants a waiver under paragraph (1) with respect to an installation, the Secretary shall require that male and female recruits in basic training at that installation during any period that the waiver is in effect not be housed on the same floor of a barracks or other troop housing facility.

''(d) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training programs of the Navy and Marine Corps that constitute the basic training of new recruits.''.

(2) The tables of chapters at the beginning of subtitle C, and at the beginning of part III of subtitle C, of such title are amended by inserting after the item relating to chapter 601 the following new item:

''602. Training Generally ..... 6931''.

(3) The Secretary of the Navy shall implement section 6931 of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 15, 1999.

(c) AIR FORCE.—(1) Chapter 901 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9319. Recruit basic training: separate flights and separate housing for male and female recruits

''(a) SEPARATE FLIGHTS.—The Secretary of the Air Force shall require that during basic training—

''(1) male recruits shall be assigned to flights consisting only of male recruits; and

''(2) female recruits shall be assigned to flights consisting only of female recruits.

''(b) SEPARATE HOUSING.—The Secretary of the Air Force shall require that during basic training male and female recruits be housed in separate dormitories or other troop housing facilities.

''(c) INTERIM AUTHORITY FOR HOUSING RECRUITS ON SEPARATE FLOORS.—(1) If the Secretary of the Air Force determines that it is not feasible, during some or all of the period beginning on April 15, 1999, and ending on October 1, 2001, to comply with subsection (b) at any particular installation at which basic training is conducted because facilities at that installation are insufficient for such purpose, the Secretary may grant a waiver of subsection (b) with respect to that installation. Any such waiver may not be in effect after October 1, 2001, and may only be in effect while the facilities at that installation are insufficient for the purposes of compliance with subsection (b).

''(2) If the Secretary grants a waiver under paragraph (1) with respect to an installation, the Secretary shall require that male and female recruits in basic training at that installation during any period that the waiver is in effect not be housed on the same floor of a dormitory or other troop housing facility.

''(d) BASIC TRAINING DEFINED.—In this section, the term 'basic training' means the initial entry training program of the Air Force that constitutes the basic training of new recruits.''.

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

''9319. Recruit basic training: separate flights and separate housing for male and female recruits.''.

(3) The Secretary of the Air Force shall implement section 9319 of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 15, 1999.

SEC. 522. AFTER-HOURS PRIVACY FOR RECRUITS DURING BASIC TRAINING.

(a) PURPOSE.—The purpose of this section is to ensure that military recruits are provided some degree of privacy during basic training when in their barracks after completion of the normal training day.

(b) ARMY.—(1) Chapter 401 of title 10, United States Code, is amended by adding after section 4319, as added by section 521(a)(1), the following new section:

''§ 4320. Recruit basic training: privacy

''The Secretary of the Army shall require that access by drill sergeants and other training personnel to a barracks floor on which recruits are housed during basic training shall be limited after the end of the training day, other than in the case of an emergency or other exigent circumstance, to drill sergeants and other training personnel who are of the same sex as the recruits housed on that floor.''.

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 4319, as added by section 521(a)(2), the following new item:

''4320. Recruit basic training: privacy.''.

(3) The Secretary of the Army shall implement section 4320 of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 15, 1999.

(c) NAVY.—(1) Chapter 602 of title 10, United States Code, as added by section 521(b)(1), is amended by adding at the end the following new section:

''§ 6932. Recruit basic training: privacy

''The Secretary of the Navy shall require that access by recruit division commanders and other training personnel to a barracks floor on which Navy recruits are housed during basic training shall be limited after the end of the training day, other than in the case of an emergency or other exigent circumstance, to recruit division commanders and other training personnel who are of the same sex as the recruits housed on that floor.''.

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

''6932. Recruit basic training: privacy.''.

(3) The Secretary of the Navy shall implement section 6932 of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 15, 1999.

(d) AIR FORCE.—(1) Chapter 901 of title 10, United States Code, is amended by adding after section 9319, as added by section 521(c)(1), the following new section:

''§ 9320. Recruit basic training: privacy

''The Secretary of the Air Force shall require that access by drill sergeants and other training personnel to a dormitory floor on which recruits are housed during basic training shall be limited after the end of the training day, other than in the case of an emergency or other exigent circumstance, to drill sergeants and other training personnel who are of the same sex as the recruits housed on that floor.''.

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 9312, as added by section 521(c)(2), the following new item:

''9320. Recruit basic training: privacy.''.

(3) The Secretary of the Air Force shall implement section 9320 of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 15, 1999.

SEC. 523. EXTENSION OF REPORTING DATES FOR COMMISSION ON MILITARY TRAINING AND GENDER-RELATED ISSUES.

(a) FIRST REPORT.—Subsection (e)(1) of section 562 of the National Defense Authorization

Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1754) is amended by striking out ''April 15, 1998'' and inserting in lieu thereof ''October 15, 1998''.

(b) FINAL REPORT.—Subsection (e)(2) of such section is amended by striking out ''September 16, 1998'' and inserting in lieu thereof ''March 15, 1999''.

SEC. 524. IMPROVED OVERSIGHT OF INNOVATIVE READINESS TRAINING.

(a) IN GENERAL.—Section 2012 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(j) OVERSIGHT AND COST ACCOUNTING.—The Secretary of Defense shall establish a program to improve the oversight and cost accounting of training projects conducted in accordance with this section. The program shall include measures to accomplish the following:

''(1) Ensure that each project that is proposed to be conducted in accordance with this section (regardless of whether additional funding from the Secretary of Defense is sought) is requested in writing, reviewed for full compliance with this section, and approved in advance of initiation by the Secretary of the military department concerned and, in the case of a project that seeks additional funding from the Secretary of Defense, by the Secretary of Defense.

''(2) Ensure that each project that is conducted in accordance with this section is required to provide, within a specified period following completion of the project, an after-action report to the Secretary of Defense.

''(3) Require that each application for a project to be conducted in accordance with this section include an analysis and certification that the proposed project would not result in a significant increase in the cost of training (as determined in accordance with procedures prescribed by the Secretary of Defense).

''(4) Determine the total program cost for each project, including both those costs that are borne by the military departments from their own accounts and those costs that are borne by defense-wide accounts.

''(5) Provide for oversight of project execution to ensure that a training project under this section is carried out in accordance with the proposal for that project as approved.''.

(b) IMPLEMENTATION.—The Secretary of Defense may not initiate any project under section 2012 of title 10, United States Code, after October 1, 1998, until the program required by subsection (i) of that section (as added by subsection (a)) has been established.

Subtitle D—Decorations, Awards, and Commendations

SEC. 531. STUDY OF NEW DECORATIONS FOR INJURY OR DEATH IN LINE OF DUTY.

(a) DETERMINATION OF CRITERIA FOR NEW DECORATION.—(1) The Secretary of Defense shall determine the appropriate name, policy, award criteria, and design for two possible new decorations.

(2) The first such decoration would, if implemented, be awarded to members of the Armed Forces who, while serving under competent authority in any capacity with the Armed Forces, are killed or injured in the line of duty as a result of noncombat circumstances occurring—

(A) as a result of an international terrorist attack against the United States or a foreign nation friendly to the United States;

(B) while engaged in, training for, or traveling to or from a peacetime or contingency operation; or

(C) while engaged in, training for, or traveling to or from service outside the territory of the United States as part of a peacekeeping force.

(3) The second such decoration would, if implemented, be awarded to civilian nationals of the United States who, while serving under competent authority in any capacity with the Armed Forces, are killed or injured in the line of duty under circumstances which, if they were members of the Armed Forces, would qualify them for award of the Purple Heart or the medal described in paragraph (2).

(b) LIMITATION ON IMPLEMENTATION.—Any such decoration may only be implemented as provided by a law enacted after the date of the enactment of this Act.

(c) RECOMMENDATION TO CONGRESS.—Not later than July 31, 1999, the Secretary shall submit to Congress a legislative proposal that would, if enacted, establish the new decorations developed pursuant to subsection (a). The Secretary shall include with that proposal the Secretary's recommendation concerning the need for, and propriety of, each of the decorations.

(d) COORDINATION.—The Secretary shall carry out this section in coordination with the Secretaries of the military departments and the Secretary of Transportation with regard to the Coast Guard.

SEC. 532. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO SPECIFIED PERSONS.

(a) WAIVER OF TIME LIMITATION.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply in the case of awards of decorations described in subsection (b), the award of each such decoration having been determined by the Secretary of the military department concerned to be warranted in accordance with section 1130 of title 10, United States Code.

(b) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to awards of the Distinguished Flying Cross for service during World War II or Korea (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate, before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

SEC. 533. COMMENDATION OF THE NAVY AND MARINE CORPS PERSONNEL WHO SERVED IN THE UNITED STATES NAVY ASIATIC FLEET FROM 1910–1942.

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

(1) The United States established the Asiatic Fleet of the Navy in 1910 to protect American nationals, policies, and possessions in the Far East.

(2) The sailors and Marines of the Asiatic Fleet ensured the safety of United States citizens and foreign nationals, and provided humanitarian assistance in that region during the Chinese civil war, the Yangtze Flood of 1931, and the outbreak of Sino-Japanese hostilities.

(3) In 1940, due to deteriorating political relations and increasing tensions between the United States and Japan, a reinforced Asiatic Fleet began concentrating on the defense of the Philippines and engaged in extensive training to ensure maximum operational readiness for any eventuality.

(4) Following the declaration of war against Japan in December 1941, the warships, submarines, and aircraft of the Asiatic Fleet singly or in task forces courageously fought many battles against a superior Japanese armada.

(5) The Asiatic Fleet directly suffered the loss of 22 vessels, 1,826 men killed or missing in action, and 518 men captured and imprisoned under the worst of conditions, with many of them dying while held as prisoners of war.

(b) CONGRESSIONAL COMMENDATION.—Congress—

(1) commends the Navy and Marine Corps personnel who served in the Asiatic Fleet of the United States Navy between 1910 and 1942; and

(2) honors those who gave their lives in the line of duty while serving in the Asiatic Fleet.

SEC. 534. APPRECIATION FOR SERVICE DURING WORLD WAR I AND WORLD WAR II BY MEMBERS OF THE NAVY ASSIGNED ON BOARD MERCHANT SHIPS AS THE NAVAL ARMED GUARD SERVICE.

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

(1) The Navy established a special force during both World War I and World War II, known as the Naval Armed Guard Service, to protect merchant ships of the United States from enemy attack by stationing members of the Navy and weapons on board those ships.

(2) Members of the Naval Armed Guard Service served on 6,236 merchant ships during World War II, of which 710 were sunk by enemy action.

(3) Over 144,900 members of the Navy served in the Naval Armed Guard Service during World War II as officers, gun crewmen, signalmen, and radiomen, of whom 1,810 were killed in action.

(4) The efforts of the members of the Naval Armed Guard Service played a significant role in the safe passage of United States merchant ships to their destinations in the Soviet Union and various locations in western Europe and the Pacific Theater.

(5) The efforts of the members of the Navy who served in the Naval Armed Guard Service have been largely overlooked due to the rapid disbanding of the service after World War II and lack of adequate records.

(6) Recognition of the service of the naval personnel who served in the Naval Armed Guard Service is highly warranted and long overdue.

(b) SENSE OF CONGRESS.—Congress expresses its appreciation, and the appreciation of the American people, for the dedicated service performed during World War I and World War II by members of the Navy assigned as gun crews on board merchant ships as part of the Naval Armed Guard Service.

SEC. 535. SENSE OF CONGRESS REGARDING THE HEROISM, SACRIFICE, AND SERVICE OF THE MILITARY FORCES OF SOUTH VIETNAM AND OTHER NATIONS IN CONNECTION WITH THE UNITED STATES ARMED FORCES DURING THE VIETNAM CONFLICT.

(a) FINDINGS.—Congress finds the following:

(1) South Vietnam, Australia, South Korea, Thailand, New Zealand, and the Philippines contributed military forces, together with the United States, during military operations conducted in Southeast Asia during the Vietnam conflict.

(2) The contributions of the combat forces from these nations continued through long years of armed conflict.

(3) As a result, in addition to the United States casualties exceeding 210,000, this willingness to participate in the Vietnam conflict resulted in the death, and wounding of more than 1,000,000 military personnel from South Vietnam and 16,000 from other allied nations.

(4) The service of the Vietnamese and other allied nations was repeatedly marked by exceptional heroism and sacrifice, with particularly noteworthy contributions being made by the Vietnamese airborne, commando, infantry and ranger units, the Republic of Korea marines, the Capital and White Horse divisions, the Royal Thai Army Black Panther Division, the Royal Australian Regiment, the New Zealand ''V'' force, and the 1st Philippine Civic Action Group.

(b) SENSE OF CONGRESS.—Congress recognizes and honors the members and former members of the military forces of South Vietnam, the Republic of Korea, Thailand, Australia, New Zealand, and the Philippines for their heroism, sacrifice and service in connection with United States Armed Forces during the Vietnam conflict.

SEC. 536. SENSE OF CONGRESS REGARDING THE HEROISM, SACRIFICE, AND SERVICE OF FORMER SOUTH VIETNAMESE COMMANDOS IN CONNECTION WITH UNITED STATES ARMED FORCES DURING THE VIETNAM CONFLICT.

(a) FINDINGS.—Congress finds the following:

(1) South Vietnamese commandos were recruited by the United States as part of OPLAN 34A or its predecessor or OPLAN 35 from 1961 to 1970.

(2) The commandos conducted covert operations in North Vietnam during the Vietnam conflict.

(3) Many of the commandos were captured and imprisoned by North Vietnamese forces, some for as long as 20 years.

(4) The commandos served and fought proudly during the Vietnam conflict.

(5) Many of the commandos lost their lives serving in operations conducted by the United States during the Vietnam conflict.

(6) Many of the Vietnamese commandos now reside in the United States.

(b) SENSE OF CONGRESS—Congress recognizes and honors the former South Vietnamese commandos for their heroism, sacrifice, and service in connection with United States armed forces during the Vietnam conflict.

Subtitle E—Administration of Agencies Responsible for Review and Correction of Military Records

SEC. 541. PERSONNEL FREEZE.

(a) LIMITATION.—During fiscal years 1999, 2000, and 2001, the Secretary of a military department may not carry out any reduction in the number of military and civilian personnel assigned to duty with the service review agency for that military department below the baseline number for that agency until—

(1) the Secretary submits to Congress a report that describes the reduction proposed to be made, provides the Secretary's rationale for that reduction, and specifies the number of such personnel that would be assigned to duty with that agency after the reduction; and

(2) a period of 90 days has elapsed after the date on which such report is submitted.

(b) BASELINE NUMBER.—The baseline number for a service review agency under this section is—

(1) for purposes of the first report with respect to a service review agency under this section, the number of military and civilian personnel assigned to duty with that agency as of October 1, 1997; and

(2) for purposes of any subsequent report with respect to a service review agency under this section, the number of such personnel specified in the most recent report with respect to that agency under this section.

(c) SERVICE REVIEW AGENCY DEFINED.—In this section, the term 'service review agency' means—

(1) with respect to the Department of the Army, the Army Review Boards Agency;

(2) with respect to the Department of the Navy, the Board for Correction of Naval Records; and

(3) with respect to the Department of the Air Force, the Air Force Review Boards Agency.

SEC. 542. PROFESSIONAL STAFF.

(a) IN GENERAL.—(1) Chapter 79 of title 10, United States Code, is amended by adding at the end the following new section:

"§1555. Professional staff

''(a) The Secretary of each military department shall assign to the staff of the service review agency of that military department at least one attorney and at least one physician. Such assignments shall be made on a permanent, full-time basis and may be made from members of the armed forces or civilian employees.

''(b) Personnel assigned pursuant to subsection (a)—

''(1) shall work under the supervision of the director or executive director (as the case may be) of the service review agency; and

''(2) shall be assigned duties as advisers to the director or executive director or other staff members on legal and medical matters, respectively, that are being considered by the agency.

''(c) In this section, the term 'service review agency' means—

''(1) with respect to the Department of the Army, the Army Review Boards Agency;

''(2) with respect to the Department of the Navy, the Board for Correction of Naval Records; and

''(3) with respect to the Department of the Air Force, the Air Force Review Boards Agency.''.

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

''1555. Professional staff.''.

(b) EFFECTIVE DATE.—Section 1555 of title 10, United States Code, as added by subsection (a), shall take effect 180 days after the date of the enactment of this Act.

SEC. 543. EX PARTE COMMUNICATIONS.

(a) IN GENERAL.—(1) Chapter 79 of title 10, United States Code, is amended by adding after section 1555, as added by section 542(a)(1), the following new section:

"§1556. Ex parte communications prohibited

''(a) IN GENERAL.—The Secretary of each military department shall ensure that an applicant seeking corrective action by the Army Review Boards Agency, the Air Force Review Boards Agency, or the Board for Correction of Naval Records, as the case may be, is provided a copy of all correspondence and communications (including summaries of verbal communications) to or from the agency or board, or a member of the staff of the agency or board, with an entity or person outside the agency or board that pertain directly to the applicant's case or have a material effect on the applicant's case.

''(b) EXCEPTIONS.—Subsection (a) does not apply to the following:

''(1) Classified information.

''(2) Information the release of which is otherwise prohibited by law or regulation.

''(3) Any record previously provided to the applicant or known to be possessed by the applicant.

''(4) Any correspondence that is purely administrative in nature.

''(5) Any military record that is (or may be) provided to the applicant by the Secretary of the military department or other source.''.

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to 1555, as added by section 542(a)(2), the following new item:

''1556. Ex parte communications prohibited.''.

(b) EFFECTIVE DATE.—Section 1556 of title 10, United States Code, as added by subsection (a), shall apply with respect to correspondence and communications made 60 days or more after the date of the enactment of this Act.

SEC. 544. TIMELINESS STANDARDS.

(a) IN GENERAL.—Chapter 79 of title 10, United States Code, is amended by adding after section 1556, as added by section 543(a)(1), the following new section:

"§1557. Timeliness standards for disposition of cases before Corrections Boards

''(a) TEN-MONTH CLEARANCE PERCENTAGE.—Of the cases accepted for consideration by a Corrections Board during a period specified in the following table, the percentage on which final action must be completed within 10 months of receipt (other than for those cases considered suitable for administrative correction) is as follows:

''For cases accepted during—	*The percentage on which final action must be completed within 10 months of receipt is—*
the period of fiscal years 2001 and 2002.	*50*
the period of fiscal years 2003 and 2004.	*60*
the period of fiscal years 2005, 2006, and 2007.	*70*
the period of fiscal years 2008, 2009, and 2010.	*80*
the period of any fiscal year after fiscal year 2010.	*90.*

''(b) CLEARANCE DEADLINE FOR ALL CASES.—Effective October 1, 2002, final action on all cases accepted for consideration by a Corrections Board (other than those cases considered suitable for administrative correction) shall be completed within 18 months of receipt.

''(c) WAIVER AUTHORITY.—The Secretary of the military department concerned may exclude an individual case from the timeliness standards prescribed in subsections (a) and (b) if the Secretary determines that the case warrants a longer period of consideration. The authority of the Secretary of a military department under this subsection may not be delegated.

''(d) REPORTS ON FAILURE TO MEET TIMELINESS STANDARDS.—The Secretary of the military department concerned shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report not later than June 1 following any fiscal year during which the Corrections Board of that Secretary's military department was unable to meet the timeliness standards in subsections (a) and (b). The report shall specify the reasons why the standard could not be met and the corrective actions initiated to ensure compliance in the future. The report shall also specify the number of waivers granted under subsection (c) during that fiscal year.

''(e) CORRECTIONS BOARD DEFINED.—In this section, the term 'Corrections Board' means—

''(1) with respect to the Department of the Army, the Army Board for Correction of Military Records;

''(2) with respect to the Department of the Navy, the Board for Correction of Naval Records; and

''(3) with respect to the Department of the Air Force, the Air Force Board for Correction of Military Records.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1556, as added by section 543(a)(2), the following new item:

''1557. Timeliness standards for disposition of cases before Corrections Boards.''.

Subtitle F—Other Matters

SEC. 551. ONE-YEAR EXTENSION OF CERTAIN FORCE DRAWDOWN TRANSITION AUTHORITIES RELATING TO PERSONNEL MANAGEMENT AND BENEFITS.

(a) EARLY RETIREMENT AUTHORITY FOR ACTIVE DUTY MEMBERS.—Section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 1293 note) is amended by striking out ''October 1, 1999'' and inserting in lieu thereof ''October 1, 2000''.

(b) SSB AND VSI.—Sections 1174a(h) and 1175(d)(3) of title 10, United States Code, are amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2000''.

(c) SELECTIVE EARLY RETIREMENT BOARDS.—Section 638a(a) of such title is amended by striking out ''during the nine-year period beginning on October 1, 1990'' and inserting in lieu thereof ''during the period beginning on October 1, 1990, and ending on September 30, 2000''.

(d) TIME-IN-GRADE REQUIREMENT FOR RETENTION OF GRADE UPON VOLUNTARY RETIREMENT.—Section 1370(a)(2)(A) of such title is

amended by striking out ''during the nine-year period beginning on October 1, 1990'' and inserting in lieu thereof ''during the period beginning on October 1, 1990, and ending on September 30, 2000''.

(e) LENGTH OF COMMISSIONED SERVICE FOR VOLUNTARY RETIREMENT AS AN OFFICER.—Sections 3911(b), 6323(a)(2), and 8911(b) of such title are amended by striking out ''during the nine-year period beginning on October 1, 1990'' and inserting in lieu thereof ''during the period beginning on October 1, 1990, and ending on September 30, 2000''.

(f) RETIREMENT OF CERTAIN LIMITED DUTY OFFICERS OF THE NAVY AND MARINE CORPS.—(1) Sections 633 and 634 of such title are amended by striking out ''October 1, 1999'' in the last sentence and inserting in lieu thereof ''October 1, 2000''.

(2) Section 6383 of such title is amended—

(A) in subsection (a)(5), by striking out ''October 1, 1999'' and inserting in lieu thereof ''October 1, 2000''; and

(B) in subsection (k), by striking out ''October 1, 1999'' in the last sentence and inserting in lieu thereof ''October 1, 2000''.

(g) TRAVEL AND TRANSPORTATION ALLOWANCES AND STORAGE OF BAGGAGE AND HOUSEHOLD EFFECTS FOR CERTAIN MEMBERS BEING INVOLUNTARILY SEPARATED.—Sections 404(c)(1)(C), 404(f)(2)(B)(v), 406(a)(2)(B)(v), and 406(g)(1)(C) of title 37, United States Code, and section 503(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 37 U.S.C. 406 note) are amended by striking out ''during the nine-year period beginning on October 1, 1990'' and inserting in lieu thereof ''during the period beginning on October 1, 1990, and ending on September 30, 2000''.

(h) EDUCATIONAL LEAVE RELATING TO CONTINUING PUBLIC AND COMMUNITY SERVICE.—Section 4463(f) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 1143a note) is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2000''.

(i) TRANSITIONAL HEALTH, COMMISSARY, AND FAMILY HOUSING BENEFITS.—

(1) HEALTH CARE.—Section 1145 of title 10, United States Code, is amended—

(A) in subsections (a)(1) and (c)(1), by striking out ''during the nine-year period beginning on October 1, 1990'' and inserting in lieu thereof ''during the period beginning on October 1, 1990, and ending on September 30, 2000''; and

(B) in subsection (e), by striking out ''during the five-year period beginning on October 1, 1994'' and inserting in lieu thereof ''during the period beginning on October 1, 1994, and ending on September 30, 2000''.

(2) COMMISSARY AND EXCHANGE BENEFITS.—Section 1146 of such title is amended—

(A) by striking out ''during the nine-year period beginning on October 1, 1990'' and inserting in lieu thereof ''during the period beginning on October 1, 1990, and ending on September 30, 2000''; and

(B) by striking out ''during the five-year period beginning on October 1, 1994'' and inserting in lieu thereof ''during the period beginning on October 1, 1994, and ending on September 30, 2000''.

(3) USE OF MILITARY HOUSING.—Section 1147(a) of such title is amended—

(A) in paragraph (1), by striking out ''during the nine-year period beginning on October 1, 1990'' and inserting in lieu thereof ''during the period beginning on October 1, 1990, and ending on September 30, 2000''; and

(B) in paragraph (2), by striking out ''during the five-year period beginning on October 1, 1994'' and inserting in lieu thereof ''during the period beginning on October 1, 1994, and ending on September 30, 2000''.

(j) ENROLLMENT OF DEPENDENTS IN DEFENSE DEPENDENTS' EDUCATION SYSTEM.—Section 1407(c)(1) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(c)(1)) is amended by striking out ''during the nine-year period beginning on October 1, 1990'' and inserting in lieu thereof ''during the period beginning on October 1, 1990, and ending on September 30, 2000''.

(k) FORCE REDUCTION TRANSITION PERIOD DEFINITION.—Section 4411 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 12681 note) is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2000''.

(l) TEMPORARY SPECIAL AUTHORITY FOR FORCE REDUCTION PERIOD RETIREMENTS.—Section 4416(b)(1) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 12681 note) is amended by striking out ''October 1, 1999'' and inserting in lieu thereof ''October 1, 2000''.

(m) RETIRED PAY FOR NON-REGULAR SERVICE.—(1) Section 12731(f) of title 10, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2000''.

(2) Section 12731a of such title is amended in subsections (a)(1)(B) and (b), by striking out ''October 1, 1999'' and inserting in lieu thereof ''October 1, 2000''.

(n) AFFILIATION WITH GUARD AND RESERVE UNITS; WAIVER OF CERTAIN LIMITATIONS.—Section 1150(a) of such title is amended by striking out ''during the nine-year period beginning on October 1, 1990'' and inserting in lieu thereof ''during the period beginning on October 1, 1990, and ending on September 30, 2000''.

(o) RESERVE MONTGOMERY GI BILL.—Section 16133(b)(1)(B) of such title is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2000''.

SEC. 552. LEAVE WITHOUT PAY FOR ACADEMY CADETS AND MIDSHIPMEN.

(a) AUTHORITY FOR LEAVE WITHOUT PAY.—Section 702 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) The Secretary concerned may place an academy cadet or midshipman on involuntary leave without pay if, under regulations prescribed by the Secretary concerned, the Superintendent of the Academy at which the cadet or midshipman is admitted—

''(A) has recommended that the cadet or midshipman be dismissed or discharged;

''(B) has directed the cadet or midshipman return to the Academy to repeat an academic semester or year;

''(C) has otherwise recommended to the Secretary for good cause that the cadet or midshipman be placed on involuntary leave without pay.

''(2) In this subsection, the term 'academy cadet or midshipman' means—

''(A) a cadet of the United States Military Academy;

''(B) a midshipman of the United States Naval Academy;

''(C) a cadet of the United States Air Force Academy; or

''(D) a cadet of the United States Coast Guard Academy.''.

(b) EFFECTIVE DATE.—Subsection (c) of section 702 of title 10, United States Code, as added by subsection (a), shall apply with respect to academy cadets and midshipmen (as defined in that subsection) who are placed on involuntary leave after the date of the enactment of this Act.

SEC. 553. PROVISION FOR RECOVERY, CARE, AND DISPOSITION OF THE REMAINS OF ALL MEDICALLY RETIRED MEMBERS.

(a) IN GENERAL.—Section 1481(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out '', or member of an armed force without component,''; and

(2) in paragraph (7)—

(A) by striking out ''United States''; and

(B) by striking out ''for a period of more than 30 days,''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a)(2) apply with respect to persons dying on or after the date of the enactment of this Act.

SEC. 554. CONTINUED ELIGIBILITY UNDER VOLUNTARY SEPARATION INCENTIVE PROGRAM FOR MEMBERS WHO INVOLUNTARILY LOSE MEMBERSHIP IN A RESERVE COMPONENT.

(a) CONTINUED ELIGIBILITY.—Section 1175(a) of title 10, United States Code, is amended by inserting before the period at the end '', or for the period described in section 1175(e)(1) of this section if the member becomes ineligible for retention in an active or inactive status in a reserve component because of age, years of service, failure to select for promotion, or medical disqualification, so long as such ineligibility does not result from deliberate action on the part of the member with the intent to avoid retention in an active or inactive status in a reserve component.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to any person provided a voluntary separation incentive under section 1175 of title 10, United States Code (whether before, on, or after the date of the enactment of this Act).

SEC. 555. DEFINITION OF FINANCIAL INSTITUTION FOR DIRECT DEPOSIT OF PAY.

(a) SERVICEMEMBERS REIMBURSEMENT FOR EXPENSES DUE TO GOVERNMENT ERROR.—Paragraph (1) of section 1053(d) of title 10, United States Code, is amended to read as follows:

''(1) The term 'financial institution' means a bank, savings and loan association, or similar institution or a credit union chartered by the United States or a State.''.

(b) CIVILIAN EMPLOYEES REIMBURSEMENT FOR EXPENSES DUE TO GOVERNMENT ERROR.—Paragraph (1) of section 1594(d) of such title is amended to read as follows:

''(1) The term 'financial institution' means a bank, savings and loan association, or similar institution or a credit union chartered by the United States or a State.''.

SEC. 556. INCREASE IN MAXIMUM AMOUNT FOR COLLEGE FUND PROGRAM.

(a) INCREASE IN MAXIMUM RATE FOR ACTIVE COMPONENT MONTGOMERY GI BILL KICKER.—Section 3015(d) of title 38, United States Code, is amended—

(1) by inserting '', at the time the individual first becomes a member of the Armed Forces,'' after ''Secretary of Defense, may''; and

(2) by striking out ''$400'' and all that follows through ''that date'' and inserting in lieu thereof ''$950 per month''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999, and shall apply with respect to individuals who first become members of the Armed Forces on or after that date.

SEC. 557. CENTRAL IDENTIFICATION LABORATORY, HAWAII.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Central Identification Laboratory, Hawaii, of the Department of the Army is an important element of the Department of Defense and is critical to the full accounting of members of the Armed Forces who have been classified as POW/MIAs or are otherwise unaccounted for.

(b) REQUIRED STAFFING LEVEL.—The Secretary of Defense shall provide sufficient personnel to fill all authorized personnel positions of the Central Identification Laboratory, Hawaii, Department of the Army. Those personnel shall be drawn from members of the Army, Navy, Air Force, and Marine Corps and from civilian personnel, as appropriate, considering the proportion of POW/MIAs from each service.

(c) JOINT MANNING PLAN.—The Secretary of Defense shall develop and implement, not later than March 31, 2000, a joint manning plan to ensure the appropriate participation of the four services in the staffing of the Central Identification Laboratory, Hawaii, as required by subsection (b).

(d) LIMITATION ON REDUCTIONS.—The Secretary of the Army may not carry out any personnel reductions (in authorized or assigned personnel) at the Central Identification Laboratory, Hawaii, until the joint manning plan required by subsection (c) is implemented.

SEC. 558. HONOR GUARD DETAILS AT FUNERALS OF VETERANS.

(a) IN GENERAL.—(1) Chapter 75 of title 10, United States Code, is amended by adding at the end the following new section:

"§1491. Honor guard details at funerals of veterans

''(a) AVAILABILITY.—The Secretary of a military department shall, upon request, provide an honor guard detail (or ensure that an honor guard detail is provided) for the funeral of any veteran.

''(b) COMPOSITION OF HONOR GUARD DETAILS.—The Secretary of each military department shall ensure that an honor guard detail for the funeral of a veteran consists of not less than three persons and (unless a bugler is part of the detail) has the capability to play a recorded version of Taps.

''(c) PERSONS FORMING HONOR GUARDS.—An honor guard detail may consist of members of the armed forces or members of veterans organizations or other organizations approved for purposes of this section under regulations prescribed by the Secretary of Defense. The Secretary of a military department may provide transportation, or reimbursement for transportation, and expenses for a person who participates in an honor guard detail under this section and is not a member of the armed forces or an employee of the United States.

''(d) REGULATIONS.—The Secretary of Defense shall by regulation establish a system for selection of units of the armed forces and other organizations to provide honor guard details. The system shall place an emphasis on balancing the funeral detail workload among the units and organizations providing honor guard details in an equitable manner as they are able to respond to requests for such details in terms of geographic proximity and available resources. The Secretary shall provide in such regulations that the armed force in which a veteran served shall not be considered to be a factor when selecting the military unit or other organization to provide an honor guard detail for the funeral of the veteran.

''(e) ANNUAL REPORT.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report not later than January 31 of each year beginning with 2001 and ending with 2005 on the experience of the Department of Defense under this section. Each such report shall provide data on the number of funerals supported under this section, cost for that support, shown by manpower and other cost factors, and the number and costs of funerals supported by each participating organization. The data in the report shall be presented in a standard format, regardless of military department or other organization.

''(f) VETERAN DEFINED.—In this section, the term 'veteran' has the meaning given that term in section 101(2) of title 38.''.

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

''1491. Honor guard details at funerals of veterans.''.

(b) TREATMENT OF PERFORMANCE OF HONOR GUARD FUNCTIONS BY RESERVES.—(1) Chapter 1215 of title 10, United States Code, is amended by adding at the end the following new section:

"§12552. Funeral honor guard functions: prohibition of treatment as drill or training

''Performance by a Reserve of honor guard functions at the funeral of a veteran may not be considered to be a period of drill or training otherwise required.''.

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

''12552. Funeral honor guard functions: prohibition of treatment as drill or training.''.

(c) REPEAL OF LIMITATION ON AVAILABILITY OF FUNDS FOR HONOR GUARD FUNCTIONS BY NATIONAL GUARD.—Section 114 of title 32, United States Code, is amended—

(1) by striking out ''(a)''; and

(2) by striking out subsection (b).

(d) APPLICABILITY.—The amendments made by this section shall apply to burials of veterans that occur on or after October 1, 1999.

(e) STUDY.—The Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall study alternative means for the provision of honor guard details at funerals of veterans. Not later than March 31, 1999, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report setting forth the results of the study and the Secretary's views and recommendations.

(f) CONSULTATION WITH VETERANS SERVICE ORGANIZATIONS.—Before prescribing the initial regulations under section 1491 of title 10, United States Code, as added by subsection (a), the Secretary of Defense shall consult with veterans service organizations to determine the views of those organizations regarding methods for providing honor guard details at funerals for veterans, suggestions for organizing the system to provide those details, and estimates of the resources that those organizations could provide for honor guard details for veterans.

SEC. 559. APPLICABILITY TO ALL PERSONS IN CHAIN OF COMMAND OF POLICY REQUIRING EXEMPLARY CONDUCT BY COMMANDING OFFICERS AND OTHERS IN AUTHORITY IN THE ARMED FORCES.

(a) IN GENERAL.—(1) Chapter 3 of title 10, United States Code, is amended by inserting after section 121 the following new section:

"§121a. Requirement of exemplary conduct by civilians in chain of command

''The President, as Commander in Chief, and the Secretary of Defense are required (in the same manner that commanding officers and others in authority in the Armed Forces are required)—

''(1) to show in themselves a good example of virtue, honor, and patriotism and to subordinate themselves to those ideals;

''(2) to be vigilant in inspecting the conduct of all persons who are placed under their command;

''(3) to guard against and to put an end to all dissolute and immoral practices and to correct, according to the laws and regulations of the armed forces, all persons who are guilty of them; and

''(4) to take all necessary and proper measures, under the laws, regulations, and customs of the armed forces, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 121 the following new item:

''121a. Requirement of exemplary conduct by civilians in chain of command.''.

SEC. 560. REPORT ON PRISONERS TRANSFERRED FROM UNITED STATES DISCIPLINARY BARRACKS, FORT LEAVENWORTH, KANSAS, TO FEDERAL BUREAU OF PRISONS.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report, to be prepared by the General Counsel of the Department of Defense, concerning the decision of the Secretary of the Army in 1994 to transfer approximately 500 prisoners from the United States Disciplinary Barracks, Fort Leavenworth, Kansas, to the Federal Bureau of Prisons.

(b) MATTERS TO BE INCLUDED.—The Secretary shall include in the report the following:

(1) A description of the basis for the selection of prisoners to be transferred, particularly in light of the fact that many of the prisoners transferred are minimum or medium security prisoners, who are considered to have the best chance for rehabilitation, and whether the transfer of those prisoners indicates a change in Department of Defense policy regarding the rehabilitation of military prisoners.

(2) A comparison of the historical recidivism rates of prisoners released from the United States Disciplinary Barracks and the Federal Bureau of Prisons, together with a description of any plans of the Army to track the parole and recidivism rates of prisoners transferred to the Federal Bureau of Prisons and whether it has tracked those factors for previous transferees.

(3) A description of the projected future flow of prisoners into the new United States Disciplinary Barracks being constructed at Fort Leavenworth, Kansas, and whether the Secretary of the Army plans to automatically send new prisoners to the Federal Bureau of Prisons without serving at the United States Disciplinary Barracks if that Barracks is at capacity and whether the Memorandum of Understanding between the Federal Bureau of Prisons and the Army covers that possibility.

(4) A description of the cost of incarcerating a prisoner in the Federal Bureau of Prisons compared to the United States Disciplinary Barracks and the assessment of the Secretary as to the extent to which the transfer of prisoners to the Federal Bureau of Prisons by the Secretary of the Army is made in order to shift a budgetary burden.

(c) MONITORING.—During fiscal years 1999 through 2003, the Secretary of the Army shall track the parole and recidivism rates of prisoners transferred from the United States Disciplinary Barracks, Fort Leavenworth, Kansas, to the Federal Bureau of Prisons.

SEC. 561. REPORT ON PROCESS FOR SELECTION OF MEMBERS FOR SERVICE ON COURTS-MARTIAL.

(a) REPORT REQUIRED.—Not later than April 15, 1999, the Secretary of Defense shall submit to Congress a report on the method of selection of members of the Armed Forces to serve on courts-martial.

(b) MATTERS TO BE CONSIDERED.—In preparing the report, the Secretary shall—

(1) direct the Secretaries of the military departments to develop a plan for random selection of members of courts-martial , subject to the provisions relating to service on courts-martial specified in section 825(d)(2) of title 10, United States Code (article 25(d)(2) of the Uniform Code of Military Justice), as a possible replacement for the current system of selection by the convening authority; and

(2) obtain the views of the members of the committee referred to in section 946 of such title (known as the ''Code Committee'').

SEC. 562. STUDY OF REVISING THE TERM OF SERVICE OF MEMBERS OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.

Not later than April 15, 1999, the Secretary of Defense shall submit to Congress a report on the desirability of revising the term of appointment of judges of the United States Court of Appeals for the Armed Forces so that the term of a judge on that court is for a period of 15 years or until the judge attains the age of 65, whichever is later. In preparing the report, the Secretary shall obtain the view of the members of the committee referred to in section 946 of title 10, United States Code, (known as the ''Code Committee'').

SEC. 563. STATUS OF CADETS AT THE MERCHANT MARINE ACADEMY.

(a) STATUS OF CADETS.—Any citizen of the United States appointed as a cadet at the United States Merchant Marine Academy shall be considered to be a member of the United States Naval Reserve.

(b) ELIGIBILITY.—The Secretary of Defense shall provide that cadets of the United States Merchant Marine Academy shall be issued an identification card (referred to as a ''military ID card'') and shall be entitled to all rights and privileges in accordance with the same eligibility criteria as apply to other members of the Ready Reserve of the reserve components of the Armed Forces.

(c) COORDINATION WITH SECRETARY OF TRANSPORTATION.—The Secretary of Defense shall carry out this section in coordination with the Secretary of Transportation.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 1999.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—Except as provided in subsection (b), the adjustment, to become effective during fiscal year 1999, required by section 1009 of title 37, United States Code, in the rate of monthly basic pay authorized members of the uniformed services by section 203(a) of such title shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 1999, the rates of basic pay of members of the uniformed services shall be increased by the greater of—

(1) 3.6 percent; or

(2) the percentage increase determined under subsection (c) of section 1009 of title 37, United States Code, by which the monthly basic pay of members would be adjusted under subsection (a) of that section on that date in the absence of subsection (a) of this section.

SEC. 602. BASIC ALLOWANCE FOR HOUSING OUTSIDE THE UNITED STATES.

(a) PAYMENT OF CERTAIN EXPENSES RELATED TO OVERSEAS HOUSING.—Section 403(c) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) In the case of a member of the uniformed services authorized to receive an allowance under paragraph (1), the Secretary concerned may make a lump-sum payment to the member for required deposits and advance rent, and for expenses relating thereto, that are—

''(i) incurred by the member in occupying private housing outside of the United States; and

''(ii) authorized or approved under regulations prescribed by the Secretary concerned.

''(B) Expenses for which a member may be reimbursed under this paragraph may include losses relating to housing that are sustained by the member as a result of fluctuations in the relative value of the currencies of the United States and the foreign country in which the housing is located.

''(C) The Secretary concerned shall recoup the full amount of any deposit or advance rent payments made by the Secretary under subparagraph (A), including any gain resulting from currency fluctuations between the time of payment and the time of recoupment.''.

(b) CONFORMING AMENDMENT.—Section 405 of title 37, United States Code, is amended by striking out subsection (c).

(c) RETROACTIVE APPLICATION.—The reimbursement authority provided by section 403(c)(3)(B) of title 37, United States Code, as added by subsection (a), applies with respect to losses relating to housing that are sustained, on or after July 1, 1997, by a member of the uniformed services as a result of fluctuations in the relative value of the currencies of the United States and the foreign country in which the housing is located.

SEC. 603. BASIC ALLOWANCE FOR SUBSISTENCE FOR RESERVES.

(a) IN GENERAL.—Section 402 of title 37, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

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

''(e) SPECIAL RULE FOR CERTAIN ENLISTED RESERVE MEMBERS.—Unless entitled to basic pay under section 204 of this title, an enlisted member of a reserve component may receive, at the discretion of the Secretary concerned, rations in kind, or a part thereof, when the member's instruction or duty periods, as described in section 206(a) of this title, total at least eight hours in a calendar day. The Secretary concerned may provide an enlisted member who could be provided rations in kind under the preceding sentence with a commutation when rations in kind are not available.''.

(b) APPLICATION DURING TRANSITIONAL PERIOD.—Section 602(d)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 37 U.S.C. 402 note) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR CERTAIN ENLISTED RESERVE MEMBERS.—Unless entitled to basic pay under section 204 of title 37, United States Code, an enlisted member of a reserve component (as defined in section 101(24) of such title) may receive, at the discretion of the Secretary concerned (as defined in section 101(5) of such title), rations in kind, or a part thereof, when the member's instruction or duty periods (as described in section 206(a) of such title) total at least eight hours in a calendar day. The Secretary concerned may provide an enlisted member who could be provided rations in kind under the preceding sentence with a commutation when rations in kind are not available.''.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2000''.

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2000''.

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2000''.

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2000''.

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2000''.

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2000''.

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2000''.

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking out ''October 1, 1999'' and inserting in lieu thereof ''October 1, 2000''.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2000''.

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2000''.

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2000''.

SEC. 613. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking out ''September 30, 1999,'' and inserting in lieu thereof ''September 30, 2000,''.

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2000''.

(c) ENLISTMENT BONUSES FOR MEMBERS WITH CRITICAL SKILLS.—Sections 308a(c) and 308f(c) of title 37, United States Code, are each amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2000''.

(d) SPECIAL PAY FOR NUCLEAR QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2000''.

(e) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of title 37, United States Code, is amended by striking out ''September 30, 1999'' and inserting in lieu thereof ''September 30, 2000''.

(f) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of title 37, United States Code, is amended by striking out ''October 1, 1999'' and inserting in lieu thereof ''October 1, 2000''.

SEC. 614. AVIATION CAREER INCENTIVE PAY AND AVIATION OFFICER RETENTION BONUS.

(a) DEFINITION OF AVIATION SERVICE.—(1) Section 301a(a)(6) of title 37, United States Code, is amended—

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

(B) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

''(A) The term 'aviation service' means service performed by an officer (except a flight surgeon or other medical officer) while holding an aeronautical rating or designation or while in training to receive an aeronautical rating or designation.''.

(2) Section 301b(j) of such title is amended by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

''(1) The term 'aviation service' means service performed by an officer (except a flight surgeon or other medical officer) while holding an aeronautical rating or designation or while in training to receive an aeronautical rating or designation.''.

(b) AMOUNT OF INCENTIVE PAY.—Subsection (b) of section 301a of such title is amended to read as follows:

''(b)(1) A member who satisfies the requirements described in subsection (a) is entitled to monthly incentive pay as follows:

''Years of aviation service (including flight training) as an officer:	Monthly rate
2 or less	$125
Over 2	$156
Over 3	$188
Over 4	$206
Over 6	$650
Over 14	$840
Over 22	$585
Over 23	$495
Over 24	$385
Over 25	$250

''(2) An officer in a pay grade above O–6 is entitled, until the officer completes 25 years of aviation service, to be paid at the rates set forth in the table in paragraph (1), except that—

''(A) an officer in pay grade O–7 may not be paid at a rate greater than $200 a month; and

''(B) an officer in pay grade O–8 or above may not be paid at a rate greater than $206 a month.

''(3) For a warrant officer with over 22, 23, 24, or 25 years of aviation service who is qualified under subsection (a), the rate prescribed in the table in paragraph (1) for officers with over 14 years of aviation service shall continue to apply to the warrant officer.''.

(c) REFERENCES TO AVIATION SERVICE.—(1) Section 301a of such title is further amended—

(A) in subsection (a)(4)—

(i) by striking out ''22 years of the officer's service as an officer'' and inserting in lieu thereof ''22 years of aviation service of the officer''; and

(ii) by striking out ''25 years of service as an officer (as computed under section 205 of this title)'' and inserting in lieu thereof ''25 years of aviation service''; and

(B) in subsection (d), by striking out ''subsection (b)(1) or (2), as the case may be, for the performance of that duty by a member of corresponding years of aviation or officer service, as appropriate,'' and inserting in lieu thereof ''subsection (b) for the performance of that duty by a member with corresponding years of aviation service''.

(2) Section 301b(b)(5) of such title is amended by striking out ''active duty'' and inserting in lieu thereof ''aviation service''.

(d) CONFORMING AMENDMENT.—Section 615 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1787) is repealed.

SEC. 615. SPECIAL PAY FOR DIVING DUTY.

Section 304(a) of title 37, United States Code, is amended—

(1) by inserting ''or'' at the end of paragraph (1);

(2) in paragraph (2), by striking out ''by frequent and regular dives; and'' and inserting in lieu thereof a period; and

(3) by striking out paragraph (3).

SEC. 616. SELECTIVE REENLISTMENT BONUS ELIGIBILITY FOR RESERVE MEMBERS PERFORMING ACTIVE GUARD AND RESERVE DUTY.

Section 308(a)(1)(D) of title 37, United States Code, is amended to read as follows:

''(D) reenlists or voluntarily extends the member's enlistment for a period of at least three years in a regular component, or in a reserve component if the member is performing active Guard and Reserve duty (as defined in section 101(d)(6) of title 10), of the service concerned;''.

SEC. 617. REMOVAL OF TEN PERCENT RESTRICTION ON SELECTIVE REENLISTMENT BONUSES.

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

(1) by striking out ''(1)'' after ''(b)''; and

(2) by striking out paragraph (2).

SEC. 618. INCREASE IN MAXIMUM AMOUNT OF ARMY ENLISTMENT BONUS.

Section 308f(a) of title 37, United States Code, is amended by striking out ''$4,000'' and inserting in lieu thereof ''$6,000''.

SEC. 619. EQUITABLE TREATMENT OF RESERVES ELIGIBLE FOR SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER.

Section 310(b) of title 37, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

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

''(2) A member of a reserve component who is eligible for special pay under this section for a month shall receive the full amount authorized in subsection (a) for that month regardless of the number of days during that month on which the member satisfies the eligibility criteria specified in such subsection.''.

Subtitle C—Travel and Transportation Allowances

SEC. 631. EXCEPTION TO MAXIMUM WEIGHT ALLOWANCE FOR BAGGAGE AND HOUSEHOLD EFFECTS.

Section 406(b)(1)(D) of title 37, United States Code, is amended in the second sentence by inserting before the period the following: '', unless the additional weight allowance in excess of such maximum is intended to permit the shipping of consumables that cannot be reasonably obtained at the new station of the member''.

SEC. 632. TRAVEL AND TRANSPORTATION ALLOWANCES FOR TRAVEL PERFORMED BY MEMBERS IN CONNECTION WITH REST AND RECUPERATIVE LEAVE FROM OVERSEAS STATIONS.

(a) PROVISION OF TRANSPORTATION.—Section 411c of title 37, United States Code, is amended by striking out subsection (b) and inserting in lieu thereof the following new subsection:

''(b) When the transportation authorized by subsection (a) is provided by the Secretary concerned, the Secretary may use Government or commercial carriers. The Secretary concerned may limit the amount of payments made to members under subsection (a).''.

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

''§411c. Travel and transportation allowances: travel performed in connection with rest and recuperative leave from certain stations in foreign countries''.

(2) The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

''411c. Travel and transportation allowances: travel performed in connection with rest and recuperative leave from certain stations in foreign countries.''.

SEC. 633. STORAGE OF BAGGAGE OF CERTAIN DEPENDENTS.

Section 430(b) of title 37, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

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

''(2) At the option of the member, in lieu of the transportation of baggage of a dependent child under paragraph (1) from the dependent's school in the continental United States, the Secretary concerned may pay or reimburse the member for costs incurred to store the baggage at or in the vicinity of the school during the dependent's annual trip between the school and the member's duty station. The amount of the payment or reimbursement may not exceed the cost that the Government would incur to transport the baggage.''.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

SEC. 641. EFFECTIVE DATE OF FORMER SPOUSE SURVIVOR BENEFIT COVERAGE.

(a) COORDINATION OF PROVISIONS.—Section 1448(b)(3)(C) of title 10, United States Code, is amended by inserting after ''the Secretary concerned'' in the second sentence the following: '', except that, in the case of an election made by a person described in section 1450(f)(3)(B) of this title, such an election is effective on the first day of the first month which begins after the date of the court order or filing involved (in the same manner as provided under section 1450(f)(3)(D) of this title)''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to elections under section 1448(b)(3) of title 10, United States Code, that are received by the Secretary concerned on or after the date of the enactment of this Act.

Subtitle E—Other Matters

SEC. 651. DELETION OF CANAL ZONE FROM DEFINITION OF UNITED STATES POSSESSIONS FOR PURPOSES OF PAY AND ALLOWANCES.

Section 101(2) of title 37, United States Code, is amended by striking ''the Canal Zone,''.

SEC. 652. ACCOUNTING OF ADVANCE PAYMENTS.

Section 1006(e) of title 37, United States Code, is amended—

(1) by inserting ''(1)'' after ''(e)''; and

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

''(2) Obligations and expenditures incurred for an advance payment under this section may not be included in any determination of amounts available for obligation or expenditure except in the fiscal year in which the advance payment is ultimately earned and such obligations and expenditures shall be accounted for only in such fiscal year.''.

SEC. 653. REIMBURSEMENT OF RENTAL VEHICLE COSTS WHEN MOTOR VEHICLE TRANSPORTED AT GOVERNMENT EXPENSE IS LATE.

(a) TRANSPORTATION IN CONNECTION WITH CHANGE OF PERMANENT STATION.—Section 2634 of title 10, United States Code, is amended—

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

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

''(g) If a motor vehicle of a member (or a dependent of the member) that is transported at the expense of the United States under this section does not arrive at the authorized destination of the vehicle by the designated delivery date, the Secretary concerned shall reimburse the member for expenses incurred after that date to rent a motor vehicle for the member's use, or for the use of the dependent for whom the delayed vehicle was transported. However, the amount reimbursed shall not exceed $30 per day, and the rental period for which reimbursement may be provided shall expire after seven days or on the date on which the delayed vehicle finally arrives at the authorized destination (whichever occurs first).''.

(b) TRANSPORTATION IN CONNECTION WITH OTHER MOVES.—Section 406(h) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(3) If a motor vehicle of a member (or a dependent of the member) that is transported at the expense of the United States under this subsection does not arrive at the authorized destination of the vehicle by the designated delivery date, the Secretary concerned shall reimburse the member for expenses incurred after that date to rent a motor vehicle for the dependent's use. However, the amount reimbursed shall not exceed $30 per day, and the rental period for which reimbursement may be provided shall expire after seven days or on the date on which the delayed vehicle finally arrives at the authorized destination (whichever occurs first).''.

(c) TRANSPORTATION IN CONNECTION WITH DEPARTURE ALLOWANCES FOR DEPENDENTS.—Section 405a(b) of title 37, United States Code, is amended—

(1) by inserting ''(1)'' after ''(b)''; and

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

''(2) If a motor vehicle of a member (or a dependent of the member) that is transported at

the expense of the United States under paragraph (1) does not arrive at the authorized destination of the vehicle by the designated delivery date, the Secretary concerned shall reimburse the member for expenses incurred after that date to rent a motor vehicle for the dependent's use. However, the amount reimbursed shall not exceed $30 per day, and the rental period for which reimbursement may be provided shall expire after seven days or on the date on which the delayed vehicle finally arrives at the authorized destination (whichever occurs first).''.

(d) TRANSPORTATION IN CONNECTION WITH EFFECTS OF MISSING PERSONS.—Section 554 of title 37, United States Code, is amended—

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

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

''(i) If a motor vehicle of a member (or a dependent of the member) that is transported at the expense of the United States under this section does not arrive at the authorized destination of the vehicle by the designated delivery date, the Secretary concerned shall reimburse the dependent for expenses incurred after that date to rent a motor vehicle for the dependent's use. However, the amount reimbursed shall not exceed $30 per day, and the rental period for which reimbursement may be provided shall expire after seven days or on the date on which the delayed vehicle finally arrives at the authorized destination (whichever occurs first).''.

(e) APPLICATION OF AMENDMENTS.—Reimbursement for motor vehicle rental expenses may not be provided under the amendments made by this section until after the date on which the Secretary of Defense submits to Congress a report certifying that the Department of Defense has in place and operational a system to recover the cost to the Department of providing such reimbursement from commercial carriers that are responsible for the delay in the delivery of the motor vehicles of members of the Armed Forces and their dependents. The amendments shall apply with respect to rental expenses described in such amendments that are incurred on or after the date of the submission of the report.

SEC. 654. EDUCATION LOAN REPAYMENT PROGRAM FOR CERTAIN HEALTH PROFESSION OFFICERS SERVING IN SELECTED RESERVE.

(a) LOAN REPAYMENT AMOUNTS.—Section 16302(c) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking out ''$3,000'' and inserting in lieu thereof ''$10,000''; and

(2) in paragraph (3), by striking out ''$20,000'' and inserting in lieu thereof ''$50,000''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1998.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Services

SEC. 701. EXPANSION OF DEPENDENT ELIGIBILITY UNDER RETIREE DENTAL PROGRAM.

(a) IN GENERAL.—Subsection (b) of section 1076c of title 10, United States Code, is amended—

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

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

''(4) Eligible dependents of a member described in paragraph (1) or (2) who is not enrolled in the plan and who—

''(A) is enrolled under section 1705 of title 38 to receive dental care from the Secretary of Veterans Affairs;

''(B) is enrolled in a dental plan that—

''(i) is available to the member as a result of employment by the member that is separate from the military service of the member; and

''(ii) is not available to dependents of the member as a result of such separate employment by the member; or

''(C) is prevented by a medical or dental condition from being able to obtain benefits under the plan.''.

(b) CONFORMING AMENDMENT.—Subsection (f)(3) of such section is amended by striking out ''(b)(4)'' and inserting in lieu thereof ''(b)(5)''.

SEC. 702. PLAN FOR PROVISION OF HEALTH CARE FOR MILITARY RETIREES AND THEIR DEPENDENTS COMPARABLE TO HEALTH CARE PROVIDED UNDER TRICARE PRIME.

(a) REQUIREMENT TO SUBMIT PLAN.—(1) The Secretary of Defense shall submit to Congress—

(A) a plan under which the Secretary would guarantee access, for covered beneficiaries described in subsection (b), to health care that is comparable to the health care provided to covered beneficiaries under chapter 55 of title 10, United States Code, under TRICARE Prime (as defined in subsection (d) of section 1097a of such title (as added by section 712)); and

(B) a legislative proposal and cost estimate for implementing the plan.

(2) The plan required under paragraph (1)(A) shall provide for guaranteed access to such health care for such covered beneficiaries by October 1, 2001.

(b) COVERED BENEFICIARIES.—A covered beneficiary under this subsection is an individual who is a covered beneficiary under chapter 55 of title 10, United States Code, who—

(1) is a member or former member of the Armed Forces entitled to retired pay under such title; or

(2) is a dependent (as that term is defined in section 1072(2) of such chapter) of such a member.

(c) DEADLINE FOR SUBMISSION.—The Secretary shall submit the plan required by subsection (a) not later than March 1, 1999.

SEC. 703. PLAN FOR REDESIGN OF MILITARY PHARMACY SYSTEM.

(a) PLAN REQUIRED.—The Secretary of Defense shall submit to Congress a plan that would provide for a system-wide redesign of the military and contractor retail and mail-order pharmacy system of the Department of Defense by incorporating ''best business practices'' of the private sector. The Secretary shall work with contractors of TRICARE retail pharmacy and national mail-order pharmacy programs to develop a plan for the redesign of the pharmacy system that—

(1) may include a plan for an incentive-based formulary for military medical treatment facilities and contractors of TRICARE retail pharmacies and the national mail-order pharmacy; and

(2) shall include a plan for each of the following:

(A) A uniform formulary for such facilities and contractors.

(B) A centralized database that integrates the patient databases of pharmacies of military medical treatment facilities and contractor retail and mail-order programs to implement automated prospective drug utilization review systems.

(C) A system-wide drug benefit for covered beneficiaries under chapter 55 of title 10, United States Code, who are entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.).

(b) SUBMISSION OF PLAN.—The Secretary shall submit the plan required under subsection (a) not later than March 1, 1999.

(c) SUSPENSION OF IMPLEMENTATION OF PROGRAM.—The Secretary shall suspend any plan to establish a national retail pharmacy program for the Department of Defense until—

(1) the plan required under subsection (a) is submitted; and

(2) the Secretary implements cost-saving reforms with respect to the military and contractor retail and mail order pharmacy system.

SEC. 704. TRANSITIONAL AUTHORITY TO PROVIDE CONTINUED HEALTH CARE COVERAGE FOR CERTAIN PERSONS UNAWARE OF LOSS OF CHAMPUS ELIGIBILITY.

(a) TRANSITIONAL COVERAGE.—The administering Secretaries may continue eligibility of a person described in subsection (b) for health care coverage under the Civilian Health and Medical Program of the Uniformed Services based on a determination that such continuation is appropriate to assure health care coverage for any such person who may have been unaware of the loss of eligibility to receive health benefits under that program.

(b) PERSONS ELIGIBLE.—A person shall be eligible for transitional health care coverage under subsection (a) if the person—

(1) is a person described in paragraph (1) of subsection (d) of section 1086 of title 10, United States Code;

(2) in the absence of such paragraph, would be eligible for health benefits under such section; and

(3) satisfies the criteria specified in subparagraphs (A) and (B) of paragraph (2) of such subsection.

(c) EXTENT OF TRANSITIONAL AUTHORITY.—The authority to continue eligibility under this section shall apply with respect to health care services provided between October 1, 1998, and July 1, 1999.

(d) DEFINITION.—In this section, the term ''administering Secretaries'' has the meaning given that term in section 1072(3) of title 10, United States Code.

Subtitle B—TRICARE Program

SEC. 711. PAYMENT OF CLAIMS FOR PROVISION OF HEALTH CARE UNDER THE TRICARE PROGRAM FOR WHICH A THIRD PARTY MAY BE LIABLE.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1095a the following new section:

''§1095b. TRICARE program: contractor payment of certain claims

''(a) PAYMENT OF CLAIMS.—(1) The Secretary of Defense may authorize a contractor under the TRICARE program to pay a claim described in paragraph (2) before seeking to recover from a third-party payer the costs incurred by the contractor to provide health care services that are the basis of the claim to a beneficiary under such program.

''(2) A claim under this paragraph is a claim—

''(A) that is submitted to the contractor by a provider under the TRICARE program for payment for services for health care provided to a covered beneficiary; and

''(B) that is identified by the contractor as a claim for which a third-party payer may be liable.

''(b) RECOVERY FROM THIRD-PARTY PAYERS.—A contractor for the provision of health care services under the TRICARE program that pays a claim described in subsection (a)(2) shall have the right to collect from the third-party payer the costs incurred by such contractor on behalf of the covered beneficiary. The contractor shall have the same right to collect such costs under this subsection as the right of the United States to collect costs under section 1095 of this title.

''(c) DEFINITION OF THIRD-PARTY PAYER.—In this section, the term 'third-party payer' has the meaning given that term in section 1095(h) of this title, except that such term excludes primary medical insurers.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1095a the following new item:

''1095b. TRICARE program: contractor payment of certain claims.''.

SEC. 712. PROCEDURES REGARDING ENROLLMENT IN TRICARE PRIME.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1097 the following new section:

''§1097a. Enrollment in TRICARE Prime: procedures

''(a) AUTOMATIC ENROLLMENT OF CERTAIN DEPENDENTS.—The Secretary of Defense shall establish procedures under which dependents of members of the armed forces on active duty who reside in the catchment area of a military medical treatment facility shall be automatically enrolled in TRICARE Prime at the military medical treatment facility. The Secretary shall provide notice in writing to the member regarding such enrollment.

''(b) AUTOMATIC CONTINUATION OF ENROLLMENT.—The Secretary of Defense shall establish procedures under which enrollment of covered beneficiaries in TRICARE Prime shall automatically continue until such time as the covered beneficiary elects to disenroll or is no longer eligible for enrollment.

''(c) OPTION FOR RETIREES TO DEDUCT FEE FROM PAY.—The Secretary of Defense shall establish procedures under which a retired member of the armed forces may elect to have any fees payable by the member for enrollment in TRICARE Prime withheld from the retired pay of the member (if pay is available to the member).

''(d) DEFINITION OF TRICARE PRIME.—In this section, the term 'TRICARE Prime' means the managed care option of the TRICARE program known as TRICARE Prime.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1097 the following new item:

''1097a. Enrollment in TRICARE Prime: procedures.''.

(b) DEADLINE FOR IMPLEMENTATION.—The Secretary of Defense shall establish the procedures required under section 1097a of title 10, United States Code, as added by subsection (a), not later than April 1, 1999.

Subtitle C—Other Matters

SEC. 721. INFLATION ADJUSTMENT OF PREMIUM AMOUNTS FOR DEPENDENTS DENTAL PROGRAM.

Section 1076a(b)(2) of title 10, United States Code, is amended by inserting after ''$20 per month'' the following: ''(in 1993 dollars, as adjusted for inflation in each year thereafter)''.

SEC. 722. SYSTEM FOR TRACKING DATA AND MEASURING PERFORMANCE IN MEETING TRICARE ACCESS STANDARDS.

(a) REQUIREMENT TO ESTABLISH SYSTEM.—(1) The Secretary of Defense shall establish a system—

(A) to track data regarding access of covered beneficiaries under chapter 55 of title 10, United States Code, to primary health care under the TRICARE program; and

(B) to measure performance in increasing such access against the primary care access standards established by the Secretary under the TRICARE program.

(2) In implementing the system described in paragraph (1), the Secretary shall collect data on the timeliness of appointments and precise waiting times for appointments in order to measure performance in meeting the primary care access standards established under the TRICARE program.

(b) DEADLINE FOR ESTABLISHMENT.—The Secretary shall establish the system described in subsection (a) not later than April 1, 1999.

SEC. 723. AIR FORCE RESEARCH, DEVELOPMENT, TRAINING, AND EDUCATION ON EXPOSURE TO CHEMICAL, BIOLOGICAL, AND RADIOLOGICAL HAZARDS.

(a) IN GENERAL.—The Secretary of the Air Force is hereby authorized to—

(1) conduct research on the health-related, environmental, and ecological effects of exposure to chemical, biological, and radiological hazards;

(2) develop new risk-assessment methods and instruments with respect to exposure to such hazards, including more accurate risk assessment tools to support the Air Force Enhanced Site Specific Risk Assessment; and

(3) educate and train researchers with respect to exposure to such hazards.

(b) ACTIVITIES TO BE CONDUCTED.—Research and development conducted under subsection (a) includes—

(1) development of equipment to monitor soil and ground water contamination and the impact of such contamination on the biosystem chain;

(2) implementation of a cross-sectional epidemiological study of exposure to jet fuel; and

(3) implementation of a health-risk assessment regarding exposure to jet fuel.

SEC. 724. AUTHORIZATION TO ESTABLISH A LEVEL 1 TRAUMA TRAINING CENTER.

The Secretary of the Army is hereby authorized to establish a Level 1 Trauma Training Center (as designated by the American College of Surgeons) in order to provide the Army with a trauma center capable of training forward surgical teams.

SEC. 725. REPORT ON IMPLEMENTATION OF ENROLLMENT-BASED CAPITATION FOR FUNDING FOR MILITARY MEDICAL TREATMENT FACILITIES.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report on the potential impact of using an enrollment-based capitation methodology to allocate funds for military medical treatment facilities. The report shall address the following:

(1) A description of the plans of the Secretary to implement an enrollment-based capitation methodology for military medical treatment facilities and with respect to contracts for the delivery of health care under the TRICARE program.

(2) The justifications for implementing an enrollment-based capitation methodology without first conducting a demonstration project for implementation of such methodology.

(3) The impact that implementation of an enrollment based capitation methodology would have on the provision of space-available care at military medical treatment facilities, particularly in the case of care for—

(A) military retirees entitled who are entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); and

(B) covered beneficiaries under chapter 55 of title 10, United States Code, who reside outside the catchment area of a military medical treatment facility.

(4) The impact that implementation of an enrollment-based capitation methodology would have with respect to the pharmacy benefits provided at military medical treatment facilities, given that the enrollment-based capitation methodology would fund military medical treatment facilities based on the number of members at such facilities enrolled in TRICARE Prime, but all covered beneficiaries may fill prescriptions at military medical treatment facility pharmacies.

(5) An explanation of how additional funding will be provided for a military medical treatment facility if an enrollment-based capitation methodology is implemented to ensure that space-available care and pharmacy coverage can be provided to covered beneficiaries who are not enrolled at the military medical treatment facility, and the amount of funding that will be available.

(6) An explanation of how implementation of an enrollment-based capitation methodology would impact the provision of uniform benefits under TRICARE Prime, and how the Secretary would ensure, if such methodology were implemented, that the provision of health care under TRICARE Prime would not be bifurcated between the provision of such care at military medical treatment facilities and the provision of such care from civilian providers.

(b) DEADLINE FOR SUBMISSION.—The Secretary shall submit the report required by subsection (a) not later than March 1, 1999.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

SEC. 801. LIMITATION ON PROCUREMENT OF AMMUNITION AND COMPONENTS.

(a) LIMITATION.—Section 2534(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) AMMUNITION.—Ammunition or ammunition components.''.

(b) EFFECTIVE DATE.—Paragraph (6) of section 2534(a) of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into after September 30, 1998.

SEC. 802. ACQUISITION CORPS ELIGIBILITY.

Section 1732(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) The requirement of subsection (b)(1)(A) shall not apply to an employee who served in an Acquisition Corps in a position within grade GS–13 or above of the General Schedule and who is placed in another position which is in a grade lower than GS–13 of the General Schedule, or whose position is reduced in grade to a grade lower than GS–13 of the General Schedule, as a result of reduction-in-force procedures, the realignment or closure of a military installation, or another reason other than for cause.''.

SEC. 803. AMENDMENTS RELATING TO PROCUREMENT FROM FIRMS IN INDUSTRIAL BASE FOR PRODUCTION OF SMALL ARMS.

(a) REQUIREMENT TO LIMIT PROCUREMENTS TO CERTAIN SOURCES.—Subsection (a) of section 2473 of title 10, United States Code, is amended—

(1) in the heading, by striking out the first word and inserting in lieu thereof ''REQUIREMENT''; and

(2) by striking out ''To the extent that the Secretary of Defense determines necessary to preserve the small arms production industrial base, the Secretary may'' and inserting in lieu thereof ''In order to preserve the small arms production industrial base, the Secretary of Defense shall''.

(b) ADDITIONAL COVERED PROPERTY AND SERVICES.—Subsection (b) of such section is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by inserting before paragraph (2), as so redesignated, the following new paragraph:

''(1) Small arms end items.'';

(3) in paragraph (2), as so redesignated, by inserting before the period the following: '', if those parts are manufactured under a contract with the Department of Defense to produce the end item''; and

(4) by adding after paragraph (3) the following new paragraph:

''(4) Repair parts consisting of barrels, receivers, and bolts for small arms, whether or not the small arms are in production under a contract with the Department of Defense at the time of production of such repair parts.''.

(c) RELATIONSHIP TO OTHER PROVISIONS OF LAW.—Such section is further amended by adding at the end the following new subsection:

''(d) RELATIONSHIP TO OTHER PROVISIONS.—(1) If a procurement under subsection (a) is a procurement of a commercial item, the Secretary may, notwithstanding section 2306(b)(1)(B) of this title, require the submission of certified cost or pricing data under section 2306(a) of this title.

''(2) Subsection (a) is a requirement for purposes of section 2304(c)(5) of this title.''.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. FURTHER REDUCTIONS IN DEFENSE ACQUISITION WORKFORCE.

(a) REDUCTION IN DEFENSE ACQUISITION WORKFORCE.—Chapter 87 of title 10, United

States Code, is amended by adding at the end the following new section:

''§ 1765. Limitation on number of personnel

''(a) LIMITATION.—Effective October 1, 2001, the number of defense acquisition personnel may not exceed the baseline number reduced by 70,000.

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

''(1) as of October 1, 1999, may not exceed the baseline number reduced by 25,000; and

''(2) as of October 1, 2000, may not exceed the baseline number reduced by 50,000.

''(c) BASELINE NUMBER.—For purposes of this section, the baseline number is the total number of defense acquisition personnel as of October 1, 1998.

''(d) DEFENSE ACQUISITION PERSONNEL DEFINED.—In this section, the term 'defense acquisition personnel' means military and civilian personnel (other than civilian personnel who are employed at a maintenance depot) who are assigned to, or employed in, acquisition organizations of the Department of Defense (as specified in Department of Defense Instruction numbered 5000.58 dated January 14, 1992).''.

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

''1765. Limitation on number of personnel.''.

SEC. 902. LIMITATION ON OPERATION AND SUPPORT FUNDS FOR THE OFFICE OF THE SECRETARY OF DEFENSE.

Of the amount available for fiscal year 1999 for operation and support activities of the Office of the Secretary of Defense, not more than 90 percent may be obligated until each of the following reports has been submitted:

(1) The report required to be submitted to the congressional defense committees by section 904(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2619).

(2) The reports required to be submitted to Congress by sections 911(b) and 911(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1858, 1859).

SEC. 903. REVISION TO DEFENSE DIRECTIVE RELATING TO MANAGEMENT HEADQUARTERS AND HEADQUARTERS SUPPORT ACTIVITIES.

Not later than October 1, 1999, the Secretary of Defense shall issue a revision to Department of Defense Directive 5100.73, entitled ''Department of Defense Management Headquarters and Headquarters Support Activities'', so as to incorporate in that directive the following:

(1) A threshold specified by command (or other organizational element) such that any headquarters activity below the threshold is not considered for the purpose of the directive to be a management headquarters or headquarters support activity.

(2) A definition of the term ''management headquarters and headquarters support activities'' that (A) is based upon function (rather than organization), and (B) includes any activity (other than an operational activity) that reports directly to such an activity.

(3) Uniform application of those definitions throughout the Department of Defense.

SEC. 904. UNDER SECRETARY OF DEFENSE FOR POLICY TO HAVE RESPONSIBILITY WITH RESPECT TO EXPORT CONTROL ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) FUNCTIONS OF THE UNDER SECRETARY.—Section 134(b)(1) of title 10, United States Code, is amended by adding at the end the following new sentence: ''The Under Secretary shall have responsibility for overall supervision of activities of the Department of Defense relating to export controls.''.

(b) IMPLEMENTATION REPORT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the plans of the Secretary for the implementation of the amendment made by subsection (a). The report shall include—

(1) a description of any organizational changes within the Department of Defense to be made in order to implement that amendment; and

(2) a description of the role of the Chairman of the Joint Chiefs of Staff with respect to export control activities of the Department following the implementation of the amendment made by subsection (a) and how that role compares to the practice in effect before such implementation.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall be implemented not later than 45 days after the date of the enactment of this Act.

SEC. 905. INDEPENDENT TASK FORCE ON TRANSFORMATION AND DEPARTMENT OF DEFENSE ORGANIZATION.

(a) FINDINGS.—Congress finds the following:

(1) The post-Cold War era is marked by geopolitical uncertainty and by accelerating technological change, particularly with regard to information technologies.

(2) The combination of that geopolitical uncertainty and accelerating technological change portends a transformation in the conduct of war, particularly in ways that are likely to increase the effectiveness of joint force operations.

(3) The Department of Defense must be organized appropriately in order to fully exploit the opportunities offered by, and to meet the challenges posed by, this anticipated transformation in the conduct of war.

(4) The basic organization of the Department of Defense was established by the National Security Act of 1947 and the 1949 amendments to that Act.

(5) The Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99–433) dramatically improved the capability of the Department of Defense to carry out operations involving joint forces, but did not address adequately issues pertaining to the development of joint forces.

(6) In the future, the ability to achieve improved operations of joint forces, particularly under rapidly changing technological conditions, will depend on improved force development for joint forces.

(b) INDEPENDENT TASK FORCE ON TRANSFORMATION AND DEPARTMENT OF DEFENSE ORGANIZATION.—The Secretary of Defense shall establish a task force of the Defense Science Board to examine the current organization of the Department of Defense with regard to the appropriateness of that organization for preparing for a transformation in the conduct of war. The task force shall be established not later than November 1, 1998.

(c) DUTIES OF THE TASK FORCE.—The task force shall assess, and shall make recommendations for the appropriate organization of, the Office of the Secretary of Defense, the Joint Chiefs of Staff, the individual Armed Forces, and the executive parts of the military departments for the purpose of preparing the Department of Defense for a transformation in the conduct of war. In making those assessments and developing those recommendations, the task force shall review the following:

(1) The general organization of the Department of Defense, including whether responsibility and authority for issues relating to a transformation in the conduct of war are appropriately allocated, especially among the Office of the Secretary of Defense, the Joint Chiefs of Staff, and the individual Armed Forces.

(2) The joint requirements process and the requirements processes for each of the Armed Forces, including the establishment of measures of effectiveness and methods for resource allocation.

(3) The process and organizations responsible for doctrinal development, including the appropriate relationship between joint force and service doctrine and doctrinal development organizations.

(4) The current programs and organizations under the Office of the Secretary of Defense, the Joint Chiefs of Staff and the Armed Forces devoted to innovation and experimentation related to a transformation in the conduct of war, including the appropriateness of—

(A) conducting joint field tests;

(B) establishing a separate unified command as a joint forces command to serve, as its sole function, as the trainer, provider, and developer of forces for joint operations;

(C) establishing a Joint Concept Development Center to monitor exercises and develop measures of effectiveness, analytical concepts, models, and simulations appropriate for understanding the transformation in the conduct of war;

(D) establishing a Joint Battle Laboratory headquarters to conduct joint experimentation and to integrate the similar efforts of the Armed Forces; and

(E) establishing an Assistant Secretary of Defense for transformation in the conduct of war.

(5) Joint training establishments and training establishments of the Armed Forces, including those devoted to professional military education, and the appropriateness of establishing national training centers.

(6) Other issues relating to a transformation in the conduct of war that the Secretary considers appropriate.

(d) REPORT.—The task force shall submit to the Secretary of Defense a report containing its assessments and recommendations not later than February 1, 1999. The Secretary shall submit the report to the Committee on National Security of the House of Representatives and the Committee on Armed Services of the Senate not later than March 1, 1999, together with the recommendations and comments of the Secretary of Defense.

SEC. 906. IMPROVED ACCOUNTING FOR DEFENSE CONTRACT SERVICES.

(a) IN GENERAL.—(1) Chapter 131 of title 10, United States Code, is amended by inserting after section 2211 the following new section:

''§ 2212. Obligations for contract services: reporting in budget object classes

''(a) LIMITATION ON REPORTING IN MISCELLANEOUS SERVICES OBJECT CLASS.—The Secretary of Defense shall ensure that, in reporting to the Office of Management and Budget (pursuant to OMB Circular A–11 (relating to preparation and submission of budget estimates)) obligations of the Department of Defense for any period of time for contract services, no more than 15 percent of the total amount of obligations so reported is reported in the miscellaneous services object class.

''(b) DEFINITION OF REPORTING CATEGORIES FOR ADVISORY AND ASSISTANCE SERVICES.—In carrying out section 1105(g) of title 31 for the Department of Defense (and in determining what services are to be reported to the Office of Management and Budget in the advisory and assistance services object class), the Secretary of Defense shall apply to the terms used for the definition of 'advisory and assistance services' in paragraph (2)(A) of that section the following meanings:

''(1) MANAGEMENT AND PROFESSIONAL SUPPORT SERVICES.—The term 'management and professional support services' (used in clause (i) of section 1105(g)(2)(A) of title 31) means services that provide engineering or technical support, assistance, advice, or training for the efficient and effective management and operation of organizations, activities, or systems. Those services—

''(A) are closely related to the basic responsibilities and mission of the using organization; and

''(B) include efforts that support or contribute to improved organization or program management, logistics management, project monitoring

and reporting, data collection, budgeting, accounting, auditing, and administrative or technical support for conferences and training programs.

''(2) STUDIES, ANALYSES, AND EVALUATIONS.—The term 'studies, analyses, and evaluations' (used in clause (ii) of section 1105(g)(2)(A) of title 31) means services that provide organized, analytic assessments to understand or evaluate complex issues to improve policy development, decisionmaking, management, or administration and that result in documents containing data or leading to conclusions or recommendations. Those services may include databases, models, methodologies, and related software created in support of a study, analysis, or evaluation.

''(3) ENGINEERING AND TECHNICAL SERVICES.—The term 'engineering and technical services' (used in clause (iii) of section 1105(g)(2)(A) of title 31) means services that take the form of advice, assistance, training, or hands-on training necessary to maintain and operate fielded weapon systems, equipment, and components (including software when applicable) at design or required levels of effectiveness.

''(c) PROPER CLASSIFICATION OF ADVISORY AND ASSISTANCE SERVICES.—Before the submission to the Office of Management and Budget of the proposed Department of Defense budget for inclusion in the President's budget for a fiscal year pursuant to section 1105 of title 31, the Secretary of Defense, acting through the Under Secretary of Defense (Comptroller), shall review all Department of Defense services expected to be performed as contract services during the fiscal year for which that budget is to be submitted in order to ensure that those services that are advisory and assistance services (as defined in accordance with subsection (b)) are in fact properly classified, in accordance with that subsection, in the advisory and assistance services object class.

''(d) INFORMATION ON SERVICE CONTRACTS.—In carrying out the annual review under subsection (c) of Department of Defense services expected to be performed as contract services during the next fiscal year, the Secretary (acting through the Under Secretary (Comptroller)) shall conduct an assessment of the total non-Federal effort that resulted from the performance of all contracts for such services during the preceding fiscal year and the total non-Federal effort that resulted, or that is expected to result, from the performance of all contracts for such services during the current fiscal year and the next fiscal year. The assessment shall include determination of the following for each such year:

''(1) The amount expended or expected to be expended for non-Federal contract services, shown for the Department of Defense as a whole and displayed by contract services object class for each DOD organization.

''(2) The amount expended or expected to be expended for contract services competed under OMB Circular A–76 or a similar process, shown for the Department of Defense as a whole and displayed by contract services object class for each DOD organization.

''(3) The number of private sector workyears performed or expected to be performed in connection with the performance of non-Federal contract services, shown for the Department of Defense as a whole and displayed by contract services object class for each DOD organization.

''(4) Any other information that the Secretary (acting through the Under Secretary) determines to be relevant and of value.

''(e) REPORT TO CONGRESS.—The Secretary shall submit to Congress each year, not later than 30 days after the date on which the budget for the next fiscal year is submitted pursuant to section 1105 of title 31, a report containing the information derived from the assessment under subsection (d).

''(f) ASSESSMENT BY COMPTROLLER GENERAL.—(1) The Comptroller General shall conduct a review of the report of the Secretary of Defense under subsection (e) each year and shall—

''(A) assess the methodology used by the Secretary in obtaining the information submitted to Congress in that report; and

''(B) assess the information submitted to Congress in that report.

''(2) Not later than 120 days after the date on which the Secretary submits to Congress the report required under subsection (e) for any year, the Comptroller General shall submit to Congress the Comptroller General's report containing the results of the review for that year under paragraph (1).

''(g) DEFINITIONS.—In this section:

''(1) The term 'contract services' means all services that are reported to the Office of Management and Budget pursuant to OMB Circular A–11 (relating to preparation and submission of budget estimates) in budget object classes that are designated in the Object Class 25 series.

''(2) The term 'advisory and assistance services object class' means those contract services constituting the budget object class that is denominated 'Advisory and Assistance Service and designated (as the date of the enactment of this section) as Object Class 25.1 (or any similar object class established after the date of the enactment of this section for the reporting of obligations for advisory and assistance contract services).

''(3) The term 'miscellaneous services object class' means those contract services constituting the budget object class that is denominated 'Other Services (services not otherwise specified in the 25 series)' and designated (as the date of the enactment of this section) as Object Class 25.2 (or any similar object class established after the date of the enactment of this section for the reporting of obligations for miscellaneous or unspecified contract services).

''(4) The term 'DOD organization' means—

''(A) the Office of the Secretary of Defense;

''(B) each military department;

''(C) the Joint Chiefs of Staff and the unified and specified commands;

''(D) each Defense Agency; and

''(E) each Department of Defense Field Activity.

''(5) The term 'private sector workyear' means an amount of labor equivalent to the total number of hours of labor that an individual employed on a full-time equivalent basis by the Federal Government performs in a given year.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2211 the following new item:

''2212. Obligations for contract services: reporting in budget object classes.''.

(b) TRANSITION.—For the budget for fiscal year 2000, and the reporting of information to the Office of Management and Budget in connection with the preparation of that budget, section 2212 of title 10, United States Code, as added by subsection (a), shall be applied by substituting ''30 percent'' in subsection (a) for ''15 percent''.

(c) INITIAL CLASSIFICATION OF ADVISORY AND ASSISTANCE SERVICES.—Not later than February 1, 1999, the Secretary of Defense, acting through the Under Secretary of Defense (Comptroller), shall review all Department of Defense services performed or expected to be performed as contract services during fiscal year 1999 in order to ensure that those services that are advisory and assistance services (as defined in accordance with subsection (b) of section 2212 of title 10, United States Code, as added by subsection (a)) are in fact properly classified, in accordance with that subsection, in the advisory and assistance services object class (as defined in subsection (g)(2) of that section).

(d) FISCAL YEAR 1999 REDUCTION.—The total amount that may be obligated by the Secretary of Defense for contracted advisory and assistance services from amounts appropriated for fiscal year 1999 is the amount programmed for those services resulting from the review referred to in subsection (c) reduced by $500,000,000.

SEC. 907. REPEAL OF REQUIREMENT RELATING TO ASSIGNMENT OF TACTICAL AIRLIFT MISSION TO RESERVE COMPONENTS.

Section 1438 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1689), as amended by section 1023 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1460), is repealed.

SEC. 908. REPEAL OF CERTAIN REQUIREMENTS RELATING TO INSPECTOR GENERAL INVESTIGATIONS OF REPRISAL COMPLAINTS.

(a) REPEAL OF REQUIREMENT OF NOTICE THAT INVESTIGATION WILL TAKE MORE THAN 90 DAYS.—Subsection (e) of section 1034 of title 10, United States Code, is amended—

(1) by striking out paragraph (3);

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

(b) REPEAL OF REQUIREMENT FOR POST-DISPOSITION INTERVIEW WITH COMPLAINANT.—Such section is further amended by striking out subsection (h).

SEC. 909. CONSULTATION WITH COMMANDANT OF THE MARINE CORPS REGARDING MARINE CORPS AVIATION.

(a) IN GENERAL.—Chapter 503 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 5026. Consultation with Commandant of the Marine Corps regarding Marine Corps aviation

''The Secretary of the Navy shall require that the views of the Commandant of the Marine Corps be obtained before a milestone decision or other major decision is made by an element of the Department of the Navy outside the Marine Corps in a procurement matter, a research, development, test, and evaluation matter, or a depot-level maintenance matter that concerns Marine Corps aviation.''.

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

''5026. Consultation with Commandant of the Marine Corps regarding Marine Corps aviation.''.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1999 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on National Security of the House of Representatives to accompany H.R. 3616 of the One Hundred Fifth Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1003. OUTLAY LIMITATIONS.

(a) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall ensure that outlays of the Department of Defense during fiscal year 1999 from amounts appropriated or otherwise available to the Department of Defense for military functions of the Department of Defense (including military construction and military family housing) do not exceed $252,650,000,000.

(b) DEPARTMENT OF ENERGY.—The Secretary of Energy shall ensure that outlays of the Department of Energy during fiscal year 1999 from amounts appropriated or otherwise made available to the Department of Energy for national security programs of that Department do not exceed $11,772,000,000.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. REVISION TO REQUIREMENT FOR CONTINUED LISTING OF TWO IOWA-CLASS BATTLESHIPS ON THE NAVAL VESSEL REGISTER.

In carrying out section 1011 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 421), the Secretary of the Navy shall list on the Naval Vessel Register, and maintain on that register, the following two Iowa-class battleships: the USS IOWA (BB–61) and the USS WISCONSIN (BB–64).

SEC. 1012. TRANSFER OF USS NEW JERSEY.

The Secretary of the Navy shall strike the USS NEW JERSEY (BB–62) from the Naval Vessel Register and shall transfer that vessel to a non-for-profit entity in accordance with section 7306 of title 10, United States Code. The Secretary shall require as a condition of the transfer of that vessel that the transferee locate the vessel in the State of New Jersey.

SEC. 1013. LONG-TERM CHARTER OF THREE VESSELS IN SUPPORT OF SUBMARINE RESCUE, ESCORT, AND TOWING.

The Secretary of the Navy may enter into contracts in accordance with section 2401 of title 10, United States Code, for the charter through September 30, 2003, of the following vessels:

(1) The CAROLYN CHOUEST (United States official number D102057).

(2) The KELLIE CHOUEST (United States official number D1038519).

(3) The DOLORES CHOUEST (United States official number D600288).

SEC. 1014. TRANSFER OF OBSOLETE ARMY TUGBOAT.

In carrying out section 1023 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1876), the Secretary of the Army may substitute the obsolete, decommissioned tugboat Attleboro (LT–1977) for the tugboat Normandy (LT–1971) as one of the two obsolete tugboats authorized to be transferred by the Secretary under that section.

SEC. 1015. LONG-TERM CHARTER CONTRACTS FOR ACQUISITION OF AUXILIARY VESSELS FOR THE DEPARTMENT OF DEFENSE.

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

"§ 7233. Auxiliary vessels: authority for long-term charter contracts

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

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

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

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

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

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

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

''(e) OPTION TO BUY.—A contract entered into under the authority of this section may contain options for the United States to purchase one or more of the vessels covered by the contract at any time during, or at the end of, the contract period (including any option period) upon payment of an amount not in excess of the unamortized portion of the cost of the vessels plus amounts incurred in connection with the termination of the financing arrangements associated with the vessels.

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

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

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

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

''(h) DOMESTIC CONSTRUCTION REQUIREMENT FOR CERTAIN LEASES OF VESSELS.—(1) Notwithstanding section 2400 or 2401a of this title or any other provision of law, the Secretary of Defense may not enter into a contract for the lease or charter of a vessel described in paragraph (2) for a contract period in excess of 17 months (inclusive of any option periods) unless the vessel is constructed in a shipyard in the United States.

''(2) Paragraph (1) applies to vessels of the following types:

''(A) Auxiliary support vessel.

''(B) Strategic sealift vessel.

''(C) Tank vessel.

''(D) Combat logistics force vessel.

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

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

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

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

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

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

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

''(3) funds appropriated for those costs.''.

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

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

Subtitle C—Matters Relating to Counter Drug Activities

SEC. 1021. DEPARTMENT OF DEFENSE SUPPORT FOR COUNTER-DRUG ACTIVITIES.

(a) CONTINUATION OF AUTHORITY.—Subsection (a) of section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 374 note) is amended by striking out ''through 1999'' and inserting in lieu thereof ''through 2000''.

(b) TYPES OF SUPPORT.—Subsection (b)(4) of such section is amended by inserting before the period at the end the following: ''conducted by the Department of Defense or a Federal, State, or local law enforcement agency, or a foreign law enforcement agency in the case of counter-drug activities outside the United States''.

(c) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—Such section is further amended by adding at the end the following new section:

''(h) UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.—Section 2805 of title 10, United States Code, shall apply with respect to any unspecified minor military construction project carried out using the authority provided under this section.''.

SEC. 1022. SUPPORT FOR COUNTER-DRUG OPERATION CAPER FOCUS.

(a) SUPPORT REQUIRED.—During fiscal year 1999, the Secretary of Defense shall make available such surface vessels of the Navy and maritime patrol aircraft and crews of the Navy as may be necessary to conduct the final phase of the counter-drug operation known as Caper Focus, which targets the maritime movement of cocaine on vessels in the eastern Pacific Ocean.

(b) FISCAL YEAR 1999 FUNDING.—Of the amount authorized to be appropriated pursuant to section 301(20) for drug interdiction and counter-drug activities, $24,400,000 shall be available only for the purpose of conducting the counter-drug operation known as Caper Focus.

Subtitle D—Miscellaneous Report Requirements and Repeals

SEC. 1031. ANNUAL REPORT ON RESOURCES ALLOCATED TO SUPPORT AND MISSION ACTIVITIES.

Section 113 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(l) The Secretary shall include in the annual report to Congress under subsection (c) the following:

''(1) A comparison of the amounts provided in the defense budget for support and for mission activities for each of the preceding five years.

''(2) A comparison of the number of military and civilian personnel, shown by major occupational category, assigned to support positions and to mission positions for each of the preceding five years.

''(3) An accounting, shown by service and by major occupational category, of the number of military and civilian personnel assigned to support positions during each of the preceding five years.

''(4) A listing of the number of military and civilian personnel assigned to management headquarters and headquarters support activities as a percentage of military end-strength for each of the preceding 10 years.''.

Subtitle E—Other Matters

SEC. 1041. CLARIFICATION OF LAND CONVEYANCE AUTHORITY, ARMED FORCES RETIREMENT HOME, DISTRICT OF COLUMBIA.

(a) SALE REQUIRED.—Subsection (a) of section 1053 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2650) is amended—

(1) by striking out '', by sale or otherwise,''; and

(2) by adding at the end the following new sentence: ''The conveyance of the real property shall be made by sale to the highest bidder, except that the purchase price may not be less than the fair market value of the parcel.''.

(b) CONFORMING AMENDMENT.—Subsection (b)(1) of such section is amended by striking out ''the disposal'' and inserting in lieu thereof ''the sale''.

SEC. 1042. CONTENT OF NOTICE REQUIRED TO BE PROVIDED GARNISHEES BEFORE GARNISHMENT OF PAY OR BENEFITS.

(a) AUTHORIZATION OF ALTERNATIVE TO PROVIDING COPY OF NOTICE OR SERVICE RECEIVED BY THE SECRETARY.—(1) Whenever the Secretary of Defense (acting through the DOD section 459 agent) provides a section 459 notice to an individual, the Secretary may include as part of that notice the information specified in subsection (c) in lieu of sending with that notice a copy (otherwise required pursuant to the parenthetical phrase in section 459(c)(2)(A) of the Social Security Act) of the notice or service received by the DOD section 459 agent with respect to that individual's child support or alimony payment obligations.

(2) Whenever the Secretary of Defense (acting through the DOD section 5520a agent) provides a section 5520a notice to an individual, the Secretary may include as part of that notice the information specified in subsection (c) in lieu of sending with that notice a copy (otherwise required pursuant to the second parenthetical phrase in section 5520a(c) of the title 5, United States Code) of the legal process received by the DOD section 5520a agent with respect to that individual.

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

(1) DOD SECTION 459 AGENT.—The term ''DOD section 459 agent'' means the agent or agents designated by the Secretary of Defense under subsection (c)(1)(A) of section 459 of the Social Security Act (42 U.S.C. 659) to receive orders and accept service of process in matters related to child support or alimony.

(2) SECTION 459 NOTICE.—The term ''section 459 notice'' means, with respect to the Department of Defense, the notice required by subsection (c)(2)(A) of section 459 of the Social Security Act (42 U.S.C. 659) to be sent to an individual in writing upon the receipt by the DOD section 459 agent of notice or service with respect to the individual's child support or alimony payment obligations.

(3) DOD SECTION 5520A AGENT.—The term ''DOD section 5520a agent'' means a person who is designated by law or regulation to accept service of process to which the Department of Defense is subject under section 5520a of title 5, United States Code (including the regulations promulgated under subsection (k) of that section).

(4) SECTION 5520A NOTICE.—The term ''section 5520a notice'' means, with respect to the Department of Defense, the notice required by subsection (c) of section 5520a of title 5, United States Code, to be sent in writing to an employee (or, pursuant to the regulations promulgated under subsection (k) of that section, to a member of the Armed Forces) upon the receipt by the DOD section 5520a agent of legal process covered by that section.

(c) ALTERNATIVE REQUIREMENTS.—The information referred to in subsection (a) that is to be included as part of a section 459 notice or section 5520a notice sent to an individual (in lieu of sending with that notice a copy of the notice or service received by the DOD section 459 agent or the DOD section 5520a agent) is the following:

(1) A description of the pertinent court order, notice to withhold, or other order, process, or interrogatory received by the DOD section 459 agent or the DOD section 5520a agent.

(2) The identity of the court or judicial forum involved and (in the case of a notice or process concerning the ordering of a support or alimony obligation) the case number, the amount of the obligation, and the name of the beneficiary.

(3) Information on how the individual may obtain from the Department of Defense a copy of the notice, service, or legal process, including an address and telephone number that the individual may be contact for the purpose of obtaining such a copy.

(d) REPORT.—Not later than April 1, 2001, the Secretary shall submit to Congress a report describing the experience of the Department of Defense under the authority provided by this section. The report shall include the following:

(1) The number of section 459 notices provided by the DOD section 459 agent during the period the authority provided by this section was in effect.

(2) The number of individuals who requested the DOD section 459 agent to provide to them a copy of the actual notice or service.

(3) Any complaint the Secretary received by reason of not having provided the actual notice or service in the section 459 notice.

(4) The number of section 5520a notices provided by the DOD section 5520a agent during the period the authority provided by this section was in effect.

(5) The number of individuals who requested the DOD section 5520a agent to provide to them a copy of the actual legal process.

(6) Any complaint the Secretary received by reason of not having provided the actual legal process in the section 5520a notice.

SEC. 1043. TRAINING OF SPECIAL OPERATIONS FORCES WITH FRIENDLY FOREIGN FORCES.

(a) TRAINING EXPENSES FOR WHICH PAYMENT MAY BE MADE.—Subsection (a)(1) of section 2011 of title 10, United States Code, is amended by striking out ''and other security forces''.

(b) PURPOSE OF TRAINING.—Subsection (b) of such section is amended by striking out ''primary''.

(c) REGULATIONS.—Subsection (c) of such section is amended by inserting after the first sentence the following new sentence: ''The regulations shall require that training activities may be carried out under this section only with the prior approval of the Secretary of Defense.''.

(d) ELEMENTS OF ANNUAL REPORT.—Subsection (e) of such section is amended by adding at the end the following new paragraphs:

''(5) A summary of the expenditures under this section resulting from the training for which expenses were paid under this section.

''(6) A discussion of the unique military training benefit to United States special operations forces derived from the training activities for which expenses were paid under this section.''.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

SEC. 1101. AUTHORITY FOR RELEASE TO COAST GUARD OF DRUG TEST RESULTS OF CIVIL SERVICE MARINERS OF THE MILITARY SEALIFT COMMAND.

(a) IN GENERAL.—Chapter 643 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 7479. Civil service mariners of Military Sealift Command: release of drug test results to Coast Guard

''(a) RELEASE OF DRUG TEST RESULTS TO COAST GUARD.—The Secretary of the Navy may release to the Commandant of the Coast Guard the results of a drug test of any employee of the Department of the Navy who is employed in any capacity on board a vessel of the Military Sealift Command. Any such release shall be in accordance with the standards and procedures applicable to the disclosure and reporting to the Coast Guard of drug tests results and drug test records of individuals employed on vessels documented under the laws of the United States.

''(b) WAIVER.—The results of a drug test of an employee may be released under subsection (a) without the prior written consent of the employee that is otherwise required under section 503(e) of the Supplemental Appropriations Act, 1987 (5 U.S.C. 7301 note).''.

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

''7479. Civil service mariners of Military Sealift Command: release of drug test results to Coast Guard.''.

SEC. 1102. LIMITATIONS ON BACK PAY AWARDS.

(a) In General.—Section 5596(b) of title 5, United States Code, is amended—

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

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

''(4) The pay, allowances, or differentials granted under this section for the period for which an unjustified or unwarranted personnel action was in effect shall not exceed that authorized by the applicable law, rule, regulations, or collective bargaining agreement under which the unjustified or unwarranted personnel action is found, except that in no case may pay, allowances, or differentials be granted under this section for a period beginning more than 6 years before the date of the filing of a timely appeal or, absent such filing, the date of the administrative determination.''.

(b) CONFORMING AMENDMENT.—Section 7121 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(h) Settlements and awards under this chapter shall be subject to the limitations in section 5596(b)(4) of this title.''.

SEC. 1103. RESTORATION OF ANNUAL LEAVE ACCUMULATED BY CIVILIAN EMPLOYEES AT INSTALLATIONS IN THE REPUBLIC OF PANAMA TO BE CLOSED PURSUANT TO THE PANAMA CANAL TREATY OF 1977.

Section 6304(d)(3)(A) of title 5, United States Code, is amended by inserting ''the closure of an installation of the Department of Defense in the Republic of Panama in accordance with the Panama Canal Treaty of 1977,'' after ''2687 note) during any period,''.

SEC. 1104. REPEAL OF PROGRAM PROVIDING PREFERENCE FOR EMPLOYMENT OF MILITARY SPOUSES IN MILITARY CHILD CARE FACILITIES.

Section 1792 of title 10, United States Code, is amended—

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

(2) by redesignating subsection (e) as subsection (d).

SEC. 1105. ELIMINATION OF RETAINED PAY AS BASIS FOR DETERMINING LOCALITY-BASED ADJUSTMENTS.

Section 5302(8)(B) of title 5, United States Code, is amended by inserting ''(except a rate

retained under subsection (a)(2) of that section)'' after ''section 5363''.

SEC. 1106. OBSERVANCE OF CERTAIN HOLIDAYS AT DUTY POSTS OUTSIDE THE UNITED STATES.

Section 6103(b) of title 5, United States Code, is amended by inserting after paragraph (2) the following new paragraph:

''(3) Instead of a holiday that is designated under subsection (a) to occur on a Monday, for an employee at a duty post outside the United States whose basic workweek is other than Monday through Friday, and for whom Monday is a regularly scheduled workday, the legal public holiday is the first workday of the workweek in which the Monday designated for the observance of such holiday under subsection (a) occurs.''.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

SEC. 1201. LIMITATION ON FUNDS FOR PEACEKEEPING IN THE REPUBLIC OF BOSNIA AND HERZEGOVINA.

(a) LIMITATION.—The Secretary of Defense may not expend from funds appropriated to the Department of Defense for fiscal year 1999 more than $1,858,600,000 for the purpose of providing for United States participation in Bosnia peacekeeping operations.

(b) EMERGENCY EXCEPTION.—The Secretary may increase the amount under subsection (a) by not more than $100,000,000 for the sole purpose of safeguarding United States forces in the event of hostilities, imminent hostilities, or other grave danger to their well-being. Such an increase may become effective only upon submission by the Secretary to Congress of a certification that such grave danger exists and that such additional funds are required to meet immediate security threats.

(c) REPORT.—Not later than April 1, 1999, the Secretary of Defense shall submit to Congress a report with respect to United States participation in Bosnia peacekeeping operations. The report shall provide a detailed projection of any additional funding that will be required by the Department of Defense to meet mission requirements for such operations for the remainder of fiscal year 1999.

(d) PRESIDENTIAL AUTHORITY.—Nothing in this section shall be deemed to restrict the authority of the President under the Constitution to protect the lives of United States citizens.

(e) BOSNIA PEACEKEEPING OPERATIONS.—For purposes of subsection (a), the term ''Bosnia peacekeeping operations'' means the operation designated as Operation Joint Force, the operation designated as Operation Joint Endeavor, and any other operation under which United States military forces participate in peacekeeping or peace enforcement activities in the Republic of Bosnia and Herzegovina and any activity that is directly related to the support of any such operation.

SEC. 1202. REPORTS ON THE MISSION OF UNITED STATES FORCES IN REPUBLIC OF BOSNIA AND HERZEGOVINA.

(a) FINDINGS.—Congress finds the following:

(1) In section 1202(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1929; approved November 18, 1997), it was stated to be the sense of Congress that United States ground combat forces should not participate in a follow-on force in the Republic of Bosnia and Herzegovina after June 1998.

(2) On December 16, 1997, the President announced his support for the continued deployment of United States ground combat forces in the Republic of Bosnia and Herzegovina after June 30, 1998, as part of a multinational peacekeeping force led by the North Atlantic Treaty Organization (NATO).

(3) The President's decision to extend the presence of United States ground combat forces in the Republic of Bosnia and Herzegovina has changed the mission of those forces in a fundamental manner.

(4) The President has in effect committed United States ground combat forces in the Republic of Bosnia and Herzegovina to providing a secure environment for complete implementation of the civilian provisions of the Dayton Accords.

(5) The Administration has not specified how long such an achievement will take and, therefore, the mission of United States ground combat forces in the Republic of Bosnia and Herzegovina is of indefinite duration.

(b) ANNUAL PRESIDENTIAL REPORT.—(1) The President shall submit to Congress an annual report on the presence of United States ground combat forces in the Republic of Bosnia and Herzegovina. Each such report shall include the following:

(A) The President's assessment of progress toward the full implementation of the civilian goals of the Dayton Accord, as specified in subsection (c).

(B) The expected duration of the deployment of United States ground combat forces in the Republic of Bosnia and Herzegovina in support of implementation of those goals.

(C) The percentage of those goals that have been completed as of the date of the report, the percentage that are expected to be completed within the next reporting period, and the expected time for completion of the remaining tasks.

(2) The first report under this subsection shall be submitted not later than 90 days after the date of the enactment of this Act, and subsequent reports shall be submitted at yearly intervals thereafter. The requirement to submit an annual report under this subsection terminates upon the withdrawal of all United States ground combat forces from the Republic of Bosnia and Herzegovina.

(c) BASIS FOR ASSESSMENT OF PROGRESS.—For purposes of subsection (b)(1)(A), the President shall assess whether progress is being made toward implementation of the civilian goals of the Dayton Accords based upon assessment of the following goals and associated matters:

(1) Accomplishment of military stability, as measured by—

(A) the maintenance of the cease-fire between the former warring parties;

(B) the continued cantonment of heavy weapons and the observance of arms limitations;

(C) the disbanding of special police;

(D) the termination of covert support to the Srpska Demokratska Stranka party by the Federal Republic of Yugoslavia; and

(E) similar measures.

(2) Police and judicial reform, as measured by—

(A) the restructuring and ethnic integration of local police;

(B) completion of human rights training by local police forces;

(C) the demonstrated ability of local police to deal effectively and impartially with civil disturbances and disorder;

(D) the implementation of an effective judicial reform program; and

(E) similar measures.

(3) Creation and implementation of effective national institutions untainted by ethnic separatism, as measured by—

(A) the dissolution of previously outlawed institutions;

(B) a functioning customs service with national control over customs revenues;

(C) transparency in national budgets and disbursements; and

(D) similar measures.

(4) Media reform, as measured by—

(A) the divestiture of control of broadcast networks from the control of political parties;

(B) opposition party access to media;

(C) the availability of alternative and independent media throughout the Republic of Bosnia and Herzegovina; and

(D) similar measures.

(5) Democratization and reform of the electoral process, as measured by—

(A) transparent functioning of local, entity, and national governments;

(B) acceptance of binding arbitration for the implementation of results in contested local elections;

(C) modification of electoral laws to meet international and Organization for Security and Cooperation in Europe (OSCE) standards;

(D) the free and fair conduct of the September 1998 national elections and subsequent elections; and

(E) similar measures.

(6) Return of refugees, as measured by—

(A) compliance of entity property laws with the Dayton Accords;

(B) participation by entity governments in orderly cross-ethnic returns;

(C) protection by local police of returnees;

(D) acceptance of substantial numbers of returned refugees in major cities; and

(E) similar measures.

(7) Resolution of the status of Brcko, as measured by—

(A) the implementation of local election results;

(B) the functioning of an ethnically integrated police force;

(C) ethnic reintegration of Brcko and the surrounding region; and

(D) similar measures.

(8) Compliance of persons indicted for war crimes by the International Tribunal for the Former Yugoslavia, as measured by—

(A) the termination of political, military, and media control by war criminals;

(B) the assistance of local authorities in apprehension of indictees;

(C) the cooperation of entity justice establishments in cooperating with the Tribunal; and

(D) similar measures.

(9) The ability of international organizations to carry out their functions within the Republic of Bosnia and Herzegovina without military support, as measured by—

(A) the ability of local authorities to carry out demining programs;

(B) the ability of the Office of the High Representative to enforce inter-entity agreements without accompanying military shows of force; and

(C) similar measures.

(10) Economic reconstruction and recovery, as measured by—

(A) local currency circulating freely and its use in official transactions;

(B) an agreement reached on a permanent national currency in use in all entities;

(C) the creation of privatization laws consistent with the Dayton Accords;

(D) government control over sources of revenue;

(E) substantial repair and functioning of major infrastructure elements;

(F) an in-place International Monetary Fund program; and

(G) similar measures.

(d) SECRETARY OF DEFENSE REPORT.—(1) Not later than December 15, 1998, the Secretary of Defense shall submit to the congressional defense committees a report on the effects of military operations in the Republic of Bosnia and Herzegovina and the Balkans region on the capabilities of United States military forces and, in particular, on the capability of United States military forces to conduct successfully two nearly simultaneous major theater wars as specified in current Defense Planning Guidance and in accordance with the deployment timelines called for in the war plans of the commanders of unified combatant commands.

(2) Whenever the number of United States ground combat forces in the Republic of Bosnia and Herzegovina increases or decreases by 10 percent or more compared to the number of such forces as of the most recent previous report under this subsection, the Secretary shall submit an additional report as specified in paragraph (1). Any such additional report shall be submitted within 30 days of the date on which the requirement to submit the report becomes effective under the preceding sentence.

(3) The Secretary shall include in each report under this subsection information with respect to the effects of military operations in the Republic of Bosnia and Herzegovina and the Balkans region on the capabilities of United States military forces to conduct successfully two nearly simultaneous major theater wars as specified in current Defense Planning Guidance and in accordance with the deployment timelines called for in the war plans of the commanders of unified combatant commands. Such information shall include information on the effects of those operations upon anticipated deployment plans for major theater wars in Southwest Asia or on the Korean peninsula including the following:

(A) Deficiencies or delays in deployment of strategic lift, logistics support and infrastructure, ammunition (including precision guided munitions) support forces, intelligence assets, follow-on forces used for planned counteroffensives, and similar forces.

(B) Additional planned reserve component mobilization, including specific units to be ordered to active duty and required dates for activation of presidential call-up authority.

(C) Specific plans and timelines for redeployment of United States forces from the Republic of Bosnia and Herzegovina, the Balkans region, or supporting forces in the region, to both the first and second major theater war.

(D) Preventative actions or deployments involving United States forces in the Republic of Bosnia and Herzegovina and the Balkans region that would be taken in the event of a single theater war to deter the outbreak of a second theater war.

(E) Specific plans and timelines to replace forces deployed to the Republic of Bosnia and Herzegovina, the Balkans region, or the surrounding region to maintain United States military presence.

(F) An assessment, undertaken in consultation with the Chairman of the Joint Chiefs of Staff and the commanders of the unified combatant commands, of the level of increased risk to successful conduct of the major theater wars and the maintenance of security and stability in the Republic of Bosnia and Herzegovina and the Balkans region, by the requirement to redeploy forces from Bosnia and the Balkans in the event of a major theater war.

(e) DEFINITION OF DAYTON ACCORDS.—For purposes of this section, the term ''Dayton Accords'' means the General Framework Agreement for Peace in Bosnia and Herzegovina, initialed by the parties in Dayton, Ohio, on November 21, 1995, and signed in Paris on December 14, 1995.

SEC. 1203. REPORT ON MILITARY CAPABILITIES OF AN EXPANDED NATO ALLIANCE.

(a) REPORT.—The Secretary of Defense shall prepare a report, in both classified and unclassified form, on the planned future military capabilities of the North Atlantic Treaty Organization (NATO) in light of the proposed inclusion of Poland, the Czech Republic, and Hungary in the NATO alliance. The report shall set forth—

(1) the tactical, operational, and strategic issues that would be raised by the inclusion of Poland, the Czech Republic, and Hungary in the NATO alliance;

(2) the required improvements to common alliance military assets that would result from the inclusion of those nations in the alliance;

(3) the planned improvements to national capabilities of current NATO members that would be required by reason of the inclusion of those nations in the alliance;

(4) the planned improvements to national capabilities of the military forces of those candidate member nations; and

(5) the additional requirements that would be imposed on the United States by NATO expansion.

(b) MATTERS TO BE INCLUDED.—The report shall include the following:

(1) An assessment of the tactical and operational capabilities of the military forces of each of the candidate member nations.

(2) An assessment of the capability of each candidate member nation to provide logistical, command and control, and other vital infrastructure required for alliance defense (as specified in Article V of the NATO Charter), including a description in general terms of alliance plans for reinforcing each candidate member nation during a crisis or war and detailing means for deploying both United States and other NATO forces from current member states and from the continental United States or other United States bases worldwide and, in particular, describing plans for ground reinforcement of Hungary.

(3) An assessment of the ability of current and candidate alliance members to deploy and sustain combat forces in alliance defense missions conducted in the territory of any of the candidate member nations, as specified in Article V of the NATO Charter.

(4) A description of projected defense programs through 2009 (shown on an annual basis and cumulatively) of each current and candidate alliance member nation, including planned investments in capabilities relevant to Article V alliance defense and potential alliance contingency operations and showing both planned national efforts as well as planned alliance common efforts and describing any disparities in investments by current or candidate alliance member nations.

(5) A detailed comparison and description of any disparities in scope, methodology, assessments of common alliance or national responsibilities, or any other factor related to alliance capabilities between (A) the report on alliance expansion costs prepared by the Department of Defense (in the report submitted to Congress in February 1998 entitled ''Report to the Congress on the Military Requirements and Costs of NATO Enlargement''), and (B) the report on alliance expansion costs prepared by NATO collectively and referred to as the ''NATO estimate'', issued at Brussels in November 1997.

(6) Any other factor that, in the judgment of the Secretary of Defense, bears upon the strategic, operational, or tactical military capabilities of an expanded NATO alliance.

(c) SUBMISSION OF REPORT.—The report shall be submitted to Congress not later than March 15, 1999.

SEC. 1204. ONE-YEAR EXTENSION OF COUNTERPROLIFERATION AUTHORITIES FOR SUPPORT OF UNITED NATIONS SPECIAL COMMISSION ON IRAQ.

(a) AMOUNT AUTHORIZED FOR FISCAL YEAR 1999.—The total amount of assistance for fiscal year 1999 provided by the Secretary of Defense under section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) that is provided in the form of funds, including funds used for activities of the Department of Defense in support of the United Nations Special Commission on Iraq, may not exceed $15,000,000.

(b) EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE.—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) is amended by striking out ''1998'' and inserting in lieu thereof ''1999''.

SEC. 1205. REPEAL OF LANDMINE MORATORIUM.

Section 580 of the Foreign Operations Appropriations Act, 1996 (Public Law 104–107; 110 Sat 751), is repealed.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in subsection (b) of section 406 of title 10, United States Code (as added by section 1305).

(b) FISCAL YEAR 1999 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 1999 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

SEC. 1302. FUNDING ALLOCATIONS.

(a) IN GENERAL.—Of the fiscal year 1999 Cooperative Threat Reduction funds, not more than the following amounts may be obligated for the purposes specified:

(1) Except as provided in paragraph (11), for strategic offensive arms elimination in Russia, $142,400,000.

(2) Except as provided in paragraph (11), for strategic nuclear arms elimination in Ukraine, $47,500,000.

(3) For activities to support warhead dismantlement processing in Russia, $9,400,000.

(4) For activities associated with chemical weapons destruction in Russia, $35,000,000.

(5) For weapons transportation security in Russia, $10,300,000.

(6) For planning, design, and construction of a storage facility for Russian fissile material, $60,900,000.

(7) For weapons storage security in Russia, $41,700,000.

(8) For development of a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium at Russian reactors, $29,800,000.

(9) For biological weapons proliferation prevention activities in Russia, $2,000,000.

(10) For activities designated as Other Assessments/Administrative Support $7,000,000.

(11) For strategic arms elimination in Russia or Ukraine, $31,400,000.

(b) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) If the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may, subject to paragraphs (2) and (3), obligate amounts for the purposes stated in any of the paragraphs of subsection (a) in excess of the amount specified for those purposes in that paragraph. However, the total amount obligated for the purposes stated in the paragraphs in subsection (a) may not by reason of the use of the authority provided in the preceding sentence exceed the sum of the amounts specified in those paragraphs.

(2) An obligation for the purposes stated in any of the paragraphs in subsection (a) in excess of the amount specified in that paragraph may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts appropriated for the purposes stated in any of paragraphs (3) through (10) of subsection (a) in excess of 115 percent of the amount stated in those paragraphs.

SEC. 1303. PROHIBITION ON USE OF FUNDS FOR SPECIFIED PURPOSES.

(a) IN GENERAL.—No fiscal year 1999 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs for any prior fiscal year and remaining available for obligation, may be obligated or expended for any of the following purposes:

(1) Conducting with Russia any peacekeeping exercise or other peacekeeping-related activity.

(2) Provision of housing.

(3) Provision of assistance to promote environmental restoration.

(4) Provision of assistance to promote job retraining.

(5) Programs other than the programs specified in subsection (b) of section 406 of title 10, United States Code (as added by section 1305).

(b) LIMITATION WITH RESPECT TO DEFENSE CONVERSION ASSISTANCE.—None of the funds appropriated pursuant to this Act may be obligated or expended for the provision of assistance to Russia or any other state of the former Soviet Union to promote defense conversion.

SEC. 1304. LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION FACILITY.

No fiscal year 1999 Cooperative Threat Reduction funds authorized to be obligated in section 1302(a)(4) for activities associated with chemical weapons destruction in Russia, and no funds appropriated for Cooperative Threat Reduction programs for any prior fiscal year and remaining available for obligation, may be used for construction of a chemical weapons destruction facility.

SEC. 1305. LIMITATION ON OBLIGATION OF FUNDS FOR A SPECIFIED PERIOD.

(a) IN GENERAL.—(1) Chapter 20 of title 10, United States Code, is amended by adding at the end the following new section:

''§406. Use of Cooperative Threat Reduction program funds: limitation

''(a) IN GENERAL.—In carrying out Cooperative Threat Reduction programs during any fiscal year, the Secretary of Defense may use funds appropriated for those programs only to the extent that those funds were appropriated for that fiscal year or for either of the 2 preceding fiscal years.

''(b) DEFINITION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—In this section, the term 'Cooperative Threat Reduction programs' means the following programs with respect to states of the former Soviet Union:

''(1) Programs to facilitate the elimination, and the safe and secure transportation and storage, of nuclear, chemical, and other weapons of mass destruction and their delivery vehicles.

''(2) Programs to facilitate the safe and secure storage of fissile materials derived from the elimination of nuclear weapons.

''(3) Programs to prevent the proliferation of weapons of mass destruction, components, and technology and expertise related to such weapons.

''(4) Programs to expand military-to-military and defense contacts.''.

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

''406. Use of Cooperative Threat Reduction program funds: limitation.''.

(b) EFFECTIVE DATE.—The limitation described in section 406 of title 10, United States Code, as added by subsection (a), shall apply with respect to fiscal years beginning with fiscal year 1999.

SEC. 1306. REQUIREMENT TO SUBMIT BREAKDOWN OF AMOUNTS REQUESTED BY PROJECT CATEGORY.

The Secretary of Defense shall submit to Congress on an annual basis, not later than 30 days after the date that the President submits to Congress the budget of the United States Government for the following fiscal year—

(1) a breakdown, with respect to the appropriations requested for Cooperative Threat Reduction programs for the fiscal year after the fiscal year in which the breakdown is submitted, of the amounts requested for each project category under each Cooperative Threat Reduction program element; and

(2) a breakdown, with respect to appropriations for Cooperative Threat Reduction programs for the fiscal year in which the breakdown is submitted, of the amounts obligated or expended, or planned to be obligated or expended, for each project category under each Cooperative Threat Reduction program element.

SEC. 1307. LIMITATION ON USE OF FUNDS UNTIL COMPLETION OF FISCAL YEAR 1998 REQUIREMENTS.

(a) USE OF FUNDS FOR PROGRAMS RELATED TO START II TREATY.—No fiscal year 1999 Cooperative Threat Reduction funds may be obligated or expended for strategic offensive arms elimination projects in Russia related to the START II Treaty (as defined in section 1302(f) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1948)) until 30 days after the date on which the Secretary of Defense submits to Congress the certification described in section 1404 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1960).

(b) USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION FACILITY.—No fiscal year 1999 Cooperative Threat Reduction funds may be obligated or expended for activities relating to a chemical weapons destruction facility until 15 days after the date that is the later of the dates described in section 1405 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1960).

(c) USE OF FUNDS FOR DESTRUCTION OF CHEMICAL WEAPONS.—No funds authorized to be appropriated under this or any other Act for fiscal year 1999 for Cooperative Threat Reduction programs may be obligated or expended for chemical weapons destruction activities until the President submits to Congress the written certification described in section 1406(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1961).

(d) USE OF FUNDS FOR STORAGE FACILITY FOR RUSSIAN FISSILE MATERIAL.—No fiscal year 1999 Cooperative Threat Reduction funds may be obligated or expended for planning, design, or construction of a storage facility for Russian fissile material until 15 days after the date that is the later of the dates described in section 1407 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1962).

(e) USE OF FUNDS FOR WEAPONS STORAGE SECURITY.—No fiscal year 1999 Cooperative Threat Reduction funds intended for weapons storage security activities in Russia may be obligated or expended until 15 days after the date that the Secretary of Defense submits to Congress the report on the status of negotiations between the United States and Russia described in section 1408 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1962).

SEC. 1308. REPORT ON BIOLOGICAL WEAPONS PROGRAMS IN RUSSIA.

(a) REPORT.—Not later than December 31, 1998, the Secretary of Defense shall submit to the congressional defense committees a report, in classified and unclassified forms, containing—

(1) an assessment of the extent of compliance by Russia with international agreements relating to the control of biological weapons; and

(2) a detailed evaluation of the potential political and military costs and benefits of collaborative biological pathogen research efforts by the United States and Russia.

(b) CONTENT OF REPORT.—The report required under subsection (a) shall include the following:

(1) An evaluation of the extent of the control and oversight by the Government of Russia over the military and civilian-military biological warfare programs formerly controlled or overseen by states of the former Soviet Union.

(2) The extent and scope of continued biological warfare research, development, testing, and production in Russia, including the sites where such activity is occurring and the types of activity being conducted.

(3) An assessment of compliance by Russia with the terms of the Biological Weapons Convention.

(4) An identification and assessment of the measures taken by Russia to comply with the obligations assumed under the Joint Statement on Biological Weapons, agreed to by the United States, the United Kingdom, and Russia on September 14, 1992.

(5) A description of the extent to which Russia has permitted individuals from the United States or other countries to visit military and nonmilitary biological research, development, testing, and production sites in order to resolve ambiguities regarding activities at such sites.

(6) A description of the information provided by Russia about its biological weapons dismantlement efforts to date.

(7) An assessment of the accuracy and comprehensiveness of declarations by Russia regarding its biological weapons activities.

(8) An identification of collaborative biological research projects carried out by the United States and Russia for which Cooperative Threat Reduction funds have been used.

(9) An evaluation of the political and military utility of prior, existing, and prospective cooperative biological pathogen research programs carried out between the United States and Russia, and an assessment of the impact of such programs on increasing Russian military transparency with respect to biological weapons activities.

(10) An assessment of the political and military utility of the long-term collaborative program advocated by the National Academy of Sciences in its October 27, 1997 report, ''Controlling Dangerous Pathogens: A Blueprint for U.S.-Russian Cooperation''.

SEC. 1309. LIMITATION ON USE OF FUNDS FOR BIOLOGICAL WEAPONS PROLIFERATION PREVENTION ACTIVITIES IN RUSSIA.

No fiscal year 1999 Cooperative Threat Reduction funds may be obligated or expended for biological weapons proliferation prevention activities in Russia until 15 days after the date that is the later of the following:

(1) The date on which the Secretary of Defense submits to Congress a certification that no Cooperative Threat Reduction funds provided for cooperative research activities at biological research institutes in Russia have been used—

(A) to support activities that have resulted in the development of a new strain of anthrax; or

(B) for any purpose inconsistent with the objectives of providing such assistance.

(2) The date on which the Secretary submits to the congressional defense committees notification that the United States has examined and tested the new strain of anthrax reportedly developed at the State Research Center for Applied Microbiology in Obolensk, Russia.

SEC. 1310. LIMITATION ON USE OF CERTAIN FUNDS FOR STRATEGIC ARMS ELIMINATION IN RUSSIA OR UKRAINE.

No fiscal year 1999 Cooperative Threat Reduction funds authorized to be obligated in section 1302(a)(11) for strategic arms elimination in Russia or Ukraine may be obligated or expended until 30 days after the date that the Secretary of Defense submits to the congressional defense committees notification on how the Secretary plans to use such funds.

SEC. 1311. AVAILABILITY OF FUNDS.

Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 1999''.

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	Installation or location	Amount
Alabama	Anniston Army Depot	$3,550,000
	Fort Rucker	$4,300,000
	Redstone Arsenal	$1,550,000
California	Fort Irwin	$14,800,000
Georgia	Fort Benning	$28,600,000
Hawaii	Schofield Barracks	$67,500,000
Illinois	Rock Island Arsenal	$5,300,000
Indiana	Crane Army Ammunition Activity	$7,100,000
Kansas	Fort Riley	$3,600,000
Kentucky	Blue Grass Army Depot	$5,300,000
	Fort Campbell	$41,000,000
	Fort Knox	$23,000,000
Louisiana	Fort Polk	$8,300,000
Maryland	Fort Detrick	$3,550,000
Missouri	Fort Leonard Wood	$28,200,000
New Jersey	Fort Monmouth	$7,600,000
	Picatinny Arsenal	$8,400,000
New York	Fort Drum	$4,650,000
	United States Military Academy, West Point	$85,000,000
North Carolina	Fort Bragg	$95,900,000
Oklahoma	Fort Sill	$13,800,000
	McAlester Army Ammunition Plant	$10,800,000
Texas	Fort Bliss	$4,100,000
	Fort Hood	$32,500,000
	Fort Sam Houston	$21,800,000
Utah	Tooele Army Depot	$3,900,000
Virginia	National Ground Intelligence Center, Charlottesville	$46,200,000
	Fort Eustis	$36,531,000
Washington	Fort Lewis	$18,200,000
CONUS Classified	Classified Location	$4,600,000
	Total	$639,631,000

(b) OUTSIDE THE UNITED STATES.—Using amounts 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	Installation or location	Amount
Belgium	80th Area Support Group	$6,300,000
Germany	Schweinfurt	$18,000,000
	Wurzburg	$4,250,000
Korea	Camp Casey	$13,400,000
	Camp Castle	$18,226,000
	Camp Humphreys	$8,500,000
	Camp Stanley	$5,800,000
Kwajalein	Kwajalein Atoll	$48,600,000
	Total	$123,076,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(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	Installation or location	Purpose	Amount
Alabama	Redstone Arsenal	118 Units	$14,000,000
Hawaii	Schofield Barracks	64 Units	$14,700,000
North Carolina	Fort Bragg	170 Units	$19,800,000
Texas	Fort Hood	154 Units	$21,600,000
Virginia	Fort Lee	80 Units	$13,000,000
		Total	$83,100,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(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 $6,350,000.

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 section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $37,429,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1998, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,010,036,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $535,631,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $87,076,000.

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

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $63,792,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $126,879,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,097,697,000.

(6) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, $7,500,000.

(7) For the construction of the missile software engineering annex, phase II, Redstone Arsenal, Alabama, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1966), $13,600,000.

(8) For the construction of a disciplinary barracks, phase II, Fort Leavenworth, Kansas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998, $29,000,000.

(9) For the construction of the whole barracks complex renewal, Fort Sill, Oklahoma, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998, $20,500,000.

(10) For rail yard expansion at Fort Carson, Colorado, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998, $23,000,000.

(11) For the construction of an aerial gunnery range at Fort Drum, New York, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998, $9,000,000.

(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—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $16,000,000 (the balance of the amount authorized under section 2101(a) for the construction of a multipurpose digital training range at Fort Knox, Kentucky);

(3) $15,000,000 (the balance of the amount authorized under section 2101(a) for the construction of a railhead facility at Fort Hood, Texas);

(4) $73,000,000 (the balance of the amount authorized under section 2101(a) for the construction of a cadet development center at the United States Military Academy, West Point, New York); and

(5) $36,000,000 (the balance of the amount authorized under section 2101(b) for the construction of a powerplant on Roi Namur Island at Kwajalein Atoll, Kwajalein).

(c) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (11) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) $2,639,000, which represents the combination of project savings in military family housing construction resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes; and

(2) $6,000,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

SEC. 2105. INCREASE IN FISCAL YEAR 1998 AUTHORIZATION FOR MILITARY CONSTRUCTION PROJECTS AT FORT DRUM, NEW YORK, AND FORT SILL, OKLAHOMA.

(a) INCREASE.—The table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1967) is amended—

(1) in the item relating to Fort Drum, New York, by striking out ''$24,400,000'' in the amount column and inserting in lieu thereof ''$24,900,000'';

(2) in the item relating to Fort Sill, Oklahoma, by striking out ''$25,000,000'' in the amount column and inserting in lieu thereof ''$28,500,000''; and

(3) by striking out the amount identified as the total in the amount column and inserting in lieu thereof ''$602,750,000''.

(b) CONFORMING AMENDMENT.—Section 2104 of that Act (111 Stat. 1968) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking out ''$2,010,466,000'' and inserting in lieu thereof ''$2,013,966,000''; and

(B) in paragraph (1), by striking out ''$435,350,000'' and inserting in lieu thereof ''$438,850,000''; and

(2) in subsection (b)(8), by striking out ''$8,500,000'' and inserting in lieu thereof ''$9,000,000''.

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	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	$11,010,000
	Naval Observatory Detachment, Flagstaff	$990,000
California	Marine Corps Air Station, Miramar	$29,570,000
	Marine Corps Base, Camp Pendleton	$40,430,000
	Naval Air Station, Lemoore	$20,640,000
	Naval Air Warfare Center Weapons Division, China Lake	$10,140,000
	Naval Facility, San Clemente Island	$8,350,000
	Naval Submarine Base, San Diego	$11,400,000
District of Columbia	Naval District, Washington	$790,000
Florida	Naval Air Station, Key West	$3,730,000
	Naval Air Station, Jacksonville	$1,500,000
	Naval Air Station, Whiting Field	$1,400,000
	Naval Station, Mayport	$6,163,000
Georgia	Marine Corps Logistics Base, Albany	$2,800,000
	Naval Submarine Base, Kings Bay	$2,550,000
Hawaii	Fleet and Industrial Supply Center, Pearl Harbor	$9,730,000
	Marine Corps Air Station, Kaneohe Bay	$27,410,000
	Naval Communications & Telecommunications Area Master Station Eastern Pacific, Wahiawa	$1,970,000
	Naval Shipyard, Pearl Harbor	$11,400,000
	Naval Station, Pearl Harbor	$18,180,000
	Naval Submarine Base, Pearl Harbor	$8,060,000
	Navy Public Works Center, Pearl Harbor	$28,967,000
Illinois	Naval Training Center, Great Lakes	$20,280,000
Indiana	Naval Surface Warfare Center, Crane	$11,110,000
Maryland	Naval Surface Warfare Center, Indian Head Division, Indian Head	$13,270,000
Mississippi	Naval Air Station, Meridian	$3,280,000
	Naval Construction Battalion Center Gulfport	$10,670,000
North Carolina	Marine Corps Air Station, Cherry Point	$6,040,000
	Marine Corps Base, Camp LeJeune	$14,600,000
Pennsylvania	Naval Surface Warfare Center Ship Systems Engineering Station, Philadelphia	$2,410,000
Rhode Island	Naval Education and Training Center, Newport	$5,630,000
	Naval Undersea Warfare Center Division, Newport	$9,140,000
South Carolina	Marine Corps Air Station, Beaufort	$1,770,000
	Marine Corps Reserve Detachment Parris Island	$15,990,000
	Naval Weapons Station, Charleston	$9,737,000
Texas	Naval Station, Ingleside	$12,200,000
Virginia	Fleet and Industrial Supply Center, Norfolk (Craney Island)	$1,770,000
	Fleet Training Center, Norfolk	$5,700,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
Washington	Naval Air Station, Oceana	$6,400,000
	Naval Shipyard, Norfolk, Portsmouth	$6,180,000
	Naval Station, Norfolk	$45,530,000
	Naval Surface Warfare Center, Dahlgren	$15,680,000
	Tactical Training Group Atlantic, Dam Neck	$2,430,000
	Naval Shipyard, Puget Sound	$4,300,000
	Strategic Weapons Facility Pacific, Bremerton	$2,750,000
	Total	$484,047,000

(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	Installation or location	Amount
Greece	Naval Support Activity, Souda Bay	$5,260,000
Guam	Naval Activities, Guam	$10,310,000
Italy	Naval Support Activity, Naples	$18,270,000
United Kingdom	Joint Maritime Communications Center, St. Mawgan	$2,010,000
	Total	$35,850,000

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	Installation or location	Purpose	Amount
California	Naval Air Station, Lemoore	162 Units	$30,379,000
Hawaii	Navy Public Works Center, Pearl Harbor	150 Units	$29,125,000
		Total	$59,504,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(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 $15,618,000.

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)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $221,991,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1998, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $1,776,726,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $470,547,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $35,850,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $8,900,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $60,346,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $297,113,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $915,293,000.

(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—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $13,500,000 (the balance of the amount authorized under section 2202(a) for the construction of a berthing pier at Naval Station, Norfolk, Virginia.

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) $6,323,000 which represents the combination of project savings in military family housing construction resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes; and

(2) $5,000,000 which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

SEC. 2205. AUTHORIZATION TO ACCEPT ROAD CONSTRUCTION PROJECT, MARINE CORPS BASE, CAMP LEJEUNE, NORTH CAROLINA.

The Secretary of the Navy may accept from the State of North Carolina, a road construction project valued at approximately $2,000,000, which is to be constructed at Marine Corps Base, Camp Lejeune, North Carolina, in accordance with plans and specifications acceptable to the Secretary of the Navy.

TITLE XXIII—AIR FORCE

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

(a) INSIDE THE UNITED STATES.—Using amounts 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	Installation or location	Amount
Alabama	Maxwell Air Force Base	$19,398,000
Alaska	Eielson Air Force Base	$4,352,000
Arizona	Luke Air Force Base	$3,400,000
California	Edwards Air Force Base	$10,361,000
	Travis Air Force Base	$4,250,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
	Vandenberg Air Force Base	$18,709,000
Colorado	Falcon Air Force Station	$9,601,000
	United States Air Force Academy	$4,413,000
District of Columbia	Bolling Air Force Base	$2,948,000
Florida	Eglin Air Force Base	$20,437,000
	Eglin Auxiliary Field 9	$3,837,000
	MacDill Air Force Base	$9,808,000
	Tyndall Air Force Base	$3,600,000
Georgia	Robins Air Force Base	$11,894,000
Hawaii	Hickam Air Force Base	$5,890,000
Idaho	Mountain Home Air Force Base	$16,397,000
Kansas	McConnell Air Force Base	$4,450,000
Maryland	Andrews Air Force Base	$4,448,000
Mississippi	Keesler Air Force Base	$35,526,000
Nevada	Indian Springs Air Force Auxiliary Air Field	$15,013,000
	Nellis Air Force Base	$6,378,000
New Jersey	McGuire Air Force Base	$6,044,000
New Mexico	Holloman Air Force Base	$11,100,000
	Kirtland Air Force Base	$1,774,000
North Carolina	Seymour Johnson Air Force Base	$6,100,000
North Dakota	Grand Forks Air Force Base	$2,686,000
Ohio	Wright-Patterson Air Force Base	$22,000,000
Oklahoma	Altus Air Force Base	$5,300,000
	Tinker Air Force Base	$25,385,000
	Vance Air Force Base	$6,223,000
South Carolina	Charleston Air Force Base	$24,330,000
South Dakota	Ellsworth Air Force Base	$6,500,000
Tennessee	Arnold Air Force Base	$11,600,000
Texas	Brooks Air Force Base	$7,000,000
	Dyess Air Force Base	$3,350,000
	Lackland Air Force Base	$14,930,000
	Laughlin Air Force Base	$7,315,000
	Randolph Air Force Base	$3,166,000
Washington	Fairchild Air Force Base	$13,820,000
	McChord Air Force Base	$51,847,000
	Total	$445,580,000

(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	Installation or location	Amount
Germany	Spangdahlem Air Base	$13,967,000
Korea	Kunsan Air Base	$5,958,000
	Osan Air Base	$7,496,000
Turkey	Incirlik Air Base	$2,949,000
United Kingdom	Royal Air Force, Lakenheath	$15,838,000
	Royal Air Force, Mildenhall	$24,960,000
	Total	$71,168,000

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	Installation or location	Purpose	Amount
Alabama	Maxwell Air Force Base	143 Units	$16,300,000
Alaska	Eielson Air Force Base	46 Units	$12,932,000
California	Edwards Air Force Base	48 Units	$12,580,000
	Vandenberg Air Force Base	95 Units	$18,499,000
Delaware	Dover Air Force Base	55 Units	$8,998,000
Florida	MacDill Air Force Base	48 Units	$7,609,000
	Patrick Air Force Base	46 Units	$9,692,000
	Tyndall Air Force Base	122 Units	$14,500,000
Nebraska	Offutt Air Force Base	Ancillary Facility	$870,000
	Offutt Air Force Base	Ancillary Facility	$900,000
	Offutt Air Force Base	90 Units	$12,212,000
Nevada	Nellis Air Force Base	60 Units	$10,550,000
New Mexico	Kirtland Air Force Base	37 Units	$6,400,000
Ohio	Wright-Patterson Air Force Base	40 Units	$5,600,000
Texas	Dyess Air Force Base	64 Units	$9,415,000
	Sheppard Air Force Base	65 Units	$7,000,000

Air Force: Family Housing—Continued

State	Installation or location	Purpose	Amount
Washington	Fairchild Air Force Base	Ancillary Facility	$1,692,000
	Fairchild Air Force Base	14 Units	$2,300,000
		Total	$158,049,000

(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 $11,342,000.

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 $81,778,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1998, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,577,264,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $445,580,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $71,168,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,135,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $37,592,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $251,169,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $785,204,000.

(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).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) $9,584,000 which represents the combination of project savings in military family housing construction resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes; and

(2) $11,000,000 which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

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	Installation or location	Amount
Chemical Demilitarization	Aberdeen Proving Ground, Maryland	$186,350,000
	Newport Army Depot, Indiana	$191,550,000
Defense Logistics Agency	Defense Fuel Support Point, Fort Sill, Oklahoma	$3,500,000
	Defense Fuel Support Point, Jacksonville Annex, Mayport, Florida	$11,020,000
	Defense Fuel Support Point, Jacksonville, Florida	$11,000,000
	Defense General Supply Center, Richmond (DLA), Virginia	$10,500,000
	Defense Fuels Supply Center, Camp Shelby, Mississippi	$5,300,000
	Defense Fuels Supply Center, Elmendorf Air Force Base, Alaska	$19,500,000
	Defense Fuels Supply Center, Pope Air Force Base, North Carolina	$4,100,000
	Various Locations	$1,300,000
Defense Medical Facilities Office	Barksdale Air Force Base, Louisiana	$3,450,000
	Beale Air Force Base, California	$3,500,000
	Carlisle Barracks, Pennsylvania	$4,678,000
	Cheatham Annex, Virginia	$11,300,000
	Edwards Air Force Base, California	$6,000,000
	Elgin Air Force Base, Florida	$9,200,000
	Fort Bragg, North Carolina	$6,500,000
	Fort Hood, Texas	$14,100,000
	Fort Stewart/Hunter Army Air Field, Georgia	$10,400,000
	Grand Forks Air Force Base, North Dakota	$5,600,000
	Holloman Air Force Base, New Mexico	$1,300,000
	Keesler Air Force Base, Mississippi	$700,000
	Marine Corps Air Station, Camp Pendleton, California..	$6,300,000
	McChord Air Force Base, Washington	$20,000,000
	Moody Air Force Base, Georgia	$11,000,000
	Naval Air Station, Pensacola, Florida	$25,400,000
	Naval Hospital, Bremerton, Washington	$28,000,000
	Naval Hospital, Great Lakes, Illinois	$7,100,000
	Naval Station, San Diego, California	$1,350,000
	Naval Submarine Base, Bangor, Washington	$5,700,000
	Travis Air Force Base, California	$1,700,000
Defense Education Activity	Marine Corps Base, Camp LeJeune, North Carolina	$16,900,000
	United States Military Academy, West Point, New York	$2,840,000
National Security Agency	Fort Meade, Maryland	$668,000
Special Operations Command	Elgin Auxiliary Field 3, Florida	$7,310,000
	Elgin Auxiliary Field 9, Florida	$2,400,000
	Fort Campbell, Kentucky	$15,000,000
	MacDill Air Force Base, Florida	$8,400,000
	Naval Amphibious Base, Coronado, California	$3,600,000
	Stennis Space Center, Mississippi	$5,500,000
	Total	$690,016,000

(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	Installation or location	Amount
Ballistic Missile Defense Organization	Kwajalein Atoll, Kwajalein	$4,600,000
Defense Logistics Agency	Lajes Field, Azores, Portugal	$7,700,000
Defense Medical Facilities Office	Naval Air Station, Sigonella, Italy	$5,300,000
	Royal Air Force, Lakenheath, United Kingdom	$10,800,000
Defense Education Activity	Fort Buchanan, Puerto Rico	$8,805,000
	Naval Activities, Guam	$13,100,000
Special Operations Command	Naval Station, Roosevelt Roads, Puerto Rico	$9,600,000
	Total	$59,905,000

SEC. 2402. 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 2404(a)(11)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $345,000.

SEC. 2403. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(9), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1998, 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 $2,386,023,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $369,966,000.

(2) For military construction projects outside the United States authorized by section 2401(a), $59,905,000.

(3) For construction of the Ammunition Demilitarization Facility, Pine Bluff Arsenal, Arkansas authorized by section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982), and section 2405 of this Act, $16,500,000.

(4) For construction of the Ammunition Demilitarization Facility, Umatilla Army Depot, Oregon, authorized by section 2401 of the Military Construction Authorization Act for Fiscal Year 1995, as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996, section 2408 of the Military Construction Authorization Act for Fiscal Year 1998, and section 2405 of this Act, $50,950,000.

(5) For military construction projects at Portsmouth Naval Hospital, Virginia, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101–189; 106 Stat. 1640), as amended by section 2406 of this Act, $17,954,000.

(6) For unspecified minor construction projects under section 2805 of title 10, United States Code, $16,094,000.

(7) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $4,890,000.

(8) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $39,866,000.

(9) For energy conservation projects authorized by section 2404, $46,950,000.

(10) 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), $1,730,704,000.

(11) For military family housing functions:

(A) For improvement of military family housing and facilities, $345,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $36,899,000 of which not more than $31,139,000 may be obligated or expended for the leasing of military family housing units worldwide.

(C) For credit to the Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code, $7,000,000.

(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—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $162,050,000 (the balance of the amount authorized under section 2401(a) for the construction of the Ammunition Demilitarization Facility at Newport Army Depot, Indiana); and

(3) $158,000,000 (the balance of the amount authorized under section 2401(a) for the construction of the Ammunition Demilitarization Facility at Aberdeen Proving Ground, Maryland).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (11) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $12,000,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

SEC. 2405. INCREASE IN FISCAL YEAR 1995 AUTHORIZATION FOR MILITARY CONSTRUCTION PROJECTS AT PINE BLUFF ARSENAL, ARKANSAS, AND UMATILLA ARMY DEPOT, OREGON.

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), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539) and section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982), 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 $134,000,000'' in the amount column and inserting in lieu thereof ''$154,400,000''; and

(2) in the item relating to Umatilla Army Depot, Oregon, by striking out ''$187,000,000'' in the amount column and inserting in lieu thereof ''$193,377,000''.

SEC. 2406. INCREASE IN FISCAL YEAR 1990 AUTHORIZATION FOR MILITARY CONSTRUCTION PROJECT AT PORTSMOUTH NAVAL HOSPITAL, VIRGINIA.

(a) INCREASE.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 100–189; 103 Stat. 1640) is amended in the item relating to Portsmouth Naval Hospital, Virginia, by striking out ''$330,000,000'' and inserting in lieu thereof ''$351,354,000''.

(b) CONFORMING AMENDMENT.—Section 2405(b)(2) of that Act (103 Stat. 1642) is amended by striking out ''$321,500,000'' and inserting in lieu thereof ''$342,854,000''.

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, 1998, 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 $169,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

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

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years beginning after September 30, 1998, 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 1803 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, $70,338,000; and

(B) for the Army Reserve, $84,608,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $33,721,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $97,701,000; and

(B) for the Air Force Reserve, $35,371,000.

(b) ADJUSTMENT.—(1) The amount authorized to be appropriated pursuant to subsection (a)(1)(A) is reduced by $2,000,000, which represents the combination of project savings in

military construction resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

(2) The amount authorized to be appropriated pursuant to subsection (a)(3)(A) is reduced by $4,000,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead costs, and cancellations due to force structure changes.

SEC. 2602. ARMY RESERVE CONSTRUCTION PROJECT, SALT LAKE CITY, UTAH.

(a) COST SHARE REQUIREMENT.—With regard to the military construction project for the Army Reserve concerning construction of a reserve center and organizational maintenance shop at an appropriate site in, or in the vicinity of, Salt Lake City, Utah, to be carried out using funds appropriated pursuant to the authorization of appropriations in section 2601(a)(1)(B), the Secretary of the Army shall enter into an agreement with the State of Utah under which the State agrees to provide financial or in-kind contributions in connection with the project.

(b) REPEAL OF SUPERSEDED AUTHORITY.—(1) Section 2603 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1983) is repealed.

(2) Section 2601(a)(1)(B) of such Act is amended by striking out ''$66,267,000'' and inserting in lieu thereof ''$53,553,000''.

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, 2001; or

(2) the date of enactment of an Act authorizing funds for military construction for fiscal year 2002.

(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, 2001; or

(2) the date of enactment of an Act authorizing funds for fiscal year 2002 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1996 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 541), authorizations for the projects set forth in the tables in subsection (b), as provided in sections 2201, 2302, or 2601 of that Act, shall remain in effect until October 1, 1999, or the date of enactment of an Act authorizing funds for military construction for fiscal year 2000, whichever is later.

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

Navy: Extension of 1996 Project Authorization

State	Installation or location	Project	Amount
Puerto Rico	Naval Station Roosevelt Roads	Housing Office ..	$710,000

Air Force: Extension of 1996 Project Authorization

State	Installation or location	Project	Amount
Texas	Lackland Air Force Base	Family Housing (67 units)	$6,200,000

Army National Guard: Extension of 1996 Project Authorization

State	Installation or location	Project	Amount
Mississippi	Camp Shelby	Multipurpose Range Complex (Phase I)	$5,000,000

SEC. 2703. EXTENSION OF AUTHORIZATION OF FISCAL YEAR 1995 PROJECT.

(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), the authorization for the project set forth in the table in subsection (b), as provided in section 2201 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1985), shall remain in effect until October 1, 1999, or the date of enactment of an Act authorizing funds for military construction for fiscal year 2000, whichever is later.

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

Navy: Extension of 1995 Project Authorization

State	Installation or location	Project	Amount
Maryland	Indian Head Naval Surface Warfare Center	Denitrification/ Acid Mixing Facility	$6,400,000

SEC. 2704. EFFECTIVE DATE.

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

(1) October 1, 1998; or

(2) the date of enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. DEFINITION OF ANCILLARY SUPPORTING FACILITIES UNDER THE ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

Section 2871(1) of title 10, United States Code, is amended by inserting after ''including'' the following: ''facilities to provide or support elementary or secondary education,''.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. RESTORATION OF DEPARTMENT OF DEFENSE LANDS USED BY ANOTHER FEDERAL AGENCY.

(a) INCLUSION OF RESTORATION AS CONTRACT TERM.—Section 2691 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) As a condition of any lease, permit, license, or other grant of access entered into by the Secretary of a military department with another Federal agency authorizing the other agency to use lands under the control of the Secretary, the Secretary may require the other agency to agree to remove any improvements and to take any other action necessary in the judgment of the Secretary to restore the land used by the agency to the condition the land was in before its use by the agency. In lieu of performing the work itself, the Federal agency may elect, with the consent of the Secretary, to reimburse the Secretary for the costs incurred by the military department to perform the removal and restoration work.''.

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

''§ 2691. Restoration of land used by permit or lease''.

(2) 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 2691 and inserting in lieu thereof the following new item:

(a) ACCESS ENHANCEMENT.—Section 103 of the Sikes Act (16 U.S.C. 670c) is amended by adding at the end the following new subsections:

''(b) ACCESS FOR DISABLED VETERANS, MILITARY DEPENDENTS WITH DISABILITIES, AND OTHER PERSONS WITH DISABILITIES.—(1) In developing facilities and conducting programs for public outdoor recreation at military installations, consistent with the primary military mission of the installations, the Secretary of Defense shall ensure, to the maximum extent practicable, that outdoor recreation opportunities (including fishing, hunting, trapping, wildlife viewing, boating, and camping) made available to the public also provide equal access for persons described in paragraph (2) when topographic, vegetative, and water resources allow equal access without substantial modification to the natural environment.

''(2) Persons referred to in paragraph (1) are disabled veterans, military dependents with disabilities, and other persons with disabilities.

''(3) The Secretary of Defense shall carry out this subsection in consultation with the Secretary of Veterans Affairs, national service, military, and veterans organizations, and sporting organizations in the private sector that participate in outdoor recreation projects for persons described in paragraph (2).

''(c) ACCEPTANCE OF DONATIONS.—In connection with the facilities and programs for public outdoor recreation at military installations, in particular the requirement under subsection (b) to provide equal access for persons described in paragraph (2) of such subsection, the Secretary of Defense may accept—

''(1) the voluntary services of individuals and organizations; and

''(2) donations of money or property, whether real, personal, mixed, tangible, or intangible.

''(d) TREATMENT OF VOLUNTEERS.—A volunteer under subsection (c) shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, except that—

''(1) for the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, the volunteer shall be considered to be a Federal employee; and

''(2) for the purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, the volunteer shall be considered to be an employee, as defined in section 8101(1)(B) of title 5, United States Code, and the provisions of such subchapter shall apply.''.

(b) CONFORMING AMENDMENT.—Such section is further amended by striking out ''SEC. 103.'' and inserting in lieu thereof the following:

''SEC. 103. PROGRAM FOR PUBLIC OUTDOOR RECREATION.

''(a) PROGRAM AUTHORIZED.—''.

SEC. 2812. OUTDOOR RECREATION DEVELOPMENT ON MILITARY INSTALLATIONS FOR DISABLED VETERANS, MILITARY DEPENDENTS WITH DISABILITIES, AND OTHER PERSONS WITH DISABILITIES.

(a) ACCESS ENHANCEMENT.—Section 103 of the Sikes Act (16 U.S.C. 670c) is amended by adding at the end the following new subsections:

''(b) ACCESS FOR DISABLED VETERANS, MILITARY DEPENDENTS WITH DISABILITIES, AND OTHER PERSONS WITH DISABILITIES.—(1) In developing facilities and conducting programs for public outdoor recreation at military installations, consistent with the primary military mission of the installations, the Secretary of Defense shall ensure, to the maximum extent practicable, that outdoor recreation opportunities (including fishing, hunting, trapping, wildlife viewing, boating, and camping) made available to the public also provide equal access for persons described in paragraph (2) when topographic, vegetative, and water resources allow equal access without substantial modification to the natural environment.

''(2) Persons referred to in paragraph (1) are disabled veterans, military dependents with disabilities, and other persons with disabilities.

''(3) The Secretary of Defense shall carry out this subsection in consultation with the Secretary of Veterans Affairs, national service, military, and veterans organizations, and sporting organizations in the private sector that participate in outdoor recreation projects for persons described in paragraph (2).

''(c) ACCEPTANCE OF DONATIONS.—In connection with the facilities and programs for public outdoor recreation at military installations, in particular the requirement under subsection (b) to provide equal access for persons described in paragraph (2) of such subsection, the Secretary of Defense may accept—

''(1) the voluntary services of individuals and organizations; and

''(2) donations of money or property, whether real, personal, mixed, tangible, or intangible.

''(d) TREATMENT OF VOLUNTEERS.—A volunteer under subsection (c) shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, except that—

''(1) for the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, the volunteer shall be considered to be a Federal employee; and

''(2) for the purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, the volunteer shall be considered to be an employee, as defined in section 8101(1)(B) of title 5, United States Code, and the provisions of such subchapter shall apply.''.

(b) CONFORMING AMENDMENT.—Such section is further amended by striking out ''SEC. 103.'' and inserting in lieu thereof the following:

''SEC. 103. PROGRAM FOR PUBLIC OUTDOOR RECREATION.

''(a) PROGRAM AUTHORIZED.—''.

SEC. 2813. REPORT ON USE OF UTILITY SYSTEM CONVEYANCE AUTHORITY.

(a) REPORT REQUIRED.—Not later than March 1, 1999, the Secretary of each military department shall submit to Congress a report containing—

(1) the criteria to be used by the Secretary to select utility systems, and related real property, under the jurisdiction of the Secretary for conveyance to a municipal, private, regional, district, or cooperative utility company or other entity under the authority of section 2688 of title 10, United States Code; and

(2) a description of the manner in which the Secretary will ensure that any such conveyance does not adversely affect the national security of the United States.

(b) LIST OF LIKELY SYSTEMS FOR CONVEYANCE.—The report submitted by the Secretary of a military department under subsection (a) shall also contain a list of the utility systems, including the locations of the utility systems, that, as of the date of the submission of the report, the Secretary considers are likely to be conveyed under the authority of section 2688 of title 10, United States Code.

Subtitle C—Defense Base Closure and Realignment

SEC. 2821. PAYMENT OF STIPULATED PENALTIES ASSESSED UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980 IN CONNECTION WITH MCCLELLAN AIR FORCE BASE, CALIFORNIA.

(a) SOURCE OF PAYMENT.—Notwithstanding subsection (b) of section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of Title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), the Secretary of Defense may use amounts in the Department of Defense Base Closure Account 1990 established under subsection (a) of such section to pay stipulated penalties assessed under the Comprehensive Environmental Response Compensation and Liability Act (42 U.S.C. 9601 et seq.) against McClellan Air Force Base, California.

(b) AMOUNT OF PAYMENT.—The amount expended under the authority of subsection (a) may not exceed $15,000.

SEC. 2822. ELIMINATION OF WAIVER AUTHORITY REGARDING PROHIBITION AGAINST CERTAIN CONVEYANCES OF PROPERTY AT NAVAL STATION, LONG BEACH, CALIFORNIA.

Section 2826 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 2001) is amended by striking out subsection (e).

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2831. LAND CONVEYANCE, ARMY RESERVE CENTER, MASSENA, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Village of Massena, New York (in this section referred to as the ''Village''), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) consisting of the Army Reserve Center in Massena, New York, for the purpose of permitting the Village to develop the parcel for public benefit, including the development of municipal office space.

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

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

SEC. 2832. LAND CONVEYANCE, ARMY RESERVE CENTER, OGDENSBURG, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Ogdensburg, New York (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) consisting of the Army Reserve Center in Ogdensburg, New York, for the purpose of permitting the City to develop the parcel for public benefit, including the development of municipal office space.

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

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

SEC. 2833. LAND CONVEYANCE, ARMY RESERVE CENTER, JAMESTOWN, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Greeneview Local School District of Jamestown, Ohio, all right, title, and interest of the United States in and to a parcel of excess Federal real property, including improvements thereon, that is located at 5693 Plymouth Road in Jamestown, Ohio, and contains an Army Reserve Center.

(b) PURPOSE OF CONVEYANCE.—The purpose of the conveyance under subsection (a) is to permit the Greeneview Local School District to retain and use the conveyed property for the benefit of the students of Greeneview schools.

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

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

SEC. 2834. LAND CONVEYANCE, STEWART ARMY SUB-POST, NEW WINDSOR, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Town of New Windsor, New York (in this section referred to as the ''Town''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 291 acres at the Stewart Army Sub-Post in New Windsor, New York.

(b) EXCLUSION.—The real property to be conveyed under subsection (a) does not include any portion of the approximately 89.2-acre parcel at Stewart Army Sub-Post that is proposed for transfer to the jurisdiction and control of the Marine Corps or the approximately 22-acre parcel at Stewart Army Sub-Post that is proposed for transfer to the jurisdiction and control of the Army Reserve.

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

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

SEC. 2835. LAND CONVEYANCE, INDIANA ARMY AMMUNITION PLANT, CHARLESTOWN, INDIANA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the Indiana Army Ammunition Plant Reuse Authority (in this section referred to as the ''Reuse Authority'') all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4660 acres located at the Indiana Army Ammunition Plant, Charlestown, Indiana, for the purpose of developing the parcel as an industrial park to replace all or part of the economic activity lost at the inactivated plant.

(b) CONSIDERATION.—Except as provided in subsection (d), as consideration for the conveyance under subsection (a), the Reuse Authority

shall pay to the Secretary an amount equal to the fair market value of the conveyed property as of the time of the conveyance, determined by the Secretary in accordance with Federal appraisal standards and procedures.

(c) TIME FOR PAYMENT.—The consideration required under subsection (b) shall be paid by the Reuse Authority at the end of the 10-year period beginning on the date on which the conveyance under subsection (a) is completed.

(d) EFFECT OF RECONVEYANCE OR LEASE.—(1) If, during the 10-year period specified in subsection (c), the Reuse Authority reconveys all or any part of the property conveyed under subsection (a), the Reuse Authority shall pay to the United States an amount equal to the fair market value of the reconveyed property as of the time of the reconveyance, excluding the value of any improvements made to the property by the Reuse Authority, determined by the Secretary in accordance with Federal appraisal standards and procedures.

(2) The Secretary may treat a lease of the property within such 10-year period as a reconveyance if the Secretary determines that the lease is being used to avoid application of paragraph (1).

(e) DEPOSIT OF PROCEEDS.—The Secretary shall deposit any proceeds received under subsection (b) or (d) in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)).

(f) ADMINISTRATIVE EXPENSES.—In connection with the conveyance under subsection (a), the Secretary may accept amounts provided by the Reuse Authority or other persons to cover administrative expenses incurred by the Secretary in making the conveyance. Amounts received under this subsection for administrative expenses shall be credited to the appropriation, fund, or account from which the expenses were paid and shall be available, to the extent provided in appropriation Acts, for the same purposes and subject to the same limitations as other funds in such appropriation, fund, or account.

(g) DESCRIPTION OF PROPERTY.—The property to be conveyed under subsection (a) includes the administrative area of the Indiana Army Ammunition Plant as well as open space in the southern end of the plant. The exact acreage and legal description of the property to be conveyed shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Reuse Authority.

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

(i) ADDITIONAL CONVEYANCE FOR RECREATIONAL PURPOSES.—Section 2858(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 571), as amended by section 2838 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2006), is further amended by adding at the end the following new paragraph:

''(3) The Secretary may also convey to the State, without consideration, another parcel of real property at the Indiana Army Ammunition Plant consisting of approximately 2,000 acres of additional riverfront property in order to connect the parcel conveyed under paragraph (2) with the parcels of Charlestown State Park conveyed to the State under paragraph (1) and title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).''.

SEC. 2836. LAND CONVEYANCE, VOLUNTEER army AMMUNITION PLANT, CHATTANOOGA, TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to Hamilton County, Tennessee (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 1033 acres located at the Volunteer Army Ammunition Plant, Chattanooga, Tennessee, for the purpose of developing the parcel as an industrial park to replace all or part of the economic activity lost at the inactivated plant.

(b) CONSIDERATION.—Except as provided in subsection (d), as consideration for the conveyance under subsection (a), the County shall pay to the Secretary an amount equal to the fair market value of the conveyed property as of the time of the conveyance, determined by the Secretary in accordance with Federal appraisal standards and procedures.

(c) TIME FOR PAYMENT.—The consideration required under subsection (b) shall be paid by the County at the end of the 10-year period beginning on the date on which the conveyance under subsection (a) is completed.

(d) EFFECT OF RECONVEYANCE OR LEASE.—(1) If, during the 10-year period specified in subsection (c), the County reconveys all or any part of the property conveyed under subsection (a), the County shall pay to the United States an amount equal to the fair market value of the reconveyed property as of the time of the reconveyance, excluding the value of any improvements made to the property by the County, determined by the Secretary in accordance with Federal appraisal standards and procedures.

(2) The Secretary may treat a lease of the property within such 10-year period as a reconveyance if the Secretary determines that the lease is being used to avoid application of paragraph (1).

(e) DEPOSIT OF PROCEEDS.—The Secretary shall deposit any proceeds received under subsection (b) or (d) in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)).

(f) EFFECT ON EXISTING LEASES.—The conveyance of the real property under subsection (a) shall not affect the terms or length of any contract entered into by the Secretary before the date of the enactment of this Act with regard to the property to be conveyed.

(g) ADMINISTRATIVE EXPENSES.—In connection with the conveyance under subsection (a), the Secretary may accept amounts provided by the County or other persons to cover administrative expenses incurred by the Secretary in making the conveyance. Amounts received under this subsection for administrative expenses shall be credited to the appropriation, fund, or account from which the expenses were paid and shall be available, to the extent provided in appropriation Acts, for the same purposes and subject to the same limitations as other funds in such appropriation, fund, or account.

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

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

SEC. 2837. RELEASE OF REVERSIONARY INTEREST OF UNITED STATES IN FORMER REDSTONE ARMY ARSENAL PROPERTY CONVEYED TO ALABAMA SPACE SCIENCE EXHIBIT COMMISSION.

(a) RELEASE AUTHORIZED.—The Secretary of the Army may release, without consideration and to such extent as the Secretary considers appropriate to protect the interests of the United States, the reversionary interests of the United States in the real property described in subsection (b), which were retained by the United States when the property was conveyed to the Alabama Space Science Exhibit Commission, an agency of the State of Alabama. The release shall be executed in the manner provided in this section.

(b) DESCRIPTION OF PROPERTY.—The real property referred to in this section is the real property conveyed to the Alabama Space Science Exhibit Commission under the authority of the following provisions of law:

(1) The first section of Public Law 90–276 (82 Stat. 68).

(2) Section 813 of the Military Construction Authorization Act, 1980 (Public Law 96–125; 93 Stat. 952).

(3) Section 813 of the Military Construction Authorization Act, 1984 (Public Law 98–115; 97 Stat. 790).

(c) RELEASE, WAIVER, OR CONVEYANCE OF OTHER RIGHTS, TERMS, AND CONDITIONS.—As part of the release under subsection (a), the Secretary may release, waive, or convey, without consideration and to such extent as the Secretary considers appropriate to protect the interests of the United States—

(1) any and all other rights retained by the United States in and to the real property described in subsection (b) when the property was conveyed to the Alabama Space Science Exhibit Commission; and

(2) any and all terms and conditions and restrictions on the use of the real property imposed as part of the conveyances described in subsection (b).

(d) CONDITIONS ON RELEASE, WAIVER, OR CONVEYANCE.—(1) The Secretary may execute the release under subsection (a) or a release, waiver, or conveyance under subsection (c) only after—

(A) the Secretary approves of the master plan prepared by the Alabama Space Science Exhibit Commission, as such plan may exist or be revised from time to time, for development of the real property described in subsection (b); and

(2) the installation commander at Redstone Arsenal, Alabama, certifies to the Secretary that the release, waiver, or conveyance is consistent with the master plan.

(2) A new facility or structure may not be constructed on the real property described in subsection (b) unless the facility or structure is included in the master plan, which has been approved and certified as provided in paragraph (1).

(e) INSTRUMENT OF RELEASE, WAIVER, OR CONVEYANCE.—In making a release, waiver, or conveyance authorized by this section, the Secretary shall execute and file in the appropriate office or offices a deed of release, amended deed, or other appropriate instrument effectuating the release, waiver, or conveyance.

(f) EFFECT OF RELEASE.—Except as provided in subsection (g), upon release of any reversionary interest under this section, the right, title and interest of the Alabama Space Science Exhibit Commission in and to the real property described in subsection (b) shall, to the extent of the release, no longer be subject to the conditions prescribed in the provisions of law specified in such subsection. Except as provided in subsection (g), the Alabama Space Science Exhibit Commission may use the real property for any such purpose or purposes as it considers appropriate consistent with the master plan approved and certified as provided in subsection (d), and the real property may be conveyed by the Alabama Space Science Exhibit Commission without restriction and unencumbered by any claims or rights of the United States with respect to the property, subject to such rights, terms, and conditions of the United States previously imposed on the real property and not conveyed or released by the Secretary under subsection (c).

(g) EXCEPTIONS.—(1) Conveyance of the drainage and utility easement reserved to the United States pursuant to section 813(b)(3) of the Military Construction Authorization Act, 1984 (Public Law 98–115; 97 Stat. 791), is not authorized under this section.

(2) In no event may title to any portion of the real property described in subsection (b) be conveyed by the Alabama Space Science Exhibit Commission or any future deed holder of the real property to any person other than an agency, instrumentality, political subdivision, municipal corporation, or public corporation of the State of Alabama, and the land use of such conveyed property may not be changed without the approval of the Secretary.

PART II—NAVY CONVEYANCES

SEC. 2841. EASEMENT, MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA.

(a) EASEMENT AUTHORIZED.—The Secretary of the Navy may grant an easement, in perpetuity, to the Foothill/Eastern Transportation Corridor Agency (in this section referred to as the ''Agency'') over a parcel of real property at Marine Corps Base, Camp Pendleton, California, consisting of approximately 340 acres to permit the Recipient of the easement to construct, operate, and maintain a restricted access highway. The area covered by the easement shall include slopes and all necessary incidents thereto.

(b) CONSIDERATION.—As consideration for the conveyance of the easement under subsection (a), the Agency shall pay to the United States an amount equal to the fair market value of the easement, as determined by an independent appraisal satisfactory to the Secretary and paid for by the Agency.

(c) USE OF PROCEEDS.—In such amounts as are provided in advance in appropriation Acts, the Secretary shall use the funds paid by the Agency under subsection (b) to carry out one or more of the following programs at Camp Pendleton:

(1) Enhancement of access from Red, White, and Green Beach under the I–5 interstate highway and railroad crossings to inland areas.

(2) Improvement of roads and bridge structures in the range and training area.

(3) Realignment of Basilone Road.

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

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

SEC. 2842. LAND CONVEYANCE, NAVAL RESERVE READINESS CENTER, PORTLAND, MAINE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the Gulf of Maine Aquarium Development Corporation, Portland, Maine (in this section referred to as the ''Corporation''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon and any appurtenant interest in submerged lands thereon, consisting of approximately 3.72 acres in Portland, Maine, which is the site of the Naval Reserve Readiness Center, Portland, Maine.

(b) PURPOSE.—The purpose of the conveyance under subsection (a) is to facilitate economic development in accordance with the plan of the Corporation for the construction of an aquarium and marine research facility in Portland, Maine.

(c) CONSIDERATION.—(1) As consideration for the conveyance authorized by subsection (a), the Corporation shall provide for such facilities as the Secretary determines appropriate for the Naval Reserve to replace the facilities conveyed under that subsection.

(2) To provide the replacement facilities, the Corporation may—

(A) convey to the United States a parcel of real property determined by the Secretary to be an appropriate location for the facilities and design and construct the facilities on the conveyed parcel; or

(B) design and construct the facilities on such parcel of real property under the jurisdiction of the Secretary as the Secretary shall specify.

(3) The Secretary shall select the form in which the consideration under paragraph (2) will be provided.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a), and of the real property, if any, to be conveyed under subsection (c), shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Corporation.

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

PART III—AIR FORCE CONVEYANCES

SEC. 2851. LAND CONVEYANCE, LAKE CHARLES AIR FORCE STATION, LOUISIANA.

(a) CONVEYANCES AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to McNeese State University of Louisiana (in this section referred to as the ''University'') all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) consisting of approximately 4.38 at Lake Charles Air Force Station, Louisiana, for the purpose of permitting the University to use the parcel for educational purposes and agricultural research.

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

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

SEC. 2852. LAND CONVEYANCE, AIR FORCE HOUSING FACILITY, LA JUNTA, COLORADO.

(a) CONVEYANCE REQUIRED.—The Secretary of the Air Force may convey, without consideration, to the City of La Junta, Colorado (in this section referred to as the ''City''), all right, title, and interest of the United States in and to the unused Air Force housing facility, consisting of approximately 28 acres and improvements thereon, located within the southern most boundary of the City.

(b) PURPOSE OF CONVEYANCE.—The purpose of the conveyance under subsection (a) is to permit the city to develop the conveyed property for housing and educational purposes.

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

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

Subtitle E—Other Matters

SEC. 2861. REPEAL OF PROHIBITION ON JOINT USE OF GRAY ARMY AIRFIELD, FORT HOOD, TEXAS, WITH CIVIL AVIATION.

Section 319 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 3855) is repealed.

SEC. 2862. DESIGNATION OF BUILDING CONTAINING NAVY AND MARINE CORPS RESERVE CENTER, AUGUSTA, GEORGIA.

The building containing the Navy and Marine Corps Reserve Center located at 2869 Central Avenue in Augusta, Georgia, shall be known and designated as the ''A. James Dyess Building''.

SEC. 2863. EXPANSION OF ARLINGTON NATIONAL CEMETERY.

(a) LAND TRANSFER, NAVY ANNEX, ARLINGTON, VIRGINIA.—

(1) IN GENERAL.—The Secretary of Defense shall provide for the transfer to the Secretary of the Army of administrative jurisdiction over the following parcels of land situated in Arlington, Virginia:

(A) Certain lands which comprise approximately 26 acres bounded by Columbia Pike to the south and east, Oak Street to the west, and the boundary wall of Arlington National Cemetery to the north including Southgate Road.

(B) Certain lands which comprise approximately 8 acres bounded by Shirley Memorial Boulevard (Interstate 395) to the south, property of the Virginia Department of Transportation to the west, Columbia Pike to the north, and Joyce Street to the east.

(C) Certain lands which comprise approximately 2.5 acres bounded by Shirley Memorial Boulevard (Interstate 395) to the south, Joyce Street to the west, Columbia Pike to the north, and the cloverleaf interchange of Route 100 and Columbia Pike to the east.

(2) USE OF LAND.—The Secretary of the Army shall incorporate the parcels of land transferred under paragraph (1) into Arlington National Cemetery.

(3) REMEDIATION OF LAND FOR CEMETERY USE.—Before the transfer of administrative jurisdiction over the parcels of land under paragraph (1), the Secretary of Defense shall provide for the removal of any improvements on the parcels of land and, in consultation with the Superintendent of Arlington National Cemetery, the preparation of the land for use for interment of remains of individuals in Arlington National Cemetery.

(4) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report explaining in detail the measures required to prepare the land for use as a part of Arlington National Cemetery.

(5) DEADLINE.—The Secretary of Defense shall complete the transfer of administrative jurisdiction over the parcels of land under this subsection not later than the earlier of—

(A) January 1, 2010; or

(B) the date when those parcels are no longer required (as determined by the Secretary) for use as temporary office space due to the renovation of the Pentagon.

(b) MODIFICATION OF BOUNDARY OF ARLINGTON NATIONAL CEMETERY.—.

(1) IN GENERAL.—The Secretary of the Army shall modify the boundary of Arlington National Cemetery to include the following parcels of land situated in Fort Myer, Arlington, Virginia:

(A) Certain lands which comprise approximately 5 acres bounded by the Fort Myer Post Traditional Chapel to the southwest, McNair Road to the northwest, the Vehicle Maintenance Complex to the northeast, and the masonry wall of Arlington National Cemetery to the southeast.

(B) Certain lands which comprise approximately 3 acres bounded by the Vehicle Maintenance Complex to the southwest, Jackson Avenue to the northwest, the water pumping station to the northeast, and the masonry wall of Arlington National Cemetery to the southeast.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report describing additional parcels of land located in Fort Myer, Arlington, Virginia, that may be suitable for use to expand Arlington National Cemetery.

(3) SURVEY.—The Secretary of the Army may determine the exact acreage and legal description of the parcels of land described in paragraph (1) by a survey.

SEC. 2864. REPORTING REQUIREMENTS UNDER DEMONSTRATION PROJECT FOR PURCHASE OF FIRE, SECURITY, POLICE, PUBLIC WORKS, AND UTILITY SERVICES FROM LOCAL GOVERNMENT AGENCIES.

Section 816(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2820) is amended by striking out ''and 1998'' and inserting in lieu thereof ''through 2000''.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for weapons activities in carrying out programs necessary for national security in the amount of $4,142,100,000, to be allocated as follows:

(1) STOCKPILE STEWARDSHIP.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $2,138,375,000, to be allocated as follows:

(A) For core stockpile stewardship, $1,591,375,000, to be allocated as follows:

(i) For operation and maintenance, $1,475,832,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $115,543,000, to be allocated as follows:

Project 99–D–102, rehabilitation of maintenance facility, Lawrence Livermore National Laboratory, Livermore, California, $6,500,000.

Project 99–D–103, isotope sciences facility, Lawrence Livermore National Laboratory, Livermore, California, $4,000,000.

Project 99–D–104, protection of real property (roof reconstruction, Phase II), Lawrence Livermore National Laboratory, Livermore, California, $7,300,000.

Project 99–D–105, central health physics calibration facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $3,900,000.

Project 99–D–106, model validation and system certification test center, Sandia National Laboratories, Albuquerque, New Mexico, $1,600,000.

Project 99–D–107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $1,800,000.

Project 99–D–108, renovate existing roadways, Nevada Test Site, Nevada, $2,000,000.

Project 97–D–102, dual-axis radiographic hydrotest facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $36,000,000.

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, $20,423,000.

Project 96–D–103, ATLAS, Los Alamos National Laboratory, Los Alamos, New Mexico, $6,400,000.

Project 96–D–104, processing and environmental technology laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $18,920,000.

Project 96–D–105, contained firing facility addition, Lawrence Livermore National Laboratory, Livermore, California, $6,700,000.

(B) For inertial fusion, $498,000,000, to be allocated as follows:

(i) For operation and maintenance, $213,800,000.

(ii) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto), $284,200,000, to be allocated as follows:

Project 96–D–111, national ignition facility, Lawrence Livermore National Laboratory, Livermore, California, $284,200,000.

(C) For technology partnership and education, $49,000,000, to be allocated as follows:

(i) For technology partnership, $40,000,000.

(ii) For education, $9,000,000.

(2) STOCKPILE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $2,134,625,000, to be allocated as follows:

(A) For operation and maintenance, $2,019,303,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $115,322,000, to be allocated as follows:

Project 99–D–122, rapid reactivation, various locations, $11,200,000.

Project 99–D–123, replace mechanical utility systems Y–12, Oak Ridge, Tennessee, $1,900,000.

Project 99–D–125, replace boilers and controls, Kansas City Plant, Kansas City, Missouri, $1,000,000.

Project 99–D–127, stockpile management restructuring initiative, Kansas City Plant, Kansas City, Missouri, $13,700,000.

Project 99–D–128, stockpile management restructuring initiative, Pantex consolidation, Amarillo, Texas, $1,108,000.

Project 99–D–132, stockpile management restructuring initiative, nuclear material safeguards and security upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,700,000.

Project 98–D–123, stockpile management restructuring initiative, tritium factory modernization and consolidation, Savannah River Site, Aiken, South Carolina, $27,500,000.

Project 98–D–124, stockpile management restructuring initiative, Y–12 Plant consolidation, Oak Ridge, Tennessee, $10,700,000.

Project 97–D–122, nuclear materials storage facility renovation, Los Alamos National Laboratory, Los Alamos, New Mexico, $9,164,000.

Project 97–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $6,400,000.

Project 96–D–122, sewage treatment quality upgrade (STQU), Pantex Plant, Amarillo, Texas, $3,700,000.

Project 95–D–102, chemistry and metallurgy research (CMR) upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $16,000,000.

Project 93–D–122, life safety upgrades, Y–12 Plant, Oak Ridge, Tennessee, $3,250,000.

(3) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for program direction in carrying out weapons activities necessary for national security programs in the amount of $240,000,000.

(b) ADJUSTMENTS.—

(1) CONSTRUCTION.—The total amount authorized to be appropriated pursuant to paragraphs (1)(A)(ii), (1)(B)(ii), and (2)(B) of subsection (a) is the sum of the amounts authorized to be appropriated in those paragraphs, reduced by the sum of $30,000,000.

(2) NON-CONSTRUCTION.—The total amount authorized to be appropriated pursuant to paragraphs (1)(A)(i), (1)(B)(i), (1)(C), (2)(A), and (3) of subsection (a) is the sum of the amounts authorized to be appropriated in those paragraphs, reduced by the sum of $340,900,000, to be derived from use of prior year balances.

SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for environmental restoration and waste management in carrying out programs necessary for national security in the amount of $5,706,650,000, to be allocated as follows:

(1) CLOSURE PROJECTS.—For closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2836; 42 U.S.C. 7274n) in the amount of $1,046,240,000.

(2) PRIVATIZATION.—For privatization projects in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $286,857,000.

(3) SITE PROJECT AND COMPLETION.—For site project and completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,085,253,000, to be allocated as follows:

(A) For operation and maintenance, $886,090,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $199,163,000, to be allocated as follows:

Project 99–D–402, tank farm support services, F&H areas, Savannah River Site, Aiken, South Carolina, $2,745,000.

Project 99–D–404, health physics instrumentation laboratory, Idaho National Engineering Laboratory, Idaho, $950,000.

Project 98–D–401, H-tank farm storm water systems upgrade, Savannah River Site, Aiken, South Carolina, $3,120,000.

Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $26,814,000.

Project 98–D–700, road rehabilitation, Idaho National Engineering Laboratory, Idaho, $7,710,000.

Project 97–D–450, Actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, $79,184,000.

Project 97–D–470, environmental monitoring laboratory, Savannah River Site, Aiken, South Carolina, $7,000,000.

Project 96–D–406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $38,680,000.

Project 96–D–408, waste management upgrades, Kansas City Plant, Kansas City, Missouri, and Savannah River Site, Aiken, South Carolina, $4,512,000.

Project 96–D–464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $11,544,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $8,000,000.

Project 95–D–456, security facilities consolidation, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $485,000.

Project 92–D–140, F&H canyon exhaust upgrades, Savannah River Site, Aiken, South Carolina, $3,667,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $4,752,000.

(4) POST-2006 COMPLETION.—For post-2006 project completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $2,765,451,000, to be allocated as follows:

(A) For operation and maintenance, $2,684,195,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $81,256,000, to be allocated as follows:

Project 99–D–403, privatization phase I infrastructure support, Richland, Washington, $14,800,000.

Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $22,723,000.

Project 96–D–408, waste management upgrades, Richland, Washington, $171,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $32,860,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $10,702,000.

(5) SCIENCE AND TECHNOLOGY.—For science and technology in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $270,750,000.

(6) PROGRAM DIRECTION.—For program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $346,199,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1), (3)(A), (4)(A), (5), and (6) of subsection (a) is the sum of the amounts authorized to be appropriated in those paragraphs, reduced by the sum of $94,100,000, to be derived from use of prior year balances.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for other defense activities in carrying out programs necessary for national security in the amount of $1,720,760,000, to be allocated as follows:

(1) NONPROLIFERATION AND NATIONAL SECURITY.—For nonproliferation and national security, $693,900,000, to be allocated as follows:

(A) For verification and control technology, $500,500,000, to be allocated as follows:

(i) For nonproliferation and verification research and development, $210,000,000.

(ii) For arms control, $256,900,000.

(iii) For intelligence, $33,600,000.

(B) For nuclear safeguards and security, $53,200,000.

(C) For security investigations, $30,000,000.

(D) For emergency management, $21,300,000.

(E) For program direction, $88,900,000.

(2) WORKER AND COMMUNITY TRANSITION ASSISTANCE.—For worker and community transition assistance, $45,000,000, to be allocated as follows:

(A) For worker and community transition, $41,000,000.

(B) For program direction, $4,000,000.

(3) FISSILE MATERIALS CONTROL AND DISPOSITION.—For fissile materials control and disposition, $168,960,000, to be allocated as follows:

(A) For operation and maintenance, $111,372,000.

(B) For program direction, $4,588,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $53,000,000, to be allocated as follows:

Project 99–D–141, pit disassembly and conversion facility, various locations, $25,000,000.

Project 99–D–143, mixed oxide fuel fabrication facility, various locations, $28,000,000.

(4) ENVIRONMENT, SAFETY, AND HEALTH.—For environment, safety, and health, defense, $94,000,000, to be allocated as follows:

(A) For the Office of Environment, Safety, and Health (Defense), $89,231,000.

(B) For program direction, $4,769,000.

(5) OFFICE OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, $2,400,000.

(6) INTERNATIONAL NUCLEAR SAFETY.—For international nuclear safety, $35,000,000.

(7) NAVAL REACTORS.—For naval reactors, $681,500,000, to be allocated as follows:

(A) For naval reactors development, $661,400,000, to be allocated as follows:

(i) For operation and maintenance, $639,600,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $21,800,000, to be allocated as follows:

GPN–101 general plant projects, various locations, $9,000,000.

Project 98–D–200, site laboratory/facility upgrade, various locations, $7,000,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $5,800,000.

(B) For program direction, $20,100,000.

(b) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in paragraphs (1) through (7) of subsection (a) reduced by the sum of $20,000,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1999 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $190,000,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $5,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $5,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(c) LIMITATION.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title,

the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

(a) IN GENERAL.—Except as provided in subsection (b), when so specified in an appropriations Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

(b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—Amounts appropriated for program direction pursuant to an authorization of appropriations in subtitle A shall remain available to be expended only until the end of fiscal year 2000.

SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project.

(b) LIMITATIONS.—(1) Only one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project under subsection (a) may not exceed $5,000,000 in a fiscal year.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at the field office.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) DEFINITIONS.—In this section:

(1) The term ''program or project'' means, with respect to a field office of the Department of Energy, any of the following:

(A) A project listed in paragraph (3) or (4) of section 3102.

(B) A program referred to in paragraph (3), (4), or (5) of section 3102.

(C) A project or program not described in subparagraph (A) or (B) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of enactment of this Act.

(2) The term ''defense environmental management funds'' means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(f) DURATION OF AUTHORITY.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during the period beginning on October 1, 1998, and ending on September 30, 1999.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. PROHIBITION ON FEDERAL LOAN GUARANTEES FOR DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION PROJECTS.

Section 3132 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034) is amended by adding at the end the following new subsection:

''(g) PROHIBITION ON LOAN GUARANTEES.—The Secretary of Energy may not guarantee any loan made by a private sector entity to a contractor to pay for any costs (including costs described in subsection (a)(3)) borne by the contractor to carry out a contract entered into under this section.''.

SEC. 3132. EXTENSION OF FUNDING PROHIBITION RELATING TO INTERNATIONAL COOPERATIVE STOCKPILE STEWARDSHIP.

Section 3133(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2036) is amended by striking out ''for fiscal year 1998'' and inserting in lieu thereof ''for any fiscal year''.

SEC. 3133. USE OF CERTAIN FUNDS FOR MISSILE DEFENSE TECHNOLOGY DEVELOPMENT.

Of the funds authorized to be appropriated pursuant to section 3101, the Secretary of Energy shall make available not less than $60,000,000 for the purpose of developing, demonstrating, and testing hit-to-kill interceptor vehicles for theater missile defense systems. The Secretary shall carry out this section in cooperation with the Ballistic Missile Defense Organization of the Department of Defense.

SEC. 3134. SELECTION OF TECHNOLOGY FOR TRITIUM PRODUCTION.

(a) SELECTION OF TECHNOLOGY.—(1) Subject to paragraph (2), the Secretary of Energy shall select a primary technology for the production of tritium not later than December 31, 1999.

(2) The Secretary may not select a primary technology for the production of tritium until the date that is the later of the following:

(A) The date occurring 30 days after the completion of the test program at the Watts Bar Nuclear Station, Tennessee.

(B) The date on which the report required by subsection (b) is submitted.

(b) REPORT.—The Secretary of Energy shall submit to Congress a report on the results of the test program at the Watts Bar Nuclear Station. The report shall include—

(1) data on any leakage of tritium from the test rods;

(2) the amount of tritium produced during the test; and

(3) any other technical findings resulting from the test.

SEC. 3135. LIMITATION ON USE OF CERTAIN FUNDS AT HANFORD SITE.

(a) LIMITATION.—(1) None of the funds described in subsection (b) may be used unless the Secretary of Energy certifies to Congress not later than 90 days after the date of the enactment of this Act that the Department of Energy does not intend to pay overhead costs that exceed more than 33 percent of total contract costs during fiscal year 1999 for the Project Hanford Management Contractors (at the Hanford Site, Richland, Washington), including the prime contractor and subcontractors at any tier (including Enterprise Company contractors).

(2) For purposes of paragraph (1), overhead costs include—

(A) indirect overhead costs, which include all activities whose costs are spread across other accounts of the contractor or site;

(B) support service overhead costs, which include activities or services for which programs pay per unit used;

(C) all fee, awards, and other profit on indirect and support service overhead costs, or fees that are not attributable to performance on a single project;

(D) any portion of Enterprise Company costs for which there is no competitive bid and which, under the prior contract, had been an indirect or service function; and

(E) all computer service and information management costs that had previously been reported in indirect overhead or service center pool accounts.

(b) FUNDS.—The funds referred to in subsection (a) are the following:

(1) $12,000,000 for reactor decontamination and decommissioning, as authorized to be appropriated by section 3102 and allocated under subsection (a)(4)(A).

(2) $18,000,000 for single-shell tank drainage, as authorized to be appropriated by section 3102 and allocated under subsection (a)(4)(A).

(c) USE OF SAVINGS.—The expected savings during fiscal year 1999 from compliance with subsection (a) shall be used at the Hanford Site for ensuring full compliance with the Hanford Federal Facility Agreement and Consent Order and recommendations of the Defense Nuclear Facilities Safety Board.

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

(1) overhead costs for contractors performing environmental cleanup work at defense nuclear facilities are out of control;

(2) some of the increase in overhead costs can be attributed to unnecessary regulation by the Department of Energy; and

(3) the Department of Energy should take whatever actions possible to minimize any increased costs of contractor overhead that are attributable to unnecessary regulation by the Department.

Subtitle D—Other Matters

SEC. 3151. TERMINATION OF WORKER AND COMMUNITY TRANSITION ASSISTANCE.

(a) PROHIBITION.—No funds may be used by the Secretary of Energy after September 30, 2000, to provide worker or community transition assistance with respect to defense nuclear facilities, including assistance provided under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h).

(b) REPEAL.—Effective October 1, 2000, section 3161 of the National Defense Authorization Act

for Fiscal Year 1993 (42 U.S.C. 7274h) is repealed.

(c) STUDY BY THE GENERAL ACCOUNTING OFFICE.—

(1) STUDY REQUIREMENT.—The Comptroller General shall conduct a study on the effects of workforce restructuring plans for defense nuclear facilities developed pursuant to section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h).

(2) MATTERS COVERED BY STUDY.—The study shall cover the four-year period preceding the date of the enactment of this Act and shall include the following:

(A) An analysis of the number of jobs created by any employee retraining, education, and reemployment assistance and any community impact assistance provided in each workforce restructuring plan developed pursuant to section 3161 of the National Defense Authorization Act for Fiscal Year 1993.

(B) An analysis of other benefits provided pursuant to such plans, including any assistance provided to community reuse organizations.

(C) A description of the funds expended, and the funds obligated but not expended, pursuant to such plans as of the date of the report.

(D) A description of the criteria used since October 23, 1992, in providing assistance pursuant to such plans.

(E) A comparison of any similar benefits provided—

(i) pursuant to such a plan to employees whose employment at the defense nuclear facility covered by the plan is terminated; and

(ii) to employees whose employment at a facility where more than 50 percent of the revenues are derived from contracts with the Department of Defense has been terminated as a result of cancellation, termination, or completion of contracts with the Department of Defense and the employees whose employment is terminated constitute more than 15 percent of the employees at that facility.

(F) A comparison of—

(i) involuntary separation benefits provided to employees of Department of Energy contractors and subcontractors under such plans; and

(ii) involuntary separation benefits provided to employees of the Federal Government.

(G) A comparison of costs to the Federal Government (including costs of involuntary separation benefits) for—

(i) involuntary separations of employees of Department of Energy contractors and subcontractors; and

(ii) involuntary separations of employees of contractors and subcontractors of other Federal Government departments and agencies.

(H) A description of the length of service and hiring dates of employees of Department of Energy contractors and subcontractors provided benefits under such plans in the two-year period preceding the date of the enactment of this Act.

(3) REPORT ON STUDY.—The Comptroller General shall submit a report to Congress on the results of the study not later than March 31, 1999.

(4) DEFINITION.—In this section, the term ''defense nuclear facility'' has the meaning provided the term ''Department of Energy defense nuclear facility'' in section 3163 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274j).

(d) EFFECT ON USEC PRIVATIZATION ACT.—(1) Section 3110(a)(5) of the USEC Privatization Act (Public Law 104–134; 110 Stat. 1321–341; 42 U.S.C. 2297h–8(a)(5)) is amended by adding at the end the following: ''With respect to such section 3161, the Secretary shall, on and after the effective date of the repeal of such section, provide assistance to any such employee in accordance with the terms of such section as in effect on the day before the effective date of its repeal.''.

(2) After the effective date of the repeal of section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h), no funds appropriated to the Department of Energy for atomic energy defense activities may be used to provide assistance under that section (by reason of the amendment made by paragraph (1)) to the adversely affected employees described in section 3110(a)(5) of the USEC Privatization Act (Public Law 104–134; 110 Stat. 1321–341; 42 U.S.C. 2297h–8(a)(5)).

SEC. 3152. REQUIREMENT FOR PLAN TO MODIFY EMPLOYMENT SYSTEM USED BY DEPARTMENT OF ENERGY IN DEFENSE ENVIRONMENTAL MANAGEMENT PROGRAMS.

(a) PLAN REQUIREMENT.—(1) The Secretary of Energy shall develop a plan to modify the Federal employment system used within the defense environmental management programs of the Department of Energy to allow for workforce restructuring in those programs.

(2) The plan shall address strategies to recruit and hire—

(A) individuals with a high degree of scientific and technical competence in the areas of nuclear and toxic waste remediation and environmental restoration; and

(B) individuals with the necessary skills to manage large construction and environmental remediation projects.

(3) The plan shall include an identification of the provisions of Federal law that would need to be changed to allow the Secretary of Energy to restructure the Department of Energy defense environmental management workforce to hire individuals described in paragraph (2), while staying within any numerical limitations required by law (including section 3161 of Public Law 103–337 (42 U.S.C. 7231 note)) on employment of such individuals.

(b) REPORT.—The Secretary shall submit to Congress a report on the plan developed under subsection (a).

(c) LIMITATION ON USE OF CERTAIN FUNDS.—The Secretary of Energy may not use more than 75 percent of the funds available to the Secretary pursuant to the authorization of appropriations in section 3102(a)(6) (relating to program direction) until the Secretary submits the report required by subsection (b).

SEC. 3153. REPORT ON STOCKPILE STEWARDSHIP CRITERIA.

(a) REQUIREMENT FOR CRITERIA.—The Secretary of Energy shall develop clear and specific criteria for judging whether the science-based tools being used by the Department of Energy for determining the safety and reliability of the nuclear weapons stockpile are performing in a manner that will provide an adequate degree of certainty that the stockpile is safe and reliable.

(b) REPORT.—Not later than March 1, 1999, the Secretary of Energy shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the efforts by the Department of Energy to develop the criteria required by subsection (a). The report shall include—

(1) a description of the information needed to determine that the nuclear weapons stockpile is safe and reliable and the relationship of the science-based tools to the collection of that information; and

(2) a description of the criteria required by subsection (a) to the extent they have been defined as of the date of the submission of the report.

TITLE XXXII–DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1999, $17,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. DEFINITIONS.

In this title:

(1) The term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term ''National Defense Stockpile Transaction Fund'' means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 1999, the National Defense Stockpile Manager may obligate up to $82,647,000 of the funds in the National Defense Stockpile Transaction Fund for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

SEC. 3401. DEFINITIONS.

In this title:

(1) The term ''naval petroleum reserves'' has the meaning given the term in section 7420(2) of title 10, United States Code.

(2) The term ''Naval Petroleum Reserve Numbered 2'' means the naval petroleum reserve, commonly referred to as the Buena Vista unit, that is located in Kern County, California, and was established by Executive order of the President, dated December 13, 1912.

(3) The term ''Naval Petroleum Reserve Numbered 3'' means the naval petroleum reserve, commonly referred to as the Teapot Dome unit, that is located in the State of Wyoming and was established by Executive order of the President, dated April 30, 1915.

(4) The term ''Oil Shale Reserve Numbered 2'' means the naval petroleum reserve that is located in the State of Utah and was established by Executive order of the President, dated December 6, 1916.

(5) The term ''antitrust laws'' means has the meaning given the term in section 1(a) of the Clayton Act (15 U.S.C. 12(a)), except that the term also includes—

(A) the Act of June 19, 1936 (15 U.S.C. 13 et seq.; commonly known as the Robinson-Patman Act); and

(B) section 5 of the Federal Trade Commission Act (15 U.S.C. 45), to the extent that such section applies to unfair methods of competition.

(6) The term ''general land laws'' includes the Mineral Leasing Act (30 U.S.C. 181 et seq.) and the Materials Act of 1947 (30 U.S.C. 601 et seq.), but excludes the Mining Law of 1872 (30 U.S.C. 22 et seq.).

(7) The term ''petroleum'' has the meaning given the term in section 7420(3) of title 10, United States Code.

SEC. 3402. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Secretary of Energy $22,500,000 for fiscal year 1999 for the purpose of carrying out—

(1) activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves;

(2) closeout activities at Naval Petroleum Reserve Numbered 1 upon the sale of that reserve under subtitle B of title XXXIV of the National Defense Authorization Act for fiscal year 1996 (Public Law 104–106; 10 U.S.C. 7420 note); and

(3) activities under this title relating to the disposition of Naval Petroleum Reserve Numbered 2, Naval Petroleum Reserve Numbered 3, and Oil Shale Reserve Numbered 2.

(b) AVAILABILITY OF APPROPRIATIONS.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

SEC. 3403. PRICE REQUIREMENT ON SALE OF CERTAIN PETROLEUM DURING FISCAL YEAR 1999.

Notwithstanding section 7430(b)(2) of title 10, United States Code, during fiscal year 1999, any sale of any part of the United States share of petroleum produced from Naval Petroleum Reserve Numbered 2 or Naval Petroleum Reserve Numbered 3, shall be made at a price not less than 90 percent of the current sales price, as estimated by the Secretary of Energy, of comparable petroleum in the same area.

SEC. 3404. DISPOSAL OF NAVAL PETROLEUM RESERVE NUMBERED 2.

(a) DISPOSAL OF FORD CITY LOTS.—(1) Subject to section 3407, the Secretary of Energy shall dispose of that portion of Naval Petroleum Reserve Numbered 2 located within the town lots in Ford City, California, as generally depicted on the map of Naval Petroleum Reserve Numbered 2 that accompanies the report of the Secretary entitled ''Report and Recommendations on the Management and Disposition of the Naval Petroleum and Oil Shale Reserves (Excluding Elk Hills)'', dated March 1997.

(2) The Secretary of Energy may carry out the disposal of that portion of Naval Petroleum Reserve Numbered 2 described in paragraph (1) by competitive sale or lease consistent with commercial practices, by transfer to another Federal agency or a public or private entity, or by any other means. Any competitive sale or lease under this subsection shall provide for the disposal of all right, title, and interest of the United States in the property to be conveyed. The Secretary of Energy may use the authority provided by the Act of June 14, 1926 (43 U.S.C. 869 et seq.; commonly known as the Recreation and Public Purposes Act), in the same manner and to the same extent as the Secretary of the Interior, to dispose of that portion of Naval Petroleum Reserve Numbered 2 described in paragraph (1).

(3) The Secretary of Energy may extend to a purchaser or other transferee of property under this subsection such indemnities and warranties as the Secretary considers reasonable and necessary to protect the purchaser or transferee from claims arising from the ownership of the property by the United States or the administration of the property by the Secretary of Energy.

(b) EVENTUAL TRANSFER OF ADMINISTRATIVE JURISDICTION.—(1) The Secretary of Energy shall continue to administer Naval Petroleum Reserve Numbered 2 (other than the portion of the reserve subject to disposal under subsection (a)) in accordance with chapter 641 of title 10, United States Code, until such time as the Secretary makes a determination to abandon oil and gas operations in Naval Petroleum Reserve Numbered 2 in accordance with commercial operating practices.

(2) After oil and gas operations are abandoned in Naval Petroleum Reserve Numbered 2 under paragraph (1), the Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction and control over all public domain lands included within Naval Petroleum Reserve Numbered 2 (other than the portion of the reserve subject to disposal under subsection (a)) for management in accordance with the general land laws.

(c) RELATIONSHIP TO ANTITRUST LAWS.—This section does not modify, impair, or supersede the operation of the antitrust laws.

SEC. 3405. DISPOSAL OF NAVAL PETROLEUM RESERVE NUMBERED 3.

(a) CONTINUED ADMINISTRATION PENDING TERMINATION OF OPERATIONS.—The Secretary of Energy shall continue to administer Naval Petroleum Reserve Numbered 3 in accordance with chapter 641 of title 10, United States Code, until such time as the Secretary makes a determination to abandon oil and gas operations in Naval Petroleum Reserve Numbered 3 in accordance with commercial operating practices.

(b) DISPOSAL AUTHORITY.—(1) After oil and gas operations are abandoned in Naval Petroleum Reserve Numbered 3, the Secretary of Energy may dispose of, subject to section 3407, the reserve by sale, lease, transfer, or other means. Any sale or lease shall provide for the disposal of all right, title, and interest of the United States in the property to be conveyed and shall be conducted in accordance with competitive procedures consistent with commercial practices, as established by the Secretary of Energy.

(2) The Secretary of Energy may extend to a purchaser or other transferee of property under this subsection such indemnities and warranties as the Secretary considers reasonable and necessary to protect the purchaser or transferee from claims arising from the ownership of the property by the United States or the administration of the property by the Secretary of Energy.

(c) RELATIONSHIP TO ANTITRUST LAWS.—This section does not modify, impair, or supersede the operation of the antitrust laws.

SEC. 3406. DISPOSAL OF OIL SHALE RESERVE NUMBERED 2.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Subject to section 3407, effective September 30, 1999, the Secretary of Energy shall transfer to the Secretary of the Interior administrative jurisdiction and control over all public domain lands included within Oil Shale Reserve Numbered 2 for management in accordance with the general land laws.

(b) RELATIONSHIP TO INDIAN RESERVATION.—The transfer of administrative jurisdiction under this section does not affect any interest, right, or obligation respecting the Uintah and Ouray Indian Reservation located in Oil Shale Reserve Numbered 2.

SEC. 3407. ADMINISTRATION.

(a) CONTRACT AUTHORITY.—Using the authority provided by section 303(c)(7) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(7)), the Secretary of Energy and the Secretary of the Interior may separately enter into contracts for the acquisition of such services as the Secretary considers necessary to carry out the requirements of this title, except that the notification required under subparagraph (B) of such section for each such contract shall be submitted to Congress not less than seven days before the award of the contract.

(b) PROTECTION OF EXISTING RIGHTS.—At the discretion of the Secretary of Energy, the disposal of property under this title shall be subject to any contract related to the United States ownership interest in the property in effect at the time of disposal, including any lease agreement pertaining to the United States interest in Naval Petroleum Reserve Numbered 2.

(c) DEPOSIT OF RECEIPTS.—Notwithstanding any other law, all monies received by the United States from the disposal of property under this title or under section 7439 of title 10, United States Code, including monies received from a lease entered into under this title or such section, shall be deposited in the general fund of the Treasury.

(d) TREATMENT OF ROYALTIES.—Any petroleum accruing to the United States as royalty from any lease of lands transferred under this title or under section 7439 of title 10, United States Code, shall be delivered to the United States, or shall be paid for in money, as the Secretary of the Interior may elect.

(e) ELEMENTS OF LEASE.—A lease under this title may provide for the exploration for, and development and production of, petroleum, other than petroleum in the form of oil shale.

(f) RELATIONSHIP TO CURRENT LAW.—Except as otherwise provided in this title, chapter 641 of title 10, United States Code, does not apply to the disposal of property under this title and ceases to apply to property in Naval Petroleum Reserve Numbered 2, Naval Petroleum Reserve Numbered 3, and Oil Shale Reserve Numbered 2, upon the final disposal of the property.

TITLE XXXV—PANAMA CANAL COMMISSION

SEC. 3501. SHORT TITLE; REFERENCES TO PANAMA CANAL ACT OF 1979.

(a) SHORT TITLE.—This title may be cited as the ''Panama Canal Commission Authorization Act for Fiscal Year 1999''.

(b) REFERENCES TO PANAMA CANAL ACT OF 1979.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.).

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to use amounts in the Panama Canal Revolving Fund to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, improvement, and administration of the Panama Canal for fiscal year 1999.

(b) LIMITATIONS.—For fiscal year 1999, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $90,000 for official reception and representation expenses, of which—

(1) not more than $28,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $14,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $48,000 may be used for official reception and representation expenses of the Administrator of the Commission.

SEC. 3503. PURCHASE OF VEHICLES.

Notwithstanding any other provision of law, the funds available to the Commission shall be available for the purchase and transportation to the Republic of Panama of passenger motor vehicles built in the United States, the purchase price of which shall not exceed $23,000 per vehicle.

SEC. 3504. EXPENDITURES ONLY IN ACCORDANCE WITH TREATIES.

Expenditures authorized under this title may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

SEC. 3505. DONATIONS TO THE COMMISSION.

Section 1102b (22 U.S.C. 3612b) is amended by adding at the end the following new subsection:

''(f)(1) The Commission may seek and accept donations of funds, property, and services from individuals, foundations, corporations, and other private and public entities for the purpose of carrying out its promotional activities.

''(2) The Commission shall establish written guidelines setting forth the criteria to be used in determining whether the acceptance of funds, property, or services authorized by paragraph (1) would reflect unfavorably upon the ability of the Commission (or any employee of the Commission) 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 of any official in those programs.''.

SEC. 3506. SUNSET OF UNITED STATES OVERSEAS BENEFITS JUST BEFORE TRANSFER.

(a) REPEALS.—Effective 11:59 p.m. (Eastern Standard Time), December 30, 1999, the following provisions are repealed and any right or condition of employment provided for in, or arising from, those provisions is terminated: sections

1206 (22 U.S.C. 3646), 1207 (22 U.S.C. 3647), 1217(a) (22 U.S.C. 3657(a)), and 1224(11) (22 U.S.C. 3664(11)), subparagraphs (A), (B), (F), (G), and (H) of section 1231(a)(2) (22 U.S.C. 3671(a)(2)) and section 1321(e) (22 U.S.C. 3731(e)).

(b) SAVINGS PROVISION FOR BASIC PAY.—Notwithstanding subsection (a), benefits based on basic pay, as listed in paragraphs (1), (2), (3), (5), and (6) of section 1218 of the Panama Canal Act of 1979, shall be paid as if sections 1217(a) and 1231(a)(2) (A) and (B) of that Act had been repealed effective 12:00 p.m., December 31, 1999. The exception under the preceding sentence shall not apply to any pay for hours of work performed on December 31, 1999.

(c) NONAPPLICABILITY TO AGENCIES IN PANAMA OTHER THAN PANAMA CANAL COMMISSION.—Section 1212(b)(3) (22 U.S.C. 3652(b)(3)) is amended by striking out ''the Panama Canal Transition Facilitation Act of 1997'' and inserting in lieu thereof ''the Panama Canal Transition Facilitation Act of 1997 (subtitle B of title XXXV of Public Law 105–85; 110 Stat. 2062), or the Panama Canal Commission Authorization Act for Fiscal Year 1999''.

SEC. 3507. CENTRAL EXAMINING OFFICE.

Section 1223 (22 U.S.C. 3663) is repealed.

SEC. 3508. LIABILITY FOR VESSEL ACCIDENTS.

(a) COMMISSION LIABILITY SUBJECT TO CLAIMANT INSURANCE.—(1) Section 1411(a) (22 U.S.C. 3771(a)) is amended by inserting ''to section 1419(b) of this Act and'' after ''Subject'' in the first sentence.

(2) Section 1412 (22 U.S.C. 3772) is amended by striking out ''The Commission'' in the first sentence and inserting in lieu thereof ''Subject to section 1419(b) of this Act, the Commission''.

(3) Section 1416 (22 U.S.C. 3776) is amended by striking out ''A claimant'' in the first sentence and inserting in lieu thereof ''Subject to section 1419(b) of this Act, a claimant''.

(b) LIMITATION ON LIABILITY.—Section 1419 (22 U.S.C. 3779) is amended by designating the text as subsection (a) and by adding at the end the following:

''(b) The Commission may not consider or pay any claim under section 1411 or 1412 of this Act, nor may an action for damages lie thereon, unless the claimant is covered by one or more valid policies of insurance totalling at least $1,000,000 against the injuries specified in those sections. The Commission's liability on any such claim shall be limited to damages in excess of all amounts recovered or recoverable by the claimant from its insurers. The Commission may not consider or pay any claim by an insurer or subrogee of a claimant under section 1411 or 1412 of this Act.''.

SEC. 3509. PANAMA CANAL BOARD OF CONTRACT APPEALS.

(a) ESTABLISHMENT AND PAY OF BOARD.—Section 3102(a) (22 U.S.C. 3862(a)) is amended—

(1) in paragraph (1), by striking out ''shall'' in the first sentence and inserting in lieu thereof ''may''; and

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

''(3) Compensation for members of the Board of Contract Appeals shall be established by the Commission's supervisory board, except that such compensation may not be reduced during a member's term of office from the level established at the time of the appointment.''.

(b) DEADLINE FOR COMMENCEMENT OF BOARD.—Section 3102(e) (22 U.S.C. 3862(e)) is amended by striking out '', but not later than January 1, 1999''.

SEC. 3510. TECHNICAL AMENDMENTS.

(a) PANAMA CANAL ACT OF 1979.—The Panama Canal Act of 1979 is amended as follows:

(1) Section 1202(c) (22 U.S.C. 3642(c)) is amended—

(A) by striking out ''the day before the date of the enactment of the Panama Canal Transition Facilitation Act of 1997'' and inserting in lieu thereof ''November 17, 1997,'';

(B) by striking out ''on or after that date''; and

(C) by striking out ''the day before the date of enactment'' and inserting in lieu thereof ''that date''.

(2) Section 1212(b)(3) (22 U.S.C. 3652(b)(3)) is amended by inserting ''the'' after ''by the head of''.

(3) Section 1313 (22 U.S.C. 3723) is amended by striking out ''subsection (d)'' in each of subsections (a), (b), and (d) and inserting in lieu thereof ''subsection (c)''.

(4) Sections 1411(a) and 1412 (22 U.S.C. 3771(a), 3772) are amended by striking out ''the date of the enactment of the Panama Canal Transition Facilitation Act of 1997'' and inserting in lieu thereof ''by November 18, 1998''.

(b) PUBLIC LAW 104–201.—Effective as of September 23, 1996, and as if included therein as enacted, section 3548(b)(3) of the Panama Canal Act Amendments of 1996 (subtitle B of title XXXV of Public Law 104–201; 110 Stat. 2869) is amended by striking out ''section'' in both items of quoted matter and inserting in lieu thereof ''sections''.

TITLE XXXVI—MARITIME ADMINISTRATION

SEC. 3601. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1999.

Funds are hereby authorized to be appropriated for fiscal year 1999, to be available without fiscal year limitation if so provided in appropriations Act, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $70,553,000.

(2) For expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 U.S.C. App. 1271 et seq.), $20,000,000 of which—

(A) $16,000,000 is for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $4,000,000 is for administrative expenses related to loan guarantee commitments under the program.

SEC. 3602. CONVEYANCE OF NDRF VESSEL M/V BAYAMON.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation may convey all right, title, and interest of the United States Government in and to the vessel M/V BAYAMON (United States official number 530007) to the Trade Fair Ship Company, a corporation established under the laws of the State of Deleware and having its principal offices located in New York, New York (in this section referred to as the ''recipient''), for use as floating trade exposition to showcase United States technology, industrial products, and services.

(b) TERMS OF CONVEYANCE.—

(1) DELIVERY OF VESSEL.—In carrying out subsection (a), the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date; and

(C) at no cost to the United States Government.

(2) REQUIRED CONDITIONS.—The Secretary may not convey a vessel under this section unless—

(A) the recipient pays consideration equal to the domestic fair market value of the vessel as determined by the Secretary;

(B) the recipient agrees that any repair, restoration, or reconstruction work for the vessel will be performed in the United States;

(C) the recipient agrees to hold the Government harmless for any claims arising from exposure to hazardous material, including asbestos and polychlorinated biphenyls, after the conveyance of the vessel, except for claims arising before the date of the conveyance or from use of the vessel by the Government after that date; and

(D) the recipient provides sufficient evidence to the Secretary that it has adequate financial resources in the form of cash, liquid assets, or a written loan commitment to complete the reconstruction of the vessel.

(3) ADDITIONAL TERMS.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) PROCEEDS.—Any amounts received by the United States as proceeds from the sale of the M/V BAYAMON shall be deposited in the Vessel Operations Revolving Fund established by the Act of June 2, 1951 (chapter 121; 46 App. U.S.C. 1241a).

SEC. 3603. CONVEYANCE OF NDRF VESSELS BENJAMIN ISHERWOOD AND HENRY ECKFORD.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation may convey all right, title, and interest of the United States Government in and to the vessels BENJAMIN ISHERWOOD (TAO–191) and HENRY ECKFORD (TAO–192) to a purchaser for the purpose of reconstruction of those vessels for sale or charter.

(b) TERMS OF CONVEYANCE.—

(1) DELIVERY OF VESSEL.—In carrying out subsection (a), the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of the conveyance;

(B) in its condition on that date; and

(C) at no cost to the United States Government.

(2) REQUIRED CONDITIONS.—The Secretary may not convey a vessel under this section unless—

(A) the recipient pays consideration equal to the domestic fair market value of the vessel, as determined by the Secretary;

(B) the recipient agrees to sell or charter the vessel to a member nation of the North Atlantic Treaty Organization for use as an oiler;

(C) the recipient provides sufficient evidence to the Secretary that it has adequate financial resources in the form of cash, liquid assets, or a written loan commitment to complete the reconstruction of the vessel;

(D) the recipient agrees that any repair, restoration, or reconstruction work for the vessel will be performed in the United States; and

(E) the recipient agrees to hold the Government harmless for any claims arising from defects in the vessel or from exposure to hazardous material, including asbestos and polychlorinated biphenyls, after the conveyance of the vessel, except for claims arising before the date of the conveyance or from use of the vessel by the Government after that date.

(3) ADDITIONAL TERMS.—The Secretary may require such additional terms in connection with a conveyance authorized by this section as the Secretary considers appropriate.

(c) PROCEEDS.—Any amounts received by the United States as proceeds from the sale of a vessel under this section shall be deposited in the Vessel Operations Revolving Fund established by the Act of June 2, 1951 (chapter 121; 46 App. U.S.C. 1241a).

(d) DURATION OF AUTHORITY.—The authority of the Secretary under this section may only be exercised during the one-year period beginning on the date of the enactment of this Act.

SEC. 3604. CLEARINGHOUSE FOR MARITIME INFORMATION.

Of the amount authorized to be appropriated pursuant to section 3601(1) for operations of the Maritime Administration, $75,000 shall be available for the establishment at a State Maritime Academy of a clearinghouse for maritime information that makes that information publicly available, including by use of the Internet.

SEC. 3605. CONVEYANCE OF NDRF VESSEL EX-USS LORAIN COUNTY.

(a) AUTHORITY TO CONVEY.—The Secretary of Transportation may convey all right, title, and interest of the Federal Government in and to the

vessel ex-USS LORAIN COUNTY (LST–1177) to the Ohio War Memorial, Inc., located in Sandusky, Ohio (in this section referred to as the ''recipient''), for use as a memorial to Ohio veterans.

(b) TERMS OF CONVEYANCE.—

(1) DELIVERY OF VESSEL.—In carrying out subsection (a), the Secretary shall deliver the vessel—

(A) at the place where the vessel is located on the date of conveyance;

(B) in its condition on that date; and

(C) at no cost to the Federal Government.

(2) REQUIRED CONDITIONS.—The Secretary may not convey a vessel under this section unless—

(A) the recipient agrees to hold the Government harmless for any claims arising from exposure to hazardous material, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising before the date of the conveyance or from use of the vessel by the Government after that date; and

(B) the recipient has available, for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least $100,000.

(3) ADDITIONAL TERMS.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.

(c) OTHER UNNEEDED EQUIPMENT.—The Secretary may convey to the recipient of the vessel conveyed under this section any unneeded equipment from other vessels in the National Defense Reserve Fleet, for use to restore the vessel conveyed under this section to museum quality.

The CHAIRMAN. No amendment to the committee amendment in the nature of a substitute is in order except amendments printed in House Report 105–544, or considered by order of the House to have been so printed, and amendments en bloc described in Section 3 of the resolution.

Except as specified in Section 5 of the resolution, each amendment printed in the report shall be considered only in the order specified, may be offered only by a Member designated in the report, shall be considered read, and shall not be subject to a demand for a division of the question.

Unless otherwise specified in the report or in the resolution, each amendment printed in the report shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent of the amendment, and shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on National Security each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

Consideration of amendments printed in part A of the report shall begin with an additional period of general debate, which shall be confined to the subject of the policy of the United States with respect to the People's Republic of China and shall not exceed 2 hours, equally divided and controlled by the chairman and ranking minority member.

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Consideration of amendments printed in part C of the report shall begin with an additional period of general debate, which shall be confined to the subject of the assignment of members of the Armed Forces to assist in border control and shall not exceed 30 minutes, equally divided and controlled by the chairman and ranking minority member.

It shall be in order at any time for the chairman of the Committee on National Security or his designee to offer amendments en bloc consisting of amendments printed in part D of the report not earlier disposed of or germane modifications of any such amendment. The amendments en bloc shall be considered read, except that modifications shall be reported, shall be debatable for 20 minutes, equally divided and controlled by the chairman and ranking minority member of the committee, or their designees, shall not be subject to amendment and shall not be subject to a demand for a division of the question.

The original proponent of an amendment included in the amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Chairman of the Committee of the Whole may recognize for consideration of amendments printed in the report out of the order in which they are printed, but not sooner than 1 hour after the chairman of the Committee on National Security or a designee announces from the floor a request to that effect.

It is now in order to debate the subject of the policy of the United States with respect to the People's Republic of China.

The gentleman from Arizona (Mr. STUMP) and the gentleman from Missouri (Mr. SKELTON) each will control 1 hour.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Chairman, perhaps it is just a coincidence. Perhaps it is just a coincidence that the President turned a blind eye as one of his wealthiest campaign contributors harmed our national security by helping the Chinese improve their ballistic warheads.

Maybe the President did not mean to accept campaign donations from the Chinese Red Army at the same time he changed U.S. policy to benefit China's missile program.

There may be an innocent explanation for the President's decision to ignore his Secretary of State, the Director of the CIA and the Pentagon and to allow his campaign donors to help China's military.

Finally, maybe it was just an accident when the President gutted the Justice Department's investigation into the matter. If there is an innocent explanation, though, the American people have not heard it yet.

The facts, as we know them, are deeply disturbing. What frightens, angers, and troubles me is that we do not know all the facts yet.

These are serious matters. China has 13 missiles aimed at U.S. cities, and it would be shocking if the President helped to make the missiles more accurate. Clearly, the American people deserve an explanation. Unless and until we get such an explanation, the President should postpone his scheduled trip to China.

After receiving campaign donations from the People's Liberation Army, after associating with Chinese agents and after changing U.S. policy to benefit the Chinese military, the President has no business jetting off to Tiananmen Square to attend ceremonies with China's Communist leaders. To do so would be an insult to the American people and those Chinese who lost their lives in the fight for democracy.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Last week, the Committee on Rules received some 12 amendments dealing in one form or another with China. Those amendments were combined and fashioned into the four that we will address here today.

As a footnote question, however, I would be interested in knowing the source of the information that the gentlewoman just said regarding missiles being targeted toward us. I would appreciate that in a timely fashion.

The two broad targets of these amendments are, first, the administration policy of engagement with respect to China, and, second, the alleged improper flow of U.S. technology to China. These four amendments are either redundant, Mr. Chairman, or simply counterproductive.

Let me first discuss the administration policy of engagement with China. A quarter century ago, President Richard Nixon traveled to China initiating a new relationship with the world's largest country. It is a relationship that has evolved over the past quarter century through six administrations, Republican and Democratic.

Over that time, we have seen China make great strides economically as it adopted market reforms. The earlier policy under President Nixon shifted during the Bush administration as the Cold War came to an end. The strategic component that brought the two countries closer together in 1972, a mutual concern about the Soviet threat, ended upon the breakup of the Soviet Union.

President Bush, the Nixon administration's first Ambassador to China,

understood the important role that China would play in world affairs as the 20th Century drew to a close and the 21st approached. He realized that a country with a quarter of the world's population a country, with nuclear weapons, a country having one of the five permanent seats at the United Nations, a country successfully adopting Western market reforms was a country that the United States had to engage.

The aim was to help China become a cooperative power in both Asia and the world, to have it become a responsible world power interested in promoting stability, not promoting revolution.

U.S. and China relations over the more than 25 years have had more than their share of controversies, over human rights, over trade imbalances, and over proliferation. The two countries will continue to have differences in the future. However, the overall effect should be to establish a relationship where those differences can be reduced and managed in such a fashion that China sees it to be in its own interest to promote a stable international order.

The Clinton administration has continued the Bush administration policy. Two years ago, relations between the two countries were at a low point, as symbolized by the Straits of Taiwan incident. Since then, the relationship has improved, with a new generation of leaders adopting policies more in keeping with those of a responsible world power.

Last year's October summit between President Clinton and President Jiang Zemin marked a turning point. Recent actions seem to bear out this positive development.

Last fall, for example, during the Southeast Asia's economic crisis, China took measures to stabilize the situation. It provided Thailand a billion dollar loan and resisted the temptation to devalue its currency. In financial circles, China earned high marks for acting in a responsible fashion.

Let us look at a more recent crisis, the Indian detonation of five nuclear weapons last week. Under Mao, China was unconcerned about the spread of nuclear weapons.

One of the difficult issues that the Clinton administration sought to address over the past five years has concerned the Chinese nuclear technology relationship with Pakistan.

After the Indian explosions we see a China acting with great caution, assuming a role of responsibility on this difficult issue. It described the Indian action as showing brazen contempt for international efforts to halt the spread of nuclear weapons.

Recent newspaper accounts have the Chinese government trying to reassure the Pakistani government so that it does not feel compelled to meet the Indian actions with nuclear tests of its very own.

I say all this, Mr. Chairman, because I believe that the actions that we take here today rather than protect U.S. security interests may actually tend to harm them. The effort to coax China along, to help those responsible figures in this government to proceed in a positive direction, will probably suffer if we succeed in bashing China today in an attempt to criticize administration policy.

The tenor of the amendments is to make judgments about important policy issues before we have all the facts. We need to deal with these important matters with great care and great deliberation. I will listen to each of the amendments with great care along that line. I am afraid that we are not going to be doing a great deal positively through this debate. I hope that I am wrong.

Mr. STUMP. Mr. Chairman, I am happy to yield 10 minutes to the gentleman from San Diego, California (Mr. HUNTER), chairman of the Subcommittee on Military Procurement of the Committee on National Security.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding the time. I want to say how much I appreciate the gentleman from Missouri (Mr. SKELTON), the ranking member, for his comments in this area and for his stalwart support of what has been the policy of the Committee on National Security in that, even in times of marked partisanship in the House in recent years, one bipartisan effort has been the effort by the Committee on National Security often resulting in unanimous votes in the committee to halt the movement of American technology, militarily critical technology; that is, technology that could end up killing American men and women on battlefields or killing Americans in our cities, to keep that technology from moving to those who might use it against us. So, Republicans and Democrats, we have been together on this issue.

We have this very troublesome issue that the committee has battled with and now that the American people have to battle with; and it is the issues that are surrounding the transfer of satellite launching technology to Communist China.

It has now become clear, we all know this now, that, in fact, a number of Chinese missiles are aimed at American cities. Those Chinese missiles have nuclear tips. It is in our interest not to give those Chinese missiles more reliability. Because of our diplomatic efforts notwithstanding, we cannot predict the future, and we cannot say absolutely that those missiles will never be launched against the cities that they are presently aimed at. So we do not want those missiles to be reliable. We do not want them to be accurate. We would hope that, in a time of launch, they do not even have the capability to leave the ground. That would be the best thing.

Juxtaposed against that national security concern is a commercial concern of some American companies, and that is that they have satellites to launch and they want to launch them cheap.

The cheapest launchers in the world are the Communist Chinese; that is, they will send up an American satellite built by Hughes or another American company on a pretty inexpensive basis atop a Chinese missile. The so-called ''Long March'' missile is the missile of choice. That Chinese missile that sends up satellites also is the same missile that has nuclear warheads on top of it that is aimed at American cities.

So we have a problem. We want to make sure that American companies, in putting their satellite packages atop these Chinese Communist ''Long March'' missiles, do not inadvertently show them how to make the missiles more reliable, more accurate, and have a number of factors that would allow them to destroy American cities with nuclear warheads. We have this major problem.

I asked for these charts to be placed over here because I think the charts very effectively explain some of the things that we have inadvertently taught the Chinese rocket ministry; that is, the people in charge of destroying American cities in a time of war how to make their missiles more reliable.

Let me just describe a few of those. We talk about the launch of April 1990, taught the Chinese why and how to build clean rooms for satellite launch investigation and introduced them to the need to protect fragile complex payloads against significant thermal dynamic change.

□ 1230

In 1992 we confirmed the Chinese analysis that the launch problem was in engine control of the launcher's first stage rather than altitude control. In 1992 we gave them information relating to the design of payload fairings. In May of 1995 we validated China's solid rocket satellite kick motor. This motor was still in development and had only been tested once before with the attitude-altitude controlled defective launch of a Pakistani satellite. It was a new system; we validated that system. In 1996, 1997 and 1998 we validated the Chinese upper stage separating technology, and we shared vibration and load coupling analysis with them.

Now, another very troubling thing happened in 1996. That is, one of the Long March rockets went down. They are considered not to be the most dependable rockets. It went down. It was destroyed before it got very far off the ground, and it carried a Loral-Hughes payload, an American satellite payload, worth a couple hundred million dollars. So Loral and Hughes, to make their stockholders happier, had to figure out how to make these missiles that carry them up into space more reliable. So they then engaged with the Chinese scientists and engineers and showed them how to make these missiles more reliable. That is the information that we have right now.

Now, the problem is, it is very difficult to get more information from

the administration. This committee, the Committee on National Security, under the leadership of the gentleman from South Carolina (Mr. SPENCE), and the Committee on International Relations under the leadership of the gentleman from New York (Mr. GILMAN), and I might say the ranking Democrats on both of those committees, has sought information as to exactly what happened with respect to this information sharing and this accuratizing of the Chinese missiles.

We do know this: The Department of Defense has issued a statement after analyzing that debriefing and that information sharing, and they said this, which should be of interest to every American mother and father. They said American national security has been damaged by this transfer of technology.

We are trying to find out exactly what was transferred, what happened, what reliability that is going to give to these nuclear systems that the Chinese have, and we are not getting any answers.

Against that backdrop, we are offering four amendments today. The gentleman from South Carolina (Mr. SPENCE) and the gentleman from New York (Mr. GILMAN) are offering an amendment that expresses the sense of the Congress that business interests must not be placed over U.S. national security interests, I think every American would agree with that, and that the United States should not agree to a variety of initiatives at the upcoming presidential summit in China, including, and these are some of the things we think our administration may be offering China, support for Chinese membership in the missile technology control regime; a blanket waiver of Tiananmen Square sanctions; an increase in space launches from China; agreeing to unverifiable arms control initiatives; increasing the level of military-to-military contacts; and entering any new agreements involving space or missile-related technology.

That amendment is being offered by the gentleman from South Carolina (Mr. SPENCE) and the gentleman from New York (Mr. GILMAN). I think every Member should vote for that.

We have the gentleman from Nebraska (Mr. BEREUTER) offering an amendment. This amendment would prohibit U.S. participation in any postlaunch failure investigation involving the launch of a U.S. satellite from China.

The gentleman from Nebraska (Mr. BEREUTER) very wisely is addressing the very occurrence that we just talked about. We had a big American payload of a $200 million satellite on top of a Chinese missile. The missile went down, so the $200 million satellite was destroyed, did not get launched. So Hughes stockholders and Loral stockholders said, ''We need to get more money. We have just lost $200 million. We need to help the Chinese accuratize their missiles and make them more accurate,'' not thinking about the fact those were the same missiles that are aimed at American cities with nuclear warheads. So we debriefed the Chinese engineers and scientists on the problems their missile had and on how they could correct it. That is currently the subject of an ongoing investigation.

The gentleman from Nebraska (Mr. BEREUTER) is saying, wait a minute. Let us not agree to any more debriefings. We do not share technology. When the guillotine is over our head and sticking, we do not say we think we see your problem and we want to solve it for you.

The gentleman from Colorado (Mr. HEFLEY) has an amendment. The amendment would prohibit the export or reexport of any missile equipment or technology to the People's Republic of China.

This says listen, let us put the brakes on. We have made a major mistake. Our own Department of Defense under the Clinton Administration has said national security has been damaged. Let us stop everything and try to figure out exactly what has happened and what we can do to rectify it. An excellent amendment by the gentleman from Colorado (Mr. HEFLEY).

Finally, I have an amendment that prohibits the export or reexport of U.S. satellites, including commercial satellites and satellite components to the People's Republic of China. This says the lives of our children, the safety of our cities, are more important than the shareholders seeing their stock go up a few points because they have sent the capability to deliver weapons of mass destruction into our own American cities.

Now, the administration needs to be forthcoming. They need to send us information on exactly what happened when we had this Loral and Hughes debriefing of the Chinese engineers and scientists in 1996. They need to send us information on exactly what the situation is with respect to the new capability of the Chinese missiles as a result of that.

I think until they do that, they do not deserve to have us allowing them to move forward with American companies continuing to send American satellites and interacting with the very people in the launch program in communist China who work both with domestic satellites, sending those satellites into space, and who work with preparing nuclear-tipped missiles for launch at American cities. This says, let us hold everything up until we shake this thing out.

So we are offering those four amendments. I would hope that Democrats and Republicans all vote for those amendments. This should be a time of reorganization and reexamination.

Mr. SKELTON. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Chairman, almost a year and a half ago I received and began for me what was the proudest day of my professional life, being sworn in as a Member of the United States House of Representatives. I was elected as a Democrat from the State of Florida. But far more important than being elected as a Democrat, even far more important than being elected as a Floridian, I was an American, an American first and American only. And I came to this Congress with a devotion and a respect of the principles of the United States of America, for the basic freedoms that we enjoy in our Bill of Rights.

Then I listened to debate after debate in this House, where I disagreed vehemently with the Speaker with respect to his policies on Medicare, or Social Security, or education or the environment, and I disagreed vehemently at times with the direction that the Republican leadership of this Congress wishes to take this Nation.

But never would I dare, never would I dare question the patriotism and the devotion to this country of the Speaker or any Republican Member of the Congress. Never would I dare suggest that a Republican Member of this Congress has any less love for this country than I do, because I may differ with him on a policy, and I am confident that most Americans appreciate that those people who are elected to this Congress, regardless of their political beliefs, and those few individuals in our history that have been so privileged to lead our Nation as our President, have anything but a complete devotion to our country and our national security.

Yet, in the last months we have seen extraordinary allegations thrown at this President. Not simple allegations, but allegations that rise to the level of being involved in a murder plot, allegations rising to the level of being involved in a rape, allegations involving at one time or another almost every crime imaginable.

But the height was reached this week when Members of this House accused the President of the United States and the administration of acting in a treasonous fashion, of endangering the national security of the United States. And over what? What evidence is presented?

Taken in its most simplistic form, the allegation is the Chinese Government sent some money, a significant amount of money, $100,000, to the national Democratic Party, and then the President made a foreign policy decision where he said, ''There is the money. Now we are going to send some missile technology to China that will endanger the United States, that will create a nuclear proliferation program.''

Let us look at the specifics of the allegations. The money in question, the alleged money, did not wind up in the Democratic coffers until July and August of 1996. But what the accusers failed to say is the President issued the waiver in March of 1996. And what the accusers failed to say is that the money was then given back after it was

given, and then after the money was given back, another waiver was issued.

If you listen to the accusers, you would think President Clinton dreamed up this idea of waivers. No, the first waivers were given by President Bush, and President Bush decided it was in our national interest to allow American companies to send off their communications satellites because there were not enough American rockets going up to do so.

These were communication satellites. And if you listen to the allegations, you would think we just handed them to the Chinese, when in fact it was American companies that handed them to our Department of Defense. It was the American Department of Defense that transported the satellite, the American Department of Defense that put the satellite in its proper place, and it was guarded the whole way by the American Department of Defense.

Let us get down right to the bottom line of the argument, that money was given and a political decision made. If that is in fact the case, then all of us in Washington need to be brave and stand up and admit that all of us are guilty then, because whenever there is a contribution given, we will act on the contribution and do what the contributor said. And yes, yes, then it happens every day. And then, yes, it would seem it would be legitimate to argue that because the tobacco companies have given millions to the Republican party, that is why they are giving them tax breaks.

But I would not dare suggest that nexus, because I would not have the audacity to suggest that another Member of Congress is corrupt or is corrupted. And for Members of this Congress to suggest that the President of the United States has in some way endangered our national security, without a single shred of evidence, is there a single shred of evidence that suggests that this President took the money, knew what he was doing, and then said, send the missile, send the satellite to be on the missile because of the money? Not a single shred of evidence. It is treasonous, they say, without a single shred of evidence.

Mr. STUMP. Mr. Chairman, I yield 7 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentleman for yielding me time.

Mr. Chairman, I am kind of surprised at the gentleman's tirade here, because this gentleman never mentioned money, never mentioned treason, rarely mentioned the President. And when I went over the litany or the chronology of missile launches, I started with the Bush Administration in 1990.

This is a Committee on National Security. We are not worried about where the money came from or what it did or whether there was influence. What we are concerned about, very simply, is this statement, this statement made by President Clinton's Department of Defense. Hopefully that is not part of a right wing conspiracy, I would say to my friend who just spoke.

''In May 1997 the administration was jolted by a classified Pentagon report concluding that scientists from Hughes and Loral Space and Communications had turned over expertise that 'significantly improved the reliability of China's nuclear missiles.''' That is the New York Times, April 13, 1998. Our Department of Defense said American security has been damaged. That is what we are concerned about.

I think what we are going to have to do, both Republicans and Democrats, is when we have colleagues that come in and start ranting about the money, is very firmly but quietly push them aside to get their part of the debate over, and then go into what really concerns the American people, and that is this: that we have two conflicting pressures here. We have the pressure of our domestic satellite industry, like Hughes and Loral, that wants to sell things and make money; and they make money by taking advantage of the cheap launch that the Chinese offer by putting their satellite packages on top of Chinese missiles. That is the one factor, the one pressure.

The second pressure, of course, and a concern of ours, is national security. Because those very same missiles that carry the domestic satellite launches that we make money on, and Loral and Hughes, also carry nuclear-tipped missiles that are presently aimed at the United States, and conceivably in a conflict the reliability of those missiles to carry its nuclear payload into American cities should be something of great concern to us.

☐ 1345

That is what we are talking about here.

If I could have that second chart over here, let us talk about that for just a second. Incidentally, I have never heard of the New York Times being called part of a right-wing conspiracy. I hope they have not changed overnight. But I think this chart is pretty descriptive because it tells how, in working out commercial launches, in doing commercial launches in China, we are inadvertently increasing the capability of their nuclear strategic systems.

Payload dispersal technology. Payload dispersal technology allows single commercial rockets to deliver more than a single satellite into space per each launch. The same technology can be used to develop Multiple Independently-targetable Reentry Vehicles. We talked about those in the Cold War on this floor. Those are known as MIRVs. A MIRV is when we send one missile up, one missile, and when it gets to a certain altitude when it is over American cities or over another military target, it disperses 3 or 4 or 5 or as many, in the case of the Soviet Union, as many as 10 warheads to different targets, so it can usher in absolutely massive destruction with as many as 10 targets from one single rocket.

That MIRV capability is something that we were hoping that the Chinese would not obtain, because they do not have too many ICBMs, and we were hoping that they would not get the capability to have more than one nuclear warhead per missile, because it is very difficult to handle, if we ever do get defenses, to handle 10 warheads coming out of each missile. But they have gotten some of that technology from our commercial satellite application.

A second area where they desperately needed capability in their nuclear strategic arsenal and they got that as a result, or got some help as a result of their interaction with our satellite people, is kick motor technology. Kick motors are used to propel satellites precisely into their described orbits. This same technology can be applied to warhead delivery systems to enable them to evade ballistic missile defense systems.

Radiation-hardened electronics. These specialized chips are designed to resist electromagnetic interference in space as well as electromagnetic pulses in a nuclear combat environment.

Encryption devices. In both commercial and military applications, encryption devices allow only authorized users to control the system. Launcher altitude control, another vital area. Stage separation systems, a very critical area for launching successful, making successful missile launches, whether one is launching a satellite or launching a nuclear payload.

So let me just close by saying this. This committee, Democrats and Republicans, looked at this issue several years ago. We were asked to place this satellite launching technology, the licensing for this technology, to move it out of the control of the Department of Defense, the overview of the Department of Defense and the Department of State.

Typically, the Department of Defense has always been very tough on allowing this technology to go overseas. A lot of the users like Hughes and Loral wanted to move it into the Department of Commerce, where the object is to sell things and make money, where they thought they would be given a little more liberal license to transfer this technology to China. This committee fought that, and we had a vote in this committee, Democrats and Republicans. As I recall, and I could be wrong, it was unanimous, except for I think either 1 or 2 votes. It was almost unanimous, Democrats and Republicans, and in fact, one of the leaders on the Democrat side was Mr. Dellums, and the gentleman from South Carolina (Mr. SPENCE) was our leader on the Republican side.

So this is not a partisan issue, this is not about money, this is about security, and we need to pass these 4 amendments, put this whole transfer of satellite technology on hold until we

have sorted this thing out, figured out how much damage has been done to the American people and go from there.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Let me add some facts. One can have one's own opinions, but one cannot have one's own facts. Let me add a few of the facts. It is my understanding that in response to a letter from the gentleman from South Carolina (Mr. SPENCE), the chairman, that was sent to various officials here in this city seeking the secret DOD report was responded to by 3 folks, one from DOD, one from the ACDA, and the other from Justice, that there is an ongoing criminal investigation by the District Attorney of the District of Columbia, and the turnover of any evidence on this matter might jeopardize the case.

Mr. Chairman, being a former prosecuting attorney in the State of Missouri, I fully understand that response. I think that the facts should be clear on that issue.

Mr. Chairman, I reserve the balance of my time.

Mr. STUMP. Mr. Chairman, I yield 5 minutes to the gentleman from South Carolina (Mr. SPENCE), the chairman of the Committee on National Security.

(Mr. SPENCE asked and was given permission to revise and extend his remarks.)

Mr. SPENCE. Mr. Chairman, later today the House will have an opportunity to vote on a series of amendments that address recent revelations concerning the possible illegal transfer of sophisticated American missile technology to China. I urge my colleagues to consider this issue carefully and to support these amendments.

Over the past few days and weeks, the American people have witnessed a flood of news articles about the decisions 2 years ago and again earlier this year by the Clinton administration to allow the transfer of sophisticated American satellite technology to China, technology that can be used to improve Chinese ballistic missiles targeted on the United States.

While many important aspects of these reports and allegations remain unclear, the administration is doing little to help clarify the situation, as repeated requests by the Congress for information continue to be ignored. Nevertheless, that which we do know is deeply troubling. Although sanctions imposed on China in 1990 at the Tiananmen massacre were intended to prevent the transfer of missile technology to China, those sanctions have repeatedly been waived to allow the export of United States satellites containing militarily-sensitive technology.

In 1996, 2 American companies participated in a review of a failed launch of a U.S. satellite on a Chinese rocket. As a result of this investigation, sensitive export control information was exchanged, information that could be used by China to improve its long-range nuclear ballistic missile capability. The necessary export license for this information was neither sought nor obtained by the American companies in question. The transfer of this sensitive information reportedly led the Department of Defense to conclude that ''United States national security has been harmed,'' and resulted in the Justice Department initiating a criminal investigation.

Unfortunately, this investigation was undermined when the White House apparently, over the objections of the Justice Department earlier this year, approved the export to China of similar military-related technology. In light of a recently reported CIA study that concludes that China has targeted 13 long-range nuclear missiles on the United States, the danger of helping China perfect its missile capability with technology ''Made in the USA'' is apparently obvious to just about everyone except the White House.

Last month, the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, and I jointly sent letters to the Departments of Defense, Commerce and State and the Arms Control and Disarmament Agency requesting documents relating to the 1996 transfer of technology and the White House's more recent 1998 decision to waive restrictions on the transfer of similar technology to China. The Committee on National Security is intensely interested in reviewing the Defense Technology Security Administration report on the 1996 transfer, which concluded that the transfer did harm United States' national security. Unfortunately, one month later, and not one document has been provided. The administration asserts that releasing these documents to Congress would compromise its ongoing criminal investigation. In reality, the administration appears to be hiding behind the veneer of a Justice Department investigation that the White House's own decision earlier this year is likely to have already compromised.

Mr. Chairman, the United States satellite industry has long supported a relaxation on restrictions on the export of satellites and satellite-related technology in the name of making money. Unfortunately, much of this technology is indistinguishable from the missile-related technology. The administration, nevertheless, liberalized the export of certain satellites in 1996 by removing them from the strictly controlled United States munitions list and placing them on the less restricted dual-use commodity control list administered by the Commerce Department. This decision was a fundamental reversal of the position articulated by Vice President Candidate Gore during the 1992 election campaign. He warned that allowing the launch of United States satellite by China would allow that country to ''gain foreign aerospace technology that would be otherwise unavailable to it.''

Mr. Chairman, the transfer of satellite and missile-related technologies in question is only one in a series of examples of this administration's easing of restrictions on the export of militarily sensitive United States technology to China.

Last year at this time, the House voted overwhelmingly and on a bipartisan basis to close a loophole in the administration's export control policy that allowed the transfer of supercomputers to, among others, Chinese institutes involved in the research and development of ballistic missiles. This year, Congress is once again faced with the need to close another loophole in current export law and we should act immediately.

While I recognize that much still remains to be learned about this latest controversy, the urgency of the export issue itself requires the Congress to act decisively and quickly in an attempt to ensure that no further damage is done to our national security. Moreover, I believe that Congress should be heard loud and clear before the President travels to China next month.

For this reason, I ask my colleagues to support the amendments offered.

Mr. SKELTON. Mr. Chairman, may I inquire of the Chair as to how much time each side has remaining?

The CHAIRMAN. The gentleman from Missouri (Mr. SKELTON), has 48 minutes remaining, and the gentleman from Arizona (Mr. STUMP), has 34 minutes remaining.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from California.

The CHAIRMAN. The gentleman from California (Mr. CUNNINGHAM) is recognized for 4 minutes.

Mr. CUNNINGHAM. Mr. Chairman, there is nobody in this House on the other side of the aisle that I respect more than my colleague, the gentleman from Missouri (Mr. SKELTON). He knows that that is true.

White House treason? No. But I would say to my colleague, I think that there has been some very poor decisions made, decisions that should concern every American family. It is not just in the China issue, it deals with foreign policy, it deals with national security that in my estimation, our defense forces are the worst off than I have seen them in 30 years that I have been associated with it.

□ 1300

That is both from taking money out of defense, and the deployments that take money like Haiti, Somalia, Bosnia, that take money out of the operation and maintenance, already out of a low budget. I think those kinds of decisions are made when you surround yourselves with very left-wing oriented members of your cabinet and staff, like Strobe Talbott. The decisions that you make, you need people there that have some kind of sense of what is good.

Let us face it, China is not the same China it was 20 years ago. There have

been a lot of changes in China. I would tell the gentleman from Missouri (Mr. SKELTON), today China is still one of the biggest threats the United States faces. So is the former Soviet Union. They are not our friends. We have to keep working in that direction, but they are very, very dangerous.

It is like a pit bull that you put inside a fence to guard you at night. You would not let that pit bull out to play with your children. That is what we are doing by this technology transfer to China. China shipped chemical and biological weapons to Iran and Iraq.

That is one of the reasons we are in Iraq right now, because COSCO, the Chinese shipping company, is right out of China, owned by the PLA, the same company that the alleged allocations went forth with the money, but yet, we turn over Long Beach Naval Shipyard to them at the President's insistence. That is wrong, and that is a poor decision. That is letting them in our back door when they are dealing with chemical and biological weapons and then missile technology.

The second thing, the nuclear triggers to Iraq, right in San Diego, my own city, Iraq tried to steal out nuclear components. Yet, China is shipping to those countries. That is dangerous. Yet, we enhance their ability on missile technology? That is wrong.

I would tell my friend that both foreign policy decisions, and I would include the United States Marine Corps in Lebanon, I think that was very poor policy under a Republican President, trapping our marines there and not letting them fight back.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, all I want to point out is that in our committee there was an amendment that passed overwhelmingly against the COSCO Chinese company taking over Long Beach. I think that was important.

Mr. CUNNINGHAM. I am aware of that. I thank the gentleman for that. That was a good decision by the committee, but I think a very poor decision by the White House, as I am trying to point out.

Foreign policy, like the extension of Somalia, where we changed from going humanitarian to going after General Aideed, and then drawing down our forces, and our military asked for armor, we do not give it, and we lose people; Haiti could have sat there in my opinion for another 200 years. But all of those cost billions of dollars, and we are taking money out of defense to pay for them. We cannot even get an FEHBP bill for veterans, and we pay $16 billion for Haiti and Bosnia. Those kinds of decisions, is what I am telling my friend, I believe are wrong.

Russia is a threat. Under the Ural Mountains, the gentleman has seen the intelligence reports, they are building a first strike nuclear site the size of inside the beltway here. They have launched six Typhoon Red October class submarines. It is a very dangerous world. Yet, my colleagues on the other side say, well, the Cold War is over.

The Cold War is not over, and when we are giving potential enemies like China and Russia technology, that should be a concern of every Member in this body. I know it is for the gentleman. It is not an issue on treason, it is an issue on national security, and one that I think that both sides of the aisle ought to stress, and we ought to look forward to it.

Mr. STUMP. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. BURTON).

(Mr. BURTON of Indiana asked and was given permission to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Chairman, the point of all this is, was our national security jeopardized because of campaign contributions coming from Communist China? Was a technology transfer made that endangered the security of the people of this country by giving MIRVing technology, so they can hit several cities with one rocket, for campaign contributions?

Let us look at the facts. Johnny Chung has told investigators that he received $300,000 from Liu Chaoying. Who is Liu Chaoying? Liu Chaoying is a lieutenant colonel who is also an executive, an executive of China Aerospace. She is a lieutenant colonel in the Red Chinese army. Her father was the top military commander of the entire Red Chinese army. He is a senior member of the Communist party in China.

She gave $300,000 to Johnny Chung to give to the Democrat National Committee. They do not do that for their health. You do not give money to a foreign government or a foreign campaign for your health. There was a reason behind it.

We believe there were other contributions of this type that came into the Democrat National Committee, and other campaigns in the United States of America. In fact, I am sure of it. I am sure of it. What were these monies for? We know that this technology transfer took place. We know that the Justice Department was investigating it. We know that the President of the United States gave a waiver so this technology could go forth.

Was there a connection? Was our national security jeopardized because of these campaign contributions and because of this technology transfer? These are things the American people have a right to know, because every man, every woman, and every child in the future may be jeopardized because of these decisions.

Was it treason? I do not know. I hope not. I do not believe it was. I hope not. Was it incompetence? Maybe. Was it because of greed for campaign contributions? Possibly, and maybe likely. But we need to have the answers. That is why a full-scale investigation needs to take place. That is why witnesses who want to talk need to be immunized.

My colleagues on the other side of the aisle need to be patriots first and politicians second, patriots first and politicians second, because the security of the United States is at risk and at stake. I urge them to vote with me for immunity, for the sake of this country.

Mr. STUMP. Mr. Chairman, I am happy to yield 3 minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am pleased to rise in strong support of the legislation before us today, and the amendments we will shortly consider specifically relating to the curbs on the export of technology enabling China to improve the reliability of its nuclear weapons delivery systems.

In 1992, when then candidate Clinton attacked President Bush for coddling dictators, including those who ordered the massacre of pro-democracy demonstrators at Tiananmen Square, few could have imagined how President Clinton's administration would face charges of compromising our national security at the hands of the same Chinese leaders.

Yet, in May of 1997 a highly classified Pentagon report has reportedly concluded that scientists from two leading American satellite manufacturing firms, Loral Space and Communications and Hughes, provided expertise that significantly improved the guidance and reliability of China's nuclear weapons delivery systems.

I am concerned that in their desire to promote the commercial interests of key U.S. companies, that this administration might have compromised its own efforts to limit the spread of missile technology to China, which remains today as the leading exporter of the weapons of mass destruction around the world.

As the President prepares to go to China and to visit the very same square where protesters were killed some 9 years ago, he must be mindful that any efforts to permanently waive these sanctions could further undermine our national security, and clearly give the Chinese the message that our policies on the spread of weapons and human rights abuses could be reversed by commercial considerations.

As he prepares for his summit meeting with Chinese officials, President Clinton should leave the bag of carrots at home. There should be no concessions, no deals, no permanent waivers, no new technology or science agreements, and most importantly, no shoehorning of China into a missile technology control regime that they

have been busy violating over the past decade.

In light of the fact that the President is unwilling to suspend the export of American satellites to China pending the outcome of the ongoing criminal investigation, Congress should appropriately consider amendments to the bill which will effectively curtail the export of these items. Accordingly, I urge our Members to support the amendments which will be before them today.

Mr. SISISKY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, it is very interesting, listening to this debate. I really was not going to get into it. But the previous speaker, not the gentleman from New York (Mr. GILMAN), but the previous speaker to that, just dropped a few words in there that kind of triggered me off to jump to my feet.

He did not accuse anybody, but he said, is it not treasonous? He dropped that word. Is it incompetence? He dropped that word. Is it greed? And then had the audacity to say, I would tell that side, be patriots first and politicians second.

This is what is wrong with this debate. I do not really understand. This is a political debate, this is not a debate about China. Everybody understands the investigation that is going on. It is funny, I have not seen anything. I have read it in the papers. Now, maybe our committee should be the one that investigates this, because it is national security.

But please, let us bring ourselves up to a higher debate. Do not question the other side's patriotism. That is the wrong thing to do.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Mrs. FOWLER), a member of the committee.

(Mrs. FOWLER asked and was given permission to revise and extend her remarks.)

Mrs. FOWLER. Mr. Chairman, I rise to express my grave concern about these recent revelations concerning the transfer of missile and other technologies to the Peoples' Republic of China, and to express my support for the package of amendments we will be taking up shortly.

I have been tracking issues relating to the transfer of critical technologies to the Peoples' Republic for some time. I must tell my colleagues that allegations regarding missile technologies are only the latest in a long series of very questionable transfers.

Previously, U.S. firms have transferred supercomputers, production hardware that would enable the Chinese to build intercontinental bombers and missiles, gas turbine technology, and much more. Some of these sales have been explicitly authorized by this administration. Others have occurred because of gray areas in the law which need to be addressed.

Allegations that campaign contributions may have influenced policy raise deeply troubling questions. I believe Congress now needs to do two things: First, it needs to go on record in opposition to the kinds of technology transfers that have recently made headlines. We have that opportunity today. I hope all of my colleagues will support the amendments before us.

Second, Congress needs to look into these questions. Allegations have been made that the administration acted inappropriately. The administration has denied wrongdoing. Mr. Chairman, the American people should know the truth. The administration should have the opportunity to explain its actions.

I would hope, however, that any initiative to look into these issues will occur in an atmosphere devoid of the kind of partisan bickering that we have seen elsewhere in this Congress recently. There are very important national security issues involved here, not the least of which is the relationship between our Nation and the world's most populous state, which is also a nuclear power.

We need to consider these matters with sobriety and a judicious temperament. The right time to begin to sort out these issues is today. I urge my colleagues to support the amendments before us.

Mr. SISISKY. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I thank the gentleman for yielding me the time, Mr. Chairman.

Mr. Chairman, really, only in a Republican-led Congress could we have women serving all over the world defending our country and have back here this Congress rolling back their rights of equality of treatment in the military.

I refer specifically to the segment of this bill that will roll back women to segregated training. I do not know anyone who supports this except the Republican leadership. Three of the four branches of the armed service do not want it, the trainees do not want it, all the experts have recommended against it, and I am honestly not sure why we are being forced to consider, in this legislation, legislation that would segregate the men and women of our Armed Forces.

□ 1315

Earlier today and last night in a bipartisan way, the Women's Caucus asked for a bipartisan amendment that would strike this language from the bill. Our amendment was not placed in order. I cannot understand why they would not even allow a floor debate on this or a vote on this issue. I guess they think that they know that we would win.

Another problem with it is that we allocated last year $2.2 million to set up a commission to study this and other things. We have not even gotten the results of this commission. The Army says that it will cost them $159 million to implement it, when absolutely no one wants it. Basic training is a time to build trust and camaraderie. It is a time to solve problems while there is ultimate control over them. Right now I do not see what the problem is.

The military is not having a woman problem. In my opinion, it is more of a man problem. It is no longer the men at the top of the Department of Defense. General Shalikashvili, Secretary Cohen, all of them have called for integrated training. The problem is with the men who are controlling this House, the Republican leadership.

Men and women must train as they fight. You cannot solve a social problem with a logistical maneuver. Right now, as I am speaking, men and women are fighting together in Bosnia defending freedom. I do not believe that divide and conquer, which they are trying to do with this maneuver, will work here. Separating the sexes during basic training would be a tremendous mistake, a rollback. It creates an atmosphere of distrust and may affect military readiness.

I hope that this Congress will refuse in the conference committee to accept this rollback to segregate women and men in the Armed Services.

Mr. STUMP. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of these four amendments. My colleague from Virginia a few moments ago asserted that this is, this has been turned into a debate that is a political debate rather than a debate about China. I hope that those who read this account in the CONGRESSIONAL RECORD will remember and take that remark and put it into perspective.

It seems that every time that alleged wrongdoing by this Democrat President is challenged or investigated, it becomes political. There is no person so pure or so consistent enough in his past behavior to investigate this President of the United States in charges that he may have done something that endangers the national security or was in some way corrupt. And given that reality to the Members on the other side of the aisle, they feel absolutely justified in obstructing and dragging out and confusing any type of investigation into this President's activities.

It is becoming clear to the American people that something has been done when it comes to our relations with China. Something terrible has happened. Every man, woman and child in this country may have been put in jeopardy because American technology could well have been transferred to the Communist Chinese in order to perfect their nuclear weapons delivery systems.

What does that mean to the American people? It means that all of us are going to be put at risk if we are ever to confront the Chinese when they commit aggression or become belligerent

or do things that threaten our national security in the future. Now, perhaps because American technology has been transferred to these Communist Chinese that enable them to launch their nuclear weapons at us more effectively, all of us are going to be put in jeopardy. This is not a political issue. This is a national security issue, just as all of those other issues were legitimate in being investigated.

I will say this, those other investigations, if they would not have been obstructed, if they would not have, if there was not intentional efforts being made to confuse the issues in those investigations, the public would have understood the importance of those issues as well. But this is too important to let politics get in the way, and it is not politics coming from this side of the aisle. It is politics which is preventing the American people from learning the truth when eight members of the Democratic Party prevent witnesses from testifying in our investigation in one of our own committees.

I strongly support this and the American people deserve to know the truth, whether they have been betrayed or not.

Mr. SISISKY. Mr. Chairman, I yield myself such time as I may consume.

It is obvious that the gentleman does not know this gentleman very well, and we do not. But I can tell him this, those who know me know that I think this is a very serious problem, if it is true, an extremely serious problem. The thing that bothers me is painting everybody, to keep referring to this side. Why? We may have some liberals over here, we may have some moderates, we may have some conservatives, but I do believe one thing, we do have patriotism over here. We do care about our country, and I know this gentleman cares about his country.

The only reason that I mentioned those other facts are the words, the words out there. That is the only reason. Let us keep this debate on a high level. I can assure the gentleman from California that this gentleman would want to investigate anything that has to do with nuclear weapons.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, I would like to say to my friend the gentleman from Virginia (Mr. SISISKY) that he and I and the gentleman from California (Mr. ROHRABACHER) are on the same side. There is no question about it. We work closely together as members of the Committee on Armed Services, and I just want him to know that the gentleman from California (Mr. HUNTER), who is sitting here by me, and the gentleman from California (Mr. CUNNINGHAM) want to convey to the gentleman how much we appreciate having been able to work with him as Americans from two different parties on these issues. We appreciate that very much.

Mr. Chairman, I wanted to just address this issue of high tech transfer from perhaps a slightly different point of view. I offered an amendment or I asked that an amendment be made in order by the Committee on Rules which I am terribly disappointed was not. It has to do with Hong Kong and transfer through Hong Kong of technology to China. There are currently two separate sets of export laws that apply to China and Hong Kong. Everyone here knows that in 1997, Hong Kong came under the rule of China. And yet we continue to have these two separate sets of laws.

So this morning in a Joint Economic Committee hearing, we asked some very knowledgeable witnesses, who, frankly, are associated or have been associated with the CIA, whether our concerns are valid on this issue. I would say to the well meaning Members of the Committee on Rules who may be listening, I think they made a mistake on this issue because witness after witness has said that these concerns are valid. This came to my attention, Mr. Chairman, because of a contractor wanting to transfer a weapons system which, if it had not been for some of us here sitting here now, would have never been a reality, a modified version of a weapons system transferred to Hong Kong, presumably eventually to be transferred to China.

Our amendment was not made in order, and I am terribly disappointed by that. But we will have other days and other forums on which to make those points.

Mr. STUMP. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I just wanted to reiterate to my friend the gentleman from Virginia (Mr. SISISKY) that one of the great things about the Committee on National Security over the last couple of years has been that despite our strong debate, especially on strategic systems on the House floor, and I admit I am often a partisan in that debate with respect to the Strategic Defense Initiative and other initiatives that I think have been given short shrift, we have always been together on technology transfer. We have been very close on that, and we have kind of held the line against other interests, particularly against commercial interests, because there is that compelling interest in commercial operations to press the advantage, to make that last sale, even though it may be militarily critical technology that is involved that one day could harm our troops on the battlefield. We have always stuck together.

Interestingly, it has been not only Republicans and Democrats, it has been conservatives and liberals. Mr. Dellums was one of the foremost proponents of restricting technology transfer and many of the people who testified before us came from various political divisions of the left and right and center in America, experts who felt that we should not send military technology to potential adversaries.

Let us work this problem on that basis. Walk through this thing, find out how much damage was done to American security and how we can stop it from further eroding.

Mr. STUMP. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. WELDON).

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Chairman, I want to thank first of all my good friend the gentleman from Arizona (Mr. STUMP) for his leadership and for my good friend, the gentleman from Missouri (Mr. SKELTON) for his leadership. This is truly a bipartisan committee, and this is truly a bipartisan bill. And this effort aimed at China and our concerns on proliferation is a bipartisan concern.

I, like my colleagues, will attest to the fact that Members on the other side have been equally aggressive to Members on our side in focusing on the proliferation problem. There has not been a division that is a political division. In fact, we have been very much united when it comes to proliferating activities, not just by China but also by Russia and other entities, North Korea and so forth.

I also rise to say that I have been one who has supported the President on China policy. I voted for MFN. In fact, in the last session of Congress, I took two delegations to China. I was the first policymaker from this country to be asked to address a group of mid-level officers in the PLA at the National Defense University in Beijing. Twice I interacted with them. Twice I discussed with them our concerns about proliferation and our concerns about our security relationship.

I plan to go back to China again this year. I believe in the policy of engagement with China. But I rise today to, in the strongest possible terms, relate to our colleagues in this body that we have a problem. The proliferation that has continually taken place by China and also by other nations, especially Russia, has got to be stopped.

Mr. Chairman, the problem is over the past several years, it actually was not just under this administration, to some extent it was done in previous administrations, in looking at our arms control agreements that are the basis of our bilateral relationships with Russia and in this case China, we have not enforced those agreements when we have caught proliferators selling off and transferring technologies to other nations.

Mr. Chairman, tomorrow there will be an op ed in the L.A. Times which will summarize my point in very great detail, as I did last Wednesday night on the floor of this body. Thirty-eight separate times in the past 7 years we have had documented cases of proliferating activities coming from two countries, coming from Russia and coming from China. Those proliferating activities

have sent technology in the area of nuclear weapons, chemical and biological weapons and missile technology to Iran, Iraq, India and Pakistan.

Now we face the music. We face a crisis. India and Pakistan are saber rattling each other with technology that we could have stopped, if we would have taken aggressive action to stop that proliferation from occurring, which is a requirement of a number of arms control agreements, the missile technology control regime, the Arms Export Control Act and a whole host of other agreements. If we would have taken steps to impose sanctions in more than half of those 38 occasions, let alone just the three where sanctions were imposed, I would argue we would not be in the position we are in today.

It is absolutely imperative that this body and this committee support the leadership on both sides of the aisle, pass these four amendments and send a signal to China that we will not tolerate any future proliferation of technology, any missile technology, any nuclear technology to Pakistan or any other Nation.

□ 1330

Because that then causes us to have to spend more money to defeat that threat once it emerges in some other Nation's hands.

So I support my chairman, I support my ranking member, the gentleman from Arizona (Mr. STUMP), and my ranking Democrat, the gentleman from Missouri (Mr. SKELTON), on their leadership, and I urge all of our colleagues to vote ''yes'' on each of the amendments that will be brought before us shortly.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

Mr. STUMP. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. It is now in order to consider the amendments printed in part A of House Report 104–544, which shall be considered in the following order:

Amendment No. 1 by Representative SPENCE or GILMAN;

Amendment No. 2 by Representative BEREUTER;

Amendment No. 3 by Representative HEFLEY; and

Amendment No. 4 by Representative HUNTER.

It is now in order to consider amendment No. 1 printed in part A of House Report 105–544.

AMENDMENT NO. 1 OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 1 printed in House Report 105–544 offered by Mr. Spence:

At the end of title XII (page 253, after line 3), insert the following new section:

SEC. 1206. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) United States business interests must not be placed above United States national security interests;

(2) at the Presidential summit meeting to be held in the People's Republic of China in June of 1998, the United States should not—

(A) support membership of the People's Republic of China in the Missile Technology Control Regime;

(B) agree to issue any blanket waiver of the suspensions contained in section 902 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246), regarding the export of satellites of United States origin intended for launch from a launch vehicle owned by the People's Republic of China;

(C) agree to increase the number of launches of satellites to geosynchronous orbit by the People's Republic of China above the number contained in Article II(B)(ii) of the 1995 Memorandum of Agreement Between the Government of the United States of America and the Government of the People's Republic of China Regarding International Trade in Commercial Launch Services;

(D) support any cooperative project with the People's Republic of China to design or manufacture satellites;

(E) enter into any new scientific, technical, or other agreements, or amend any existing scientific, technical, or other agreements, with the People's Republic of China involving space or missile-related technology;

(F) agree to any arms control initiative that cannot be effectively verified, including any initiative relating to detargeting of strategic offensive missiles; or

(G) support any increase in the number or frequency of military-to-military contacts between the United States and the People's Republic of China;

(3) the decision of the executive branch in 1998 to issue a waiver allowing the export of satellite technology to the People's Republic of China was not in the national interest of the United States, given the ongoing criminal investigation by the Justice Department of the transfer in 1996 of satellite technology to that country;

(4) the executive branch should ensure that United States law regarding the export of satellites to the Peoples Republic of China is enforced and that the criminal investigation described in paragraph (3) proceeds with all due dispatch; and

(5) the President should indefinitely suspend the export of satellites of United States origin to the People's Republic of China, including those satellites licensed in February 1998 as part of the Chinasat-8 program.

The CHAIRMAN. Pursuant to House Resolution 441, the gentleman from South Carolina (Mr. SPENCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Chairman, I yield myself 2 minutes.

(Mr. SPENCE asked and was given permission to revise and extend his remarks.)

Mr. SPENCE. Mr. Chairman, I rise along with the gentleman from New York (Mr. GILMAN) to offer this amendment expressing the sense of Congress on the transfer of United States satellite missile technology to China.

As the events surrounding the Clinton administration's decision to transfer sensitive military-related technology to China continue to unfold, it is becoming increasingly clear that United States national security continues to take a back seat to trade with China. Our amendment would place the Congress clearly on record in opposition to any agreements that the President might negotiate at next month's summit in China that would make it easier for China to acquire our technology that can be used to improve its military capability, in particular its ballistic missile capability.

As has been reported in the press, the administration is reportedly considering issuing a blanket waiver of the so-called Tiananmen Square sanctions against China, approving the export of more United States satellites to China, and even allowing joint satellite production.

This amendment would also express the sense of Congress that the President's decision to allow the export of satellite technology to China earlier this year, despite the reported DOD assessment that ''United States national security has been harmed'' by a previous satellite transfer of technology, was not in the national interest.

The administration has reportedly developed plans in recent weeks to increase the level of space cooperation with China and to encourage the sharing of missile and space technology. In a memorandum reportedly prepared by the National Security Council and printed in full in the Washington Times, and I would like to submit that for the RECORD, it was suggested that additional space- and missile-related technology might be transferred to China as an incentive for China to join the Missile Technology Control Regime.

As a member of that regime, China would be eligible to acquire missile technology it cannot currently attain legally. However, while China has already said it would abide by the regime's restrictions, those pledges have repeatedly proven to be hollow. China's record of missile proliferation should give Members little comfort about Beijing's willingness to abide by its international nonproliferation obligation.

In simple terms, Congress must speak loudly and clearly today to ensure that the United States does not take any action that helps China to improve its military capability, especially its ballistic missile capabilities.

Mr. Chairman, China is clearly working overtime to improve its military might, and it views ballistic missiles as a quick and effective way to do so. The United States should refuse to be an accomplice to that effort, yet under the guise of constructive engagement and increasingly open trade, we are doing just that.

Mr. Chairman, I urge my colleagues to support the Spence-Gilman amendment and to send a clear message to the President before he travels to China next month that the Congress strongly opposes any policy that places business interests over the national security interest.

Mr. GILMAN. Mr. Chairman, I rise today as a coauthor of the amendment offered by my good friend, the gentleman from South Carolina, the distinguished Chairman of the Committee on National Security, Mr. SPENCE.

I hope that this amendment would be unanimously adopted by the House. It simply sets forth the sense of the Congress on an issue of vital importance to America's national security—the transfer of missile technology to China.

To that end, this amendment calls on the President to indefinitely suspend the export of U.S. satellites to China, including those satellites licensed in February of 1998 as part of the CHINA–SAT–8 program.

This amendment also expresses the sense of the Congress that during the Presidential summit meeting to be held in China next month, the United States should not support or enter into any agreements with China which would further expand cooperation with China.

I am particularly concerned about the Administration's stated intent to support China's membership in the Missile Technology control Regime.

China continues to provide missile technology and components to both Pakistan and Iran. Since 1991 the United States has sanctioned China twice for violations of U.S. missile proliferation laws.

I do not comprehend the logic, given China's record, of offering them MTCR membership. Perhaps it is for the reasons explicitly stated in a National Security Council memorandum. Regrettably these are precisely the wrong reasons.

That memorandum, which is dated March 12, 1998, states that the U.S. should support Chinese membership because [quote] this would provide China with political prestige, the ability to shape future MTCR decisions, substantial protection from future U.S. missile sanctions and would expedite somewhat the consideration of U.S. exports to China. [unquote]

I am concerned that in the mad rush to obtain better relations with the Chinese, we will enter into another deal with china to be delivered at the June summit, in which we throw our non-proliferation principles out the window.

In order to cut the nuclear deal at last year's summit, we sacrificed full scope safeguards. What will we sacrifice for a missile deal?

We all know this Administration was too eager to offer the Russian membership in the MTCR. The Russians have flouted every precept of the MTCR by transferring missile components and technology to Iran.

Moreover, let me point out that this amendment calls upon the Administration to ensure that U.S. laws regarding the export of satellites to China are enforced and that the criminal investigation of U.S. companies proceed with all due dispatch. This is a critical consideration which we must not overlook.

Accordingly, I urge all Members to fully support this amendment.

Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of this amendment that is offered by the gentleman from South Carolina (Mr. SPENCE) and the gentleman from New York (Mr. GILMAN).

The total umbrella of American issues with the Chinese, and there are lots of issues, most of them commercial issues, a lot of them technology transfer issues, is largely governed by the administration's policies that are brought about in these discussions with Chinese leaders.

There is going to be an upcoming presidential summit. That has been pointed out. A lot of the things that we are concerned about, like Chinese membership in the Missile Technology Control Regime, the waiver the gentleman from South Carolina mentioned of the Tiananmen Square sanctions, increases in space launches, a number of those critical issues are going to be discussed. I think it is very important for this House to lay down its marker right now and let the administration know that we are very concerned on a national security basis of what he is doing in this next meeting with Chinese leaders.

I think this is an absolutely appropriate amendment. I hope everybody would vote ''yes''.

Mr. SPENCE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. SPENCE).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SPENCE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 441, further proceedings on the amendment offered by the gentleman from South Carolina (Mr. SPENCE) will be postponed.

It is now in order to consider amendment No. 2 printed in part A of House Report 105–544.

AMENDMENT NO. 2 OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer an amendment made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 2 offered by Mr. BEREUTER:

At the end of title XII (page 253, after line 3), insert the following new section:

SEC. 1206. INVESTIGATIONS OF SATELLITE LAUNCH FAILURES

(a) PARTICIPATION IN INVESTIGATIONS.—In the event of the failure of a launch from the People's Republic of China of a satellite of United States origin, no United States person may participate in any subsequent investigation of the failure.

(b) DEFINITION.—As used in this section, the term ''United States person'' has the meaning given that term in section 16 of the Export Administration Act of 1979, and includes any officer or employee of the Federal Government or of any other government.

The CHAIRMAN. Pursuant to House Resolution 441, the gentleman from Nebraska (Mr. BEREUTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I yield myself such time as I may consume.

(Mr. BEREUTER asked and was given permission to revise and extend his remarks.)

Mr. BEREUTER. Mr. Chairman, this amendment would prohibit United States participation in any post-launch failure investigations involving the launch of a U.S. satellite from the People's Republic of China.

On February 15, 1996, a Chinese rocket carrying a satellite built by the Loral Corporation crashed on liftoff from a launch facility in southern China. In the aftermath of that launch failure, the PRC established a review commission to investigate the failure and determine what went wrong. American technical experts from Loral and Hughes electronics participated in this investigation. On May 10th of that year, this commission completed a preliminary report finding that the cause of the accident was an electrical failure in the electronic flight control system. The report discussed very sensitive aspects of the rocket's guidance system and flight control system. Copies of this unredacted report, including much highly sensitive material, was promptly shared with the Chinese prior to its presentation to U.S. officials!

In the aftermath, the U.S. Air Force and the National Air Intelligence Center completed a damage assessment of the incident, and found that U.S. national security had been harmed. My colleagues will understand that providing technical information designed to address problems in Chinese rocket guidance and flight control systems also addressed the same problems in Chinese Intercontinental Ballistic Missiles (ICBMs). There is a real question as to whether Chinese ICBMs are more accurate and reliable because of the advise of American citizens, and ICBMs pose a very real risk to the United States.

Regrettably, and amazingly, Mr. Speaker, some of those Americans who participated in the Chinese rocket failure investigation argued that they were under no obligation to return the copies of this highly sensitive report.

Now, the background on this amendment is that it seeks to prevent the transfer of sensitive military-related information to China. In 1996, two companies, Loral and Hughes, participated in a launch failure investigation involving the failed launch from China of a U.S. satellite on a Chinese launch vehicle.

As a result of that investigation, information was passed to China that quite apparently could be used to improve the guidance accuracy and warhead delivery capability of China's missiles. The information was reportedly transferred illegally, without a license from the State Department, that is, and the incident is now the subject of a Justice Department criminal investigation.

Even asking questions, Mr. Chairman, of the Chinese during investigations can transmit technical information and assist China in improving its launch capabilities. Anybody that understands even a little bit about gaining intelligence knows this is a process for gaining intelligence, even though it

would be the intention, perhaps, and certainly would be the intention, I would imagine, of these firms not to transfer classified and sensitive information.

Now, this amendment would make it clear that the Congress is opposed to assisting China in the development of its space launch and missile capabilities. Why? Because Chinese missiles are targeted at U.S. cities and, obviously, we do not want to make them more accurate and jeopardize American lives.

I can tell my colleagues that as unfortunate as the Indian nuclear explosions are, that is a related incident, because if Chinese missiles are more accurate, it creates instability not only in Asia but certainly in South Asian countries like India. This amendment would help prevent the transfer of militarily sensitive U.S. technology to China that could be used to improve that missile capability.

The amendment would relieve American industry from the burden of determining what information can and cannot be transmitted to China by preventing U.S. participation in launch failure investigations.

The amendment would also discourage U.S. satellite companies from seeking to launch satellites on Chinese launch vehicles. That is not the primary intent, but that is likely to be the result. If those launch vehicles are likely to be a failure or prone to failure, that would encourage alternative, more commercially viable launch options, including commercial American launch services.

The amendment, therefore, Mr. Chairman, would send what should be a very obvious and certainly important signal prior to President Clinton's upcoming summit trip to China that the United States should not agree to measures that would help China improve its space launch or missile launch capabilities. The guidance systems on these missiles are all-important in determining how vulnerable our population really is, and so it is in our best interest not to have this technology flowing to China or, for that matter, to any other country.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Missouri, the distinguished ranking Democrat member of the Armed Services Committee, now called the Committee on National Security.

Mr. SKELTON. Mr. Chairman, I thank my friend from Nebraska for yielding to me.

I take this opportunity, however, to point out that in our research the amendment, in part, simply repeats well-established legal requirements, and we are going to hammer that nail in, I guess, twice today.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for his comments.

Mr. Chairman, I yield 30 seconds to the gentleman from Indiana (Mr. BUYER), and I apologize it is not more.

Mr. BUYER. Thirty seconds?

Well, in 30 seconds, let me just say, let us do the right thing.

I am a Member that is very disturbed about the transfers of technology. Just pause for a moment in this body. We serve a greater cause than corporations. Corporations serve the bottom line, called profit, and their responsibility is to their stockholders. Our responsibility is, in fact, to the taxpayers and the citizens of this country under the umbrella of national security.

So for the White House to sell out for other reasons, to corporations for profit, by pressure, we serve a greater cause here and there better be a deep appreciation of this.

The CHAIRMAN. The time of the gentleman from Nebraska (Mr. BEREUTER) has expired.

Mr. BUYER. Mr. Chairman, I ask unanimous consent that I be allowed to claim the opposition's time.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The gentleman from Indiana (Mr. BUYER) may control the time otherwise reserved for the opposition.

Mr. BUYER. Mr. Chairman, I yield myself such time as I may consume.

What was very concerning to me was to learn that in 1996 Loral and Hughes had exported commercial satellites to China to launch the Chinese missile and then, in fact, it had exploded.

A Loral subsidiary provided technicians and a report on improving the reliability of the Long March Rocket without first consulting U.S. officials.

And then to learn that the Chinese military officer, in fact, had funneled $100,000 to the Clinton campaign, allegedly through Johnny Chung.

We also have Mr. Schwartz, the chairman of Loral Space Communications, who was the leading soft money donor for the Democrat Party in 1996 in the amount of $366,000. Subsequently, there was a Justice Department investigation.

And then in February of 1998 the Justice Department criminal inquiry was dealt a very serious blow when President Clinton quietly approved the export to China of similar guidance technology by Loral. Basically, what that did was then defunct the Justice Department investigation.

□ 1345

There are so many allegations that are happening in this town with regard to the administration and what is going on, I cannot even keep up with them. But what I can say when it comes to matters of national security, the proliferation issues, the transfers of technology, to think that the United States would transfer these technologies by redefining what a satellite is, is no longer under the munitions definition, somehow being slick in getting around definitions, believe me, other countries out there react to it.

So people in America, when they were surprised to learn about India's detonation and learning about their nuclear capacities, should not be surprised, because if the administration is doing such things like this, it will cause reactions.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding. And I appreciate everything he has said, and I think it goes right to the heart of the Bereuter amendment, which prohibits the U.S. participation in what we call these post-launch failure investigations or debriefings involving the launch of a satellite from China.

The problem is that the Long March rockets, which are used in their strategic systems that are nuclear tipped, some of which are aimed at U.S. cities, are the same rockets that we launch these satellite payloads on. And the way that Loral and Hughes got into trouble here was after a launch went down and they lost a $200 million package, they realized it was in their economic self-interest to show the Chinese how the missile worked. Once again, it was like the guy laying under the guillotine saying, ''I think I see your problem,'' when the guillotine sticks.

So by banning these post-launching debriefings after a failure, which is exactly what the very wise gentleman from Nebraska (Mr. BEREUTER) does here, we take away the temptation from American companies to not only show them how they messed up on this particular launch, but to give them a little more liability for future launches, because they know the profit margin of their stockholders are in part riding on the reliability of these Chinese missiles, which also carry nuclear warheads, which are sometimes aimed at U.S. cities.

So we have got this conflict between commercial interests and national security interests, and the Bereuter amendment is right on point.

Mr. BUYER. Mr. Chairman, reclaiming my time, this is not solely about rockets that may reach U.S. cities. We also have allies in the Pacific Rim for which we have responsibilities within that security of the world. And to think that China, when they had threatened Taiwan and the more we sophisticate their weaponry to inflict harm upon our own allies, how can we in fact count on them if we cannot stand with them in moments like this?

Mr. HUNTER. If the gentleman would continue to yield, he is absolutely right. We are going to be seeing a requirement for greater and greater American deterrent force to go to places like Taiwan as we see the strategic missile capability of the Communist Chinese increase. He is right on point.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Nebraska (Mr. BEREUTER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. BEREUTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 441, further proceedings on the amendment offered by the gentleman from Nebraska (Mr. BEREUTER) will be postponed.

It is now in order to consider Amendment No. 3 printed in part A of House Report 105–544.

AMENDMENT NO. 3 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 3 offered by Mr. HEFLEY:

At the end of title XII (page 253, after line 3), insert the following new section:

SEC. 1206. PROHIBITION ON EXPORTS OF MISSILE EQUIPMENT AND TECHNOLOGY TO CHINA.

No missile equipment or technology (as defined in section 74 of the Arms Export Control Act (22 U.S.C. 2797c)) may be exported to the People's Republic of China.

The CHAIRMAN. Pursuant to House Resolution 441, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. SKELTON. Mr. Chairman, may I at this point, since no Member has risen in opposition, ask unanimous consent to be permitted to control the time normally allotted to the opposition?

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. The gentleman from Missouri may control time otherwise reserved for opposition.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is actually the Hefley-Ryun amendment, and I would like to speak just a few minutes on it. Mr. Chairman, it is a very simple amendment that would address what I think is a fatal flaw in the Administration's current policy on China. That amendment deals with not all the other things that have been talked about here today, this deals strictly and thoroughly with national security.

The amendment would simply prohibit the export or reexport of United States missile technology or equipment to the People's Republic of China. One would think common sense tells us that we should not send any of our defense-related technology or equipment to the only remaining communist country in the world that maintains a nuclear capability.

In 1996, the Clinton administration reportedly permitted the two U.S. firms to transfer technology which would improve the accuracy and capability of Chinese ballistic missile forces. Some may say trade involving space launch vehicles and satellite technology used for commercial purposes should not be impeded. But the commercial and military technology in this case are virtually identical, and it is a risk we simply cannot take.

If we launch a rocket which has the capability of launching more than one satellite, then we have the same technology that we do for multiple warheads on an intercontinental ballistic missile, same technology.

The Chinese had a problem. Their rockets tended to blow up and they tended not to get to where they were supposed to go. So we stepped in and we said, let us help you. Let us fix that. I think if every Member of this body were to ask their constituents back home if the current policy makes sense, they would hear a resounding ''no.''

This is a clear vote to make it harder for potential adversaries to threaten the American people, and I urge all Members to support this amendment.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

I would appreciate if the gentleman would tell me what this does that is not already applicable under the existing law.

Mr. HEFLEY. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, what this does is it removes the waiver system under which what happened did happen so no missile-related technology could be transferred to the Chinese.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding.

The main point that I want to make really has less to do with this amendment than my concern about the bill in general. As Members of Congress, all of us want to do all kinds of things. One can make an argument that the military today needs $270 billion. But I think, given the growing gap between the rich and the poor in America, given the fact that millions of senior citizens in this country are unable to afford their prescription drugs, given the fact that there is an enormous crisis in child care in this country, given the fact that there has been a growth in recent years of people using emergency food shelters, people sleeping out on the streets, I think the time is now to get our priorities right.

I believe that this country needs a strong military, but I think that there are other needs out there that are not being adequately addressed as we put $270-some-odd billion into the military, more than is needed by the intelligence agencies. And we should also recognize that not only are we putting substantial sums of money into our military, we are also part of NATO, which is a major military alliance as well.

The bottom line for me is to say that now that the Cold War is over, is it appropriate to continue spending so much money on the military when there are so many other needs in this country? Is it appropriate to continue to build weapons systems that we do not need when this country continues to have by far the highest rate of childhood poverty in the industrialized world? Is it appropriate that we are spending money on the military with the end of the Cold War when our educational system is lacking in so many respects, when the weakest and most vulnerable people in this country are hurting and not getting the governmental support that they need?

So I want to just thank the gentleman from Missouri (Mr. SKELTON) for yielding me this brief time to suggest that I will be voting against the entire bill. Because I think it does not, now that the Cold War is over, indicate a rationale and sensible set of priorities for this country.

Mr. HEFLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. PAPPAS).

(Mr. PAPPAS asked and was given permission to revise and extend his remarks.)

Mr. PAPPAS. Mr. Chairman, I stand in strong support of these amendments.

Mr. Chairman, I serve on the National Security Committee. I see where we are trying to keep many fires burning in all corners of the world. America is sending troops to Bosnia, sending carriers to places like the Persian Gulf, trying to prepare a missile defense system, modernize equipment, invent future technologies while cutting troops, stopping research, and extending the life of old systems.

Now we have to add a new need to the mix. And it is an urgent need. Communist China. Missiles aimed at America. How do we as a Congress respond?

Well, I think what we must do is to protect America first. Congress must provide for the national defense of our country. Business interests, as much as I support them in many areas, must be second to the protection of U.S. national security interests. We must stop the flow of sensitive technology that makes the Chinese Army and Navy stronger.

I am concerned about the politics involved but that can not be used by any party to distract from defending our country or as an excuse to point fingers and not do anything. This is our chance to plug these loopholes now! Partisanship can wait for another day.

We have seen the results of failure to stop the spread of this missile technology. India has recently tested nuclear devices. One of the reported main reasons for this test has been India's fear of China's ability to use nuclear technology against them. Rightly or wrongly, India perceives the advances in Chinese technology, with U.S. help as a threat. Now the world is facing a possible renewed nuclear arms race. Perhaps this could have been avoided if our country had the foresight to stop this.

As such, I would urge this Congress to support the four amendments dealing with Chinese technology today. We must empower

this Congress and our Defense Department to make national security decisions, not business people solely concerned with the bottom line.

I also would draw this Congress' attention to an amendment that was offered by Mr. SAXTON that was not ruled in order that would close the loophole to China known as Hong Kong. Last time I checked, Hong Kong was now under Communist Chinese Control and the previous government has been replaced by PLA representation. However, we can send sensitive military technology to Hong Kong but not China. Although this amendment was not ruled in order, I hope this Congress will continue to pay attention to this loophole that will probably be the conduit to more threats against U.S. interests.

I would ask that this Congress support these four amendments. Each should send a bipartisan measure that this Congress does not want to arm potential adversaries with weapon systems for nuclear capabilities.

Mr. HEFLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. RYUN), the cosponsor of this amendment.

(Mr. RYUN asked and was given permission to revise and extend his remarks.)

Mr. RYUN. Mr. Chairman, one thing that has been truly a pleasure in serving our national security is that when we come to an issue such as this that is really a national security issue for this country, I have seen this committee come together in such a way that they worked on policy and not on politics. So I hope today that it will be unanimous and strong support for this amendment, the Hefley-Ryun amendment, because I do believe there is a threat with communist nuclear missiles.

In 1996, after the failed launch of the Chinese Long March missile, engineers from the United States aerospace firms went to China to lend their expertise to Great Wall Industries, the manufacturer of these particular missiles.

A 1997 classified Department of Defense report concluded that at least one U.S. company gave sensitive missile guidance technology to the Chinese. The DOD report then concluded that that transfer damaged our national security. So that is why this is beyond politics and it is really into policy.

Next month, President Clinton will visit Beijing. He is expected to announce a new space cooperation agreement and possibly discuss lifting sanctions on the transfer of further military technology. As long as China remains a communist country and transfers technology to regimes such as Iran and Pakistan are possible through China, the United States should not share its commercial space technology that could be used against us for military purposes.

China has 13 long-range missiles aimed at the United States. The CIA just confirmed this a couple weeks ago. It also considers the United States its number one security threat. No agreement increasing technology transfers to Communist China should be pursued. It is irresponsible to advance the military capabilities of a communist country, even more so as the U.S. lacks missile defense programs that are necessary to combat these.

It is unfortunate that we need to offer this amendment today. The issue is clear. The United States should not provide missile technology to communist countries. And it is my hope that colleagues on the opposite side of the aisle will join us in supporting the Hefley-Ryun amendment.

Mr. HEFLEY. Mr. Chairman, may I inquire how much time is remaining?

The CHAIRMAN. The gentleman from Colorado (Mr. HEFLEY) has 30 seconds remaining. The gentleman from Missouri (Mr. SKELTON) has 2 minutes remaining.

Mr. SKELTON. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana (Mr. BUYER).

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Mr. BUYER. Mr. Chairman, I thank my friend for yielding to me. I just wanted to do a reminder to my colleagues.

If you recall, it was several years ago we had a debate in the Committee on National Security, and that was who should make these decisions on the transfers of these type of technologies. At the time, the administration wanted the Committee on Commerce to do that and to take the Pentagon out of that question. We made the decision in a very bipartisan manner in the Committee on National Security, that we felt matters such as this are so important to our Nation that the Pentagon needs to be in the loop.

When we force the Pentagon into the loop and when the Pentagon raises objections, they then get squashed, that is not a good thing.

I support the Hefley amendment to remove the waiver authority by the President.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

Mr. HEFLEY. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I just want to strongly endorse the Hefley amendment. This chart shows all of the aspects of missile technology that are manifest in a commercial satellite program. They include payload disbursal technology, kick motor technology, radiation hardened electronics, encryption devices, launcher attitude control.

So there are a lot of aspects of technology beyond the mere delivering of a package that can assist the Chinese rocket program. So the amendment of the gentleman from Colorado (Mr. HEFLEY) is right on target; I would recommend its approval.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 441, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in part A of House Report 104–544.

AMENDMENT NO. 4 OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A, amendment No. 4 offered by Mr. HUNTER:

At the end of title XII (page 253, after line 3), insert the following new section:

SEC. 1206. PROHIBITION ON EXPORTS AND REEXPORTS OF SATELLITES TO CHINA.

(a) IN GENERAL.—No satellites of United States origin (including commercial satellites and satellite components) may be exported or reexported to the People's Republic of China.

(b) PROHIBITION WITH RESPECT TO INFORMATION, EQUIPMENT, AND TECHNOLOGY.—No information, equipment, or technology that could be used in the acquisition, design, development (including codevelopment), or production (including coproduction) of any satellite or launch vehicle may be exported or reexported to the People's Republic of China.

(c) APPLICABILITY.—Subsections (a) and (b) apply to any satellite, information, equipment, or technology that as of the date of the enactment of this Act has not been exported or reexported to the People's Republic of China, whether or not an export license for such export or reexport has been approved as of such date.

The CHAIRMAN. Pursuant to House Resolution 441, the gentleman from California (Mr. HUNTER) and a Member opposed each will control 5 minutes.

Mr. SKELTON. Mr. Chairman, since no Member has risen in opposition, I ask unanimous consent that I be permitted to control the time.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have spoken about this amendment for some time now during this debate. I think most of the folks that are listening to the debate understand the problem. The problem is that there is an inextricable link between the satellite technology that we have been transferring to China pursuant to our satellite launch partnership with them and their nuclear missile capability.

While we are trying to sort this problem out, Mr. Chairman, it makes sense for us to stop the train, to put on the brakes and say we are not going to make any transfers, no export or reexport of U.S. satellites, including commercial satellites and satellite components, to the People's Republic of

China. That is what this amendment does.

Mr. Chairman, in this crash we saw another problem that we had not thought about, and that is that we have these packages which, in theory, are protected against Chinese scientists and engineers being able to examine the contents even while they are in China. I listened to the President of Hughes Electronics tell me very passionately how these packages are guarded and nobody is allowed to come close to them, so the engineers in this Communist country will have no ideas what is inside the packages.

The problem is, if you have an aborted launch like the one that we had or a disastrous launch where the Chinese missile with the satellite package atop it goes down in China, and the damage is then recovered and analyzed by the People's Liberation Army of China, they then have access to all of the contents of that satellite package.

Let me just say, Mr. Chairman, without having the most recent briefings, which the administration I think has been somewhat reluctant to give, on exactly what transpired after the crash, I am concerned and I am worried that some things were recovered by the People's Liberation Army that should not have been recovered.

So this amendment bans the export and reexport of U.S. satellites, including commercial satellites and satellite components into the People's Republic of China. I think it is a timely amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wish to point out that we are hammering the nail in that is already been flush to the board. Nevertheless, let me point this out: No controlled information relevant to ballistic missiles or warhead delivery technology has been authorized to be made available to Chinese authorities in connection with past space launches of commercial satellites.

The existing procedures, including the technical safeguards agreement negotiated under the Bush administration, that is the previous Republican administration, signed in February 1993, explicitly prohibit transfer of technology related to launch vehicles. Warhead delivery technology was also prohibited.

Mr. Chairman, I yield back the balance of my time.

Mr. HUNTER. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from California (Mr. HUNTER) has 2½ minutes remaining.

Mr. HUNTER. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I have a question for the author of the amendment. Earlier I rose and discussed that this question came up several years ago in the Committee on National Security with regard to the jurisdiction question on commodity.

As I understand, on commodity jurisdiction, the transfer from the State Department with regard to satellites that used to be classified under the munitions has now been transferred to the Commerce Department, who would look at the satellite and say this is really dual-use technology. Am I understanding that correctly?

Mr. HUNTER. Mr. Chairman, if the gentleman will yield to me, that is right. Oversight or the primary review of the satellite transfers has now been taken away from the Department of Defense, who look at it from a national security standpoint, and given to the Department of Commerce, which arguably does not have the experts to understand exactly what is being transferred, and does not have probably the political will that the Department of Defense has to keep critical militarily strategic components from going to the hands of our potential adversaries. The Defense Department is tougher on these transfers.

Mr. BUYER. But the sensitivity about the duality of the purposes, saying that this is a rocket system that could only launch a satellite, in essence is the same rocket system that it would take to send a nuclear warhead anywhere in the world.

Mr. HUNTER. The gentleman is exactly right. In fact, it is exactly the same missile. The Chinese use the same missile both for the satellite launch and for the nuclear weapons launch. That is why it is so critical to really examine these packages.

Mr. BUYER. So earlier when the House adopted an amendment that said no to the President on waivers of munitions, this amendment is saying no to the waivers on the commodities?

Mr. HUNTER. That is right. This thing bans the export and reexport.

Mr. BUYER. Mr. Chairman, I support the amendment.

The CHAIRMAN. The gentleman from California (Mr. HUNTER) has 1 minute remaining.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just make this clear. This bans the export and reexport of U.S. satellites, including commercial satellites and satellite components, to the People's Republic of China. I think it is necessary at this time.

My friend the gentleman from Missouri pointed out that we have waived or we have allowed these transfers in the past under the Bush administration. That is true. I led off my debate by saying this has gone back a long way.

I think, in light of the activities that have taken place in recent years, 1996 through 1998, I personally have a problem in trusting the folks that are making the decision to go or no go on satellite transfer, to allow them to have the discretion at this time.

Mr. Chairman, I think this is a prudent thing for the House to put on the brakes at this point and to hold up all transfers until we sort out how much damage has been done, and damage has been done, according to the Department of Defense.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. HUNTER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 441, further proceedings on the amendment offered by the gentleman from California (Mr. HUNTER) will be postponed.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 441, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. A–1 offered by the gentleman from South Carolina (Mr. SPENCE); amendment No. A–2 offered by the gentleman from Nebraska (Mr. BEREUTER); amendment No. A–3 offered by the gentleman from Colorado (Mr. HEFLEY); and amendment No. A–4 offered by the gentleman from California (Mr. HUNTER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. A–1 OFFERED BY MR. SPENCE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. SPENCE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 417, noes 4, not voting 11, as follows:

[Roll No. 167]

AYES—417

Abercrombie	Berman	Bryant
Ackerman	Berry	Bunning
Aderholt	Bilbray	Burr
Allen	Bilirakis	Burton
Andrews	Bishop	Buyer
Archer	Blagojevich	Callahan
Armey	Bliley	Calvert
Bachus	Blumenauer	Camp
Baesler	Blunt	Campbell
Baker	Boehlert	Canady
Baldacci	Boehner	Capps
Ballenger	Bonilla	Cardin
Barcia	Bonior	Castle
Barr	Bono	Chabot
Barrett (NE)	Borski	Chambliss
Barrett (WI)	Boswell	Chenoweth
Bartlett	Boucher	Christensen
Barton	Boyd	Clayton
Bass	Brady	Clement
Becerra	Brown (CA)	Clyburn
Bentsen	Brown (FL)	Coble
Bereuter	Brown (OH)	Coburn

Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—4

Hamilton
Hastings (FL)
McDermott
Wexler

NOT VOTING—11

Bateman
Cannon
Carson
Clay
Ewing
Gonzalez
Harman
Meeks (NY)
Mollohan
Stabenow
Stark

□ 1429

Mr. HASTINGS of Florida and Mr. McDERMOTT changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT A–2 OFFERED BY MR. BEREUTER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Nebraska (Mr. BEREUTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 414, noes 7, not voting 11, as follows:

[Roll No. 168]

AYES—414

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner

Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—7

Campbell
Hamilton
Hastings (FL)
McDermott
Watt (NC)
Wexler
Yates

NOT VOTING—11

Bateman
Carson
Clay
Cox
Diaz-Balart
Ewing
Gonzalez
Harman
Meeks (NY)
Norwood
Stabenow

□ 1439

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DIAZ-BALART. Mr. Chairman, on rollcall No. 168, I was inadvertently detained. Had I been present, I would have voted "yes."

AMENDMENT A–3 OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 412, noes 6, not voting 14, as follows:

[Roll No. 169]

AYES—412

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—6

Campbell
Hamilton
Hastings (FL)
McDermott
Moran (VA)
Wexler

NOT VOTING—14

Bateman
Brady
Carson
Clay
Cox
Ewing
Fawell
Gonzalez
Harman
Hill
McIntosh
Meeks (NY)
Stabenow
Weldon (FL)

□ 1448

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WELDON of Florida. Mr. Chairman, on rollcall No. 169, I was inadvertently detained. Had I been present, I would have voted "yes."

AMENDMENT A–4 OFFERED BY MR. HUNTER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. Hunter) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a five-minute vote.

The vote was taken by electronic device, and there were—ayes 364, noes 54, not voting 14, as follows:

[Roll No. 170]

AYES—364

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Doggett
Doolittle
Doyle
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Fawell
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez

Gutknecht	McCollum	Roukema
Hall (OH)	McCrery	Royce
Hall (TX)	McDade	Rush
Hansen	McGovern	Ryun
Hastert	McHale	Sanders
Hastings (WA)	McHugh	Sandlin
Hayworth	McInnis	Sanford
Hefley	McIntosh	Saxton
Hefner	McIntyre	Scarborough
Herger	McKeon	Schaefer, Dan
Hill	McKinney	Schaffer, Bob
Hilleary	McNulty	Schumer
Hilliard	Meehan	Scott
Hinchey	Meek (FL)	Sensenbrenner
Hinojosa	Menendez	Sessions
Hobson	Metcalf	Shadegg
Hoekstra	Mica	Shaw
Holden	Millender-McDonald	Shays
Hooley	Miller (CA)	Sherman
Horn	Miller (FL)	Shimkus
Hostettler	Minge	Shuster
Hoyer	Mink	Sisisky
Hulshof	Moakley	Skeen
Hunter	Mollohan	Skelton
Hutchinson	Moran (KS)	Slaughter
Hyde	Morella	Smith (MI)
Inglis	Murtha	Smith (NJ)
Istook	Myrick	Smith (OR)
Jackson (IL)	Nadler	Smith (TX)
Jackson-Lee (TX)	Neal	Smith, Linda
Jefferson	Nethercutt	Snowbarger
Jenkins	Neumann	Snyder
John	Ney	Solomon
Johnson (WI)	Northup	Spence
Johnson, E. B.	Norwood	Stark
Johnson, Sam	Nussle	Stearns
Jones	Oberstar	Stenholm
Kanjorski	Oxley	Stokes
Kaptur	Packard	Strickland
Kelly	Pallone	Stump
Kennedy (MA)	Pappas	Stupak
Kennedy (RI)	Parker	Sununu
Kennelly	Pascrell	Talent
Kildee	Pastor	Tanner
Kim	Paul	Tauzin
Kind (WI)	Paxon	Taylor (MS)
King (NY)	Payne	Taylor (NC)
Kingston	Pease	Thompson
Kleczka	Pelosi	Thornberry
Klink	Peterson (MN)	Thune
Klug	Peterson (PA)	Thurman
Knollenberg	Petri	Tiahrt
Kucinich	Pickering	Tierney
LaHood	Pitts	Torres
Lampson	Pombo	Towns
Lantos	Pomeroy	Traficant
Largent	Porter	Turner
Latham	Portman	Upton
LaTourette	Poshard	Velazquez
Lazio	Price (NC)	Vento
Leach	Pryce (OH)	Visclosky
Levin	Quinn	Walsh
Lewis (CA)	Radanovich	Wamp
Lewis (KY)	Rahall	Watkins
Linder	Ramstad	Watts (OK)
Lipinski	Rangel	Waxman
Livingston	Redmond	Weldon (FL)
LoBiondo	Regula	Weldon (PA)
Lowey	Riggs	Weller
Lucas	Riley	Weygand
Luther	Rivers	White
Maloney (CT)	Rodriguez	Whitfield
Maloney (NY)	Roemer	Wicker
Manton	Rogan	Wise
Markey	Rogers	Wolf
Martinez	Rohrabacher	Woolsey
Mascara	Ros-Lehtinen	Wynn
McCarthy (NY)	Rothman	Young (AK)
		Young (FL)

NOES—54

Ackerman	Fazio	Olver
Allen	Furse	Ortiz
Barrett (WI)	Hamilton	Pickett
Becerra	Hastings (FL)	Reyes
Berry	Houghton	Roybal-Allard
Brown (CA)	Johnson (CT)	Sabo
Campbell	Kilpatrick	Salmon
Clayton	Kolbe	Sanchez
Conyers	LaFalce	Sawyer
Crane	Lee	Serrano
Dicks	Lewis (GA)	Skaggs
Dixon	Lofgren	Smith, Adam
Dooley	Manzullo	Tauscher
Dreier	Matsui	Thomas
Ehlers	McCarthy (MO)	Waters
Eshoo	McDermott	Watt (NC)
Farr	Moran (VA)	Wexler
Fattah	Obey	Yates

NOT VOTING—14

Bass	Ewing	Owens
Bateman	Gonzalez	Souder
Carson	Harman	Spratt
Clay	Kasich	Stabenow
Cox	Meeks (NY)	

□ 1457

Mr. DOOLEY of California changed his vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in Part B of House Report 105–544.

AMENDMENT NO. 1 OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows.

Part B amendment No. 1 offered by Mrs. LOWEY:

At the end of subtitle A of title VII (page 189, after line 5) insert the following new section:

SEC. 705. RESTORATION OF POLICY AFFORDING ACCESS TO CERTAIN HEALTH CARE PROCEDURES FOR FEMALE MEMBERS OF THE ARMED FORCES AND DEPENDENTS AT DEPARTMENT OF DEFENSE FACILITIES OVERSEAS.

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

(1) in subsection (a), by striking out ''(a) RESTRICTION ON USE OF FUNDS.—''; and

(2) by striking out subsection (b).

The CHAIRMAN. Pursuant to House Resolution 441, the gentlewoman from New York (Mrs. LOWEY) and a Member opposed each will control 20 minutes.

Mr. BUYER. Mr. Chairman, I rise in opposition to the amendment and claim the time.

The CHAIRMAN. The gentleman from Indiana (Mr. BUYER) will be recognized for 20 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. LOWEY).

□ 1500

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

The gentlewoman from Maryland (Mrs. MORELLA) and I are pleased to offer an amendment today on behalf of the gentlewoman from California (Ms. HARMAN), who unfortunately cannot be here. The Lowey-Harman-Morella amendment would give military women access to the health care they need and deserve.

Our amendment will repeal a provision of law which prevents servicewomen and female dependents of servicemen from using their own funds to obtain legal abortion services in military hospitals. Women who volunteer to serve in the Armed Forces already give up many freedoms and risk their lives in defending our country. They should not also have to sacrifice their health, their safety and their basic constitutional rights to a policy with no valid military purpose.

I want to make sure that every Member of Congress knows that the Department of Defense itself is opposed to the current policy. Our amendment is first and foremost about protecting women's health. Local facilities and foreign nations are often not equipped to perform abortions safely and medical safety and medical standards are often far lower than those in the United States.

A woman forced to seek an abortion at local facilities or forced to wait to travel to acquire safe abortion services faces tremendous health risks. Do we really want American servicewomen overseas seeking back-alley abortions on their own in a foreign country?

This amendment does not allow taxpayer-funded abortions at military hospitals, nor does it compel any doctor who opposes abortion to perform an abortion. The amendment merely reinstates the policy that was in effect from 1973 to 1988, and again from 1993 to 1996, giving women in the military who are stationed overseas the same rights as military women in their own country: the right to purchase a safe and legal abortion with their own private money.

Servicewomen and military dependents stationed abroad do not expect special treatment, only the right to receive the same services guaranteed to American women under Roe v. Wade. This bill penalizes women who have volunteered to serve their country by prohibiting them from exercising their constitutionally protected right to choose.

I urge my colleagues, consider the irony of the United States military, the greatest and most powerful in the world, denying overseas servicewomen and servicemen and their families the rights and freedoms we are so justifiably proud of at home.

I urge support for the Lowey-Harman-Morella amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BUYER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, over the past three decades, the availability of abortion services at military medical facilities has been the subject of numerous changes and interpretations over the years. In January of 1993, President Clinton signed an executive order directing the Department of Defense to permit privately funded abortions be performed in military treatment facilities.

The changes ordered by the President, however, did not have the effect of greatly increasing access to abortion services. Few abortions were performed at military treatment facilities overseas for two principle reasons:

First, the United States military follows the prevailing laws and rules of foreign countries regarding abortions and, secondly, the military had a difficult time finding health care professionals in uniform willing to perform the abortions.

The current law is consistent with the Hyde language. It allows military women and dependents to receive abortions in military treatment facilities in cases of rape, incest or when necessary to save the life of the mother.

This is the same policy that has been in effect from June 1988, until President Clinton signed the executive order. The House has voted several times to ban abortions at overseas military hospitals. Last year this amendment was offered and defeated at full committee markup and during floor consideration.

In 1996, between the defense authorization bill and the defense appropriations bill, this House voted 8 times in favor of the ban on abortions at military treatment facilities. In those overseas areas, where female beneficiaries do not have access to safe, legal abortions, beneficiaries have the option of using space-available travel for returning to the United States or traveling to another overseas location for the purpose of obtaining an abortion.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentlewoman for yielding me the time.

This amendment does not fund abortions with tax dollars. Let us get that very clear. Tax dollars under current law may not pay for abortions. Tax dollars under this amendment will not pay for abortions. This amendment merely assures that soldiers, sailors, Marines do not become second class citizens when they don the uniform of our great Nation to defend freedom.

This amendment merely assures that our servicemen and servicewomen and their spouses do not have less freedom than the people they defend. All this amendment guarantees is that a servicewoman or a serviceman's wife has the same right any other American woman has to terminate a pregnancy in, for example, the first trimester, in a safe, clean health care facility. Any serviceman's wife or servicewoman who would want to would have to pay for the procedure themselves. This does not provide tax dollars for the procedure. In fact, this amendment only does three things:

It provides equal rights to our military servicemen and servicewomen to legal medical care. It provides equal protection against care in substandard hospitals by substandard physicians. And thirdly, it provides equal protection under the law. Remember, the way the current policy is written, if you are a colonel, a major, and you are well paid, yes, you can fly back to the States to have care. If you are an enlisted man, frankly, you cannot. So this prevents discrimination on an economic basis and merely guarantees to servicemen's wives and to servicewomen exactly the same rights to access to medical care that all other Americans enjoy.

Mr. BUYER. Mr. Chairman, I yield myself 15 seconds to respond and say that space-available travel is at no cost to the service member so there is no discrimination between rank of officers and enlisted.

Mrs. JOHNSON of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Remember, space available, I have a lot of family in the military, is hard to get, and there is timeliness involved in this issue.

Mr. BUYER. Mr. Chairman, reclaiming my time, there is no difference in treatment between the officer corps and the NCO corps, the enlisted corps on this measure.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding me the time.

I rise again in opposition to this amendment. We have debated this amendment now every year since I was first elected to the Congress. Prior to coming to the Congress, I was a practicing physician in Florida and, prior to going into private practice, I spent 6 years in the U.S. Army Medical Corps. Indeed, I was in the medical corps when this policy was first established under the Reagan administration. I can tell my colleagues that the policy was well received by the people within the medical corps, the men and women.

The reason it was so well received is the same reason that it is very controversial here. There are lots of Members who feel that killing the unborn child in the womb is morally wrong and that we should not be doing that. To use a military treatment facility and to ask our men and women in uniform, many of whom have very, very strong objections to this procedure, they do not consider it a medical procedure, they consider it killing, is just wrong.

I can tell my colleagues that when I was on active duty, when this ban went into effect, it was very, very well received by the nurses, by the physicians. They did not like doing it, and today, still, they do not like doing it. I would encourage all of my colleagues to vote no on this amendment. Those who would claim that no taxpayer dollars are being used, I disagree with that. They are using the facility. They are using the materials. They are using the infrastructure, the electricity that is there. I say, do not use in any way tax dollars for this kind of purpose.

The reason people do not like this is the same reason they could not find any doctors to do it in the first place, and that is because it is ending a human life. People will try to dehumanize this whole procedure and call it something else, but in reality it is taking a living human being in the womb and abruptly ending its life. I think it is wrong, and I urge all my colleagues to vote no on this.

Mrs. LOWEY. Mr. Chairman, I yield myself 15 seconds just to remark to the gentleman that the military does have a conscience clause. No doctor has to perform this procedure if it is against their own views.

Mr. Chairman, I yield 1 minute to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Chairman, I rise in strong support of the Lowey-Harman-Morella amendment.

This amendment is simply about restoring the basic rights that have been denied to women simply because they serve in the military. Every woman in America has a constitutional right to reproductive choice. Yet the anti-choice movement in Congress has been relentless to overturn this constitutional right.

Poor women, women who live in the Nation's capital, women in the military are just the first victims of a deliberate attempt to outlaw access to comprehensive reproductive services to all American women. This amendment ensures that women in the military can exercise the same rights that all women of America were guaranteed 25 years ago.

The amendment does not require the Department of Defense to pay for abortions. It simply allows military women to seek and pay for a full range of health care services. If that includes electricity, I am sure they can pay for the electricity as well.

If this amendment fails, Congress will jeopardize the health of all women who serve in the military overseas. I urge my colleagues to think about the message they are sending and to vote aye on this amendment.

Mr. BUYER. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT of Maryland. Mr. Chairman, for many years before it was law, no abortions were done in our military hospitals. The reason was that military doctors will not do abortions. The present policy and its law is that if the life of the mother is at risk, those abortions are permitted. As a matter of fact, they are fully funded. In cases of rape and incest, the abortion is permitted.

When American people are polled, fully 80 percent of them oppose abortion for birth control. If you exclude life of the mother, rape and incest, essentially all that remains is abortion for birth control. A lot has been said about the health of the mother. Killing babies when the mother's life is not at risk is not a woman's health issue.

Let me close by saying that you do not have a right to do what is wrong, and killing the preborn baby is wrong.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from New York for yielding me the time.

I would simply say that, here we go again, on an argument that argues against the law of the land. Our military personnel deserve to be under the

law of the land. So all we are simply asking is that the laws of this land regarding choice and the right to an abortion be applied to the women in the United States military. Prohibiting women from using their own funds to obtain abortion services at overseas military facilities actually endangers the woman's health. Women stationed overseas depend on their base hospitals for medical care and are often situated in areas where local facilities are inadequate or unavailable. This policy may cause a woman facing a crisis pregnancy to seek out an illegal and potentially unsafe abortion.

The issue of as space available, I think it is very well known that even in circumstances of a death at home it becomes very difficult for our servicemen and women sometimes to be able to get back home. Certainly space available is going to argue against a crisis situation when there is the necessity to protect the life and health of the mother. We need to comply with the law of the land for all of our U.S. military women. Let us be fair and treat them as they should be.

I strongly support amendment No. 45 which will restore regulations permitting abortions for service members and their dependents at overseas Defense Department Medical facilities.

Without this amendment women who have volunteered to serve their country will continue to be discriminated against by prohibiting them from exercising their legally protected right to choose abortion simply because they are stationed overseas.

While the Department of Defense policy respects the laws of host nations regarding abortions, service women stationed overseas should be entitled to the same services as do women stationed in the U.S.

Prohibiting women from using their own funds to obtain abortion services at overseas military facilities endangers women's health. Women stationed overseas depend on their base hospitals for medical care, and are often situated in areas where local facilities are inadequate or unavailable. This policy may cause a woman facing a crisis pregnancy to seek out an illegal and potentially unsafe abortion.

Since 1985, the ban on DOD abortions was made permanent by the DOD authorization bill. This amendment does not require the Department of Defense to pay for abortions, it simply repeals the current ban on privately funded abortions at U.S. military facilities overseas. Absolutely no Federal funds will be used for abortion services.

In addition, all three branches of the military have a ''conscience clause'' provision which will permit medical personnel who have moral, religious or ethical objections to abortion or family planning services not to participate in the procedure. These provisions will remain intact as well.

Access to abortion is a crucial right for American women, whether or not they are stationed abroad. This amendment must be supported as women who serve our country must be able to exercise their choice whether or not they are on American soil.

Mr. BUYER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Idaho (Mrs. CHENOWETH).

Mrs. CHENOWETH. Mr. Chairman, I rise in strong opposition to this amendment. Indeed the law of the land was passed on February 10, 1996. It was with regard to this issue. It is entitled the National Defense Authorization Act for Fiscal Year 1996 and was signed into law by President Clinton.

This act contained a provision to prevent DOD medical treatment facilities from being used to perform abortions except where the life of the mother is endangered or in the case of rape or incest. Quite simply, should this amendment be adopted, not only would taxpayer-funded facilities be used to support abortion on demand, but resources would also be used to search for, to hire and to transport new personnel so that abortions could be performed.

□ 1515

Mr. Chairman, this is unacceptable and disturbing. Military treatment centers must remain dedicated to healing and nurturing life. As such, they should not be forced to facilitate the taking of the most innocent human life, the child in the womb.

I urge my colleagues to protect the sanctity of life and vote ''no'' on this amendment.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I rise today in support of the Lowey-Harman amendment to the defense authorization bill because it is fair and it is right.

Women serving our Nation overseas should have access to constitutionally protected health care procedures. The United States military should provide for all the health needs of all its members. Health needs are health needs.

Women who are proudly serving and protecting the security of our Nation overseas should be able to depend on their base hospitals for all of their medical services. Therefore, women should have access to reproductive health care just as they have access to treatment for the flu.

I urge my colleagues to support this amendment.

Mr. BUYER. Mr. Chairman, I yield myself 1 minute to make a couple of observations.

One is that, in fact, the amendment before us is striking language. So with regard to the last speaker, when he said we only want to provide constitutionally protected abortion access, then what we do is we set forth the scenario of having also late-term abortions. Partial-birth abortions could also then be performed at military treatment facilities. I do not think that is what we want at military treatment facilities.

We also have the scenario where it was argued this would not have anything to do with taxpayer funds. Well, if in fact our problem is we cannot find a military doctor willing to perform an abortion, then are we going to have to contract out to have that abortion performed? And if it is contracted out, who pays for that? So I think we are talking about some taxpayer funding.

Also, I am paying attention to the language here, and I think everyone should. I guess what we are calling abortions here on the House floor, the proponents of this amendment do not want to call it abortion. They call it women's health and comprehensive reproductive health services. But let us call it what it is. This is taking the life of another.

Mrs. LOWEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA), my former co-chair of the Congressional Caucus on Women's Issues.

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I am pleased to be a cosponsor of this amendment offered by my friend, the gentlewoman from New York (Mrs. LOWEY) and also the gentlewoman from California (Ms. HARMAN). As we know, this amendment is simply going to give our U.S. servicewomen stationed overseas access to the Department of Defense health facilities by repealing a provision of law which bars them from using their own funds, and I emphasize that, to obtain legal abortion services in military hospitals.

Base hospitals are sometimes the only facilities for medical care, and in countries like Bosnia, usually there is no other resort because local health facilities are frequently inadequate. They just do not meet our standards of health. And so, without having the amendment that we offer, in order to resolve the problem of not having adequate medical facilities, illegal procedures perhaps might be the result of it, or unsafe operations.

And abortion is a constitutional right. We ask many sacrifices of our service people. Let us not compel them to sacrifice basic health rights, the rights of privacy and the constitutional rights that others do have.

Also, this amendment is about fairness. Our servicewomen and military dependents stationed abroad are not asking for any special treatment, they are only asking for the ability to have the very same rights that all Americans have under the Constitution.

And, also, there is a matter of looking economically at it. Yes, there might be those who say, well, members can go home for those services. Well, maybe those who are highly paid can, but there are a certain group of officers who have served us so very well, where the expense would be prohibitive and so, therefore, they are stuck. So there is an economic inequity in that.

I want to reiterate that we are not asking that every doctor perform the abortion, even though it is constitutional. We are not asking for taxpayers to fund it at military hospitals. Any doctor who opposes it on principle or a

matter of conscience would not have to perform the abortion, even if it is legal.

And this does not mean that we have the expense of having to pay for it at another facility. The amendment merely reinstates the policy that was in effect from 1973 until 1988 and then it was again in effect from 1993 to 1996.

Let me finally just point out the strong support from health care providers, those groups that know and do work with health care organizations like the American Nurses Association, the American Public Health Association, the American Medical Women's Association, the American College of Obstetricians and Gynecologists, Planned Parenthood Federation of America. Those among many others have expressed their strong support for this amendment.

It is also supported by the Department of Defense, I would like to emphasize. So I hope that Members would join us in supporting this amendment.

Mr. BUYER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM), a member of the committee.

Mr. CUNNINGHAM. Mr. Chairman, I spent 20 years in the military and not once, not one time did I ever see a woman's right to choose denied. If there was a need for that individual to come back and do it and get the procedure, they were allowed. Whether we are for or against abortion, it should not be in this body, and that includes funding for it.

But in the military, if a woman is overseas and they are in a unit, they are in a combat backup unit, they do not want somebody there that has gone through an abortion. They want them out of the country. They want them out of that unit until they can recover and then come back.

I have heard that it denies the basic rights. It does not. The statute says that they have the right, especially in the case of rape, incest or life of the mother. And any other case, the military will bring them back.

Those folks that are for this very amendment are the same folks that are cutting defense and cutting defense and cutting defense. In the case of the gentlewoman from California (Ms. HARMAN), her biggest contributor is Loral, the one that sold the technology to the Chinese. If my colleagues want to worry about men and women in the military, then take care of the military and quit bringing these kinds of amendments up.

Mrs. LOWEY. Mr. Chairman, I yield 2½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentlewoman from New York for yielding me this time and congratulate her on this important amendment. I rise in strong support of the Lowey-Harman amendment.

Do we hear what we are saying in this debate to the women of our armed services? Make the choice to serve your country in the armed services of the United States and lose your choice over your own body. Join the armed services, sisters, and lose your constitutional rights.

All the red herrings in the world will not make this palatable to young women in this country today. The notion about whether their own money or taxpayers' money is involved, for example. Women would agree to paying the full cost, including the electricity, for the Member who was concerned there. Include the full cost of the abortion. The gentleman wants to know about contracting out. The last time I heard, we contract out for the full cost of the service.

Show some respect for women serving their country. Imagine the position we put them in in Haiti or in Bosnia, having to find a safe place for an abortion. Suppose it is a crisis pregnancy but not one resulting from rape or incest. Why would any Member of this body want to put any woman serving in the armed forces at risk? Why? Why even would we want to put her at any inconvenience? She has signed up to serve her country. I think she deserves all the respect we can muster.

And let me be clear. The armed services today needs its women more than its men, because it is the women whose percentages are rising. It is the percentage of men that is going down. Women are indispensable in the armed services today. They are very young; they may have a different life-style from many Members of this body, but we had better understand this: the services will have to close up shop without them.

This is the wrong message at the wrong time to send to the young women the services are trying to recruit today. The women's numbers are going up. They are at 14 percent. In 1990 they were at 11 percent. They keep rising. They are the cream of the crop. They are listening to this debate, and I believe I speak for them and for the women now serving when I say eliminate discrimination against women in the armed forces, stand with the women serving their country.

Mr. BUYER. Mr. Chairman, I yield myself 1 minute to respond.

This is not a question of those in the military versus women who serve in the military, and I think that is an insulting argument for anybody to use and it is a red herring in this argument.

If my colleague wants to talk about respect, I have respect for the sanctity of human life. That is what this is about. My colleague is a little uncomfortable about that, is she not? That is what this is about. It is about human life.

Think about our military. The purpose we have in the military is to protect our freedoms and our liberties, and when that is laid out in the Constitution, we believe, we, those of us who believe in the sanctity of life, believe, and I am just as happy that the gentlewoman's parents decided to have her, just as I am glad my parents decided to have me, and I am appalled that someone would come to the floor and say this is something about women's rights.

Ms. NORTON. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Chairman, the gentleman is appalled because the message strikes home. The gentleman is appalled because this Member is calling for respect. And as the gentleman respects human life on his set of values, there are no set of values on which the gentleman should not be respectful of women in the armed forces.

Mr. BUYER. Mr. Chairman, I reclaim my time to say I respect human life, yes, on my set of values, on the set of values that is the proponent of life as opposed to killing a human being.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentlewoman for yielding me this time, and I rise in support of the Lowey-Harman-Morella amendment.

DACOWITS, the Defense Advisory Committee on Women in the Services, found that women soldiers had difficulty getting access to medical care overseas, particularly in the Pacific. This unequal ban exacerbates this problem.

Last time I checked, an American woman still had the right to choose, that is if she is living in the United States. When she decides to defend our country, she loses that constitutional right. When a female soldier is defending the rights and privileges of this country, she is denied some of the same rights and privileges.

If a male member of the armed services needs medical attention overseas, he receives the best. If a female member of the armed services needs a specific medical procedure, she is forced to either wait until she can travel to the United States, at extreme inconvenience and expense, or go to a foreign hospital which may be unsanitary and dangerous.

This bill will cost the American taxpayer absolutely nothing. Each woman will pick up her own tab. All she wants is the constitutional right that she has in this country to also be provided when she is serving overseas in American bases; to be able to go to American hospitals and receive the same rights.

□ 1530

Women have waited long enough to receive equal treatment in the military. I hope that my colleagues on both sides of the aisle will vote for this amendment and give these most-deserving soldiers back what is rightfully theirs.

I might add, only in a Republican Congress would constitutional rights that are given to our citizens over here

be denied to them when they are overseas defending probably many men that did not even serve in the military.

Mr. BUYER. Mr. Chairman, I yield myself 15 seconds to respond.

I believe the remarks of the gentlewoman from New York (Mrs. MALONEY) are probably very insulting to conservative Democrats.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DeLAURO. Mr. Chairman, I rise in strong support of the Lowey-Harman amendment.

This amendment restores, this is essentially what it does, it restores equal access to safe medical treatment for U.S. military servicewomen, military dependents who are stationed overseas. It reinstates a policy that would allow these women to use their own private funds to obtain a legal abortion or abortion services in military hospitals overseas. Women who joined the military to protect our rights should not have to check their constitutional rights at the border.

Let me emphasize several points about the amendment. First, the amendment would not allow Federal funds to be used to pay for abortions. It simply allows women to use their own funds. It is worth repeating because we can never say it often enough, it does not get understood. Their own funds. Women use their own funds to pay for services in military hospitals overseas.

Second, the amendment would not force doctors to perform abortions due to the conscience clause that exists in the military services. No medical personnel would be forced to participate in or perform these services.

Third, this in not a new policy. Privately funded abortions were allowed overseas at military facilities from 1973 to 1988, including all but a few months of the Reagan administration. And then they were permitted again under an executive order between 1993 and 1996.

The current ban is an exception. It is not the rule. The ban is a direct attack on the rights of American women who valiantly served their country. They put their lives on the line every single day.

I urge my colleagues to please ensure that female military personnel and military dependents have access to safe and legal medical care that the men in our Armed Forces do and which they deserve. Vote ''yes'' on the Lowey-Harman amendment.

Mr. BUYER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PAPPAS).

Mr. PAPPAS. Mr. Chairman, I thank the gentleman from Indiana for yielding me the time.

Mr. Chairman, we are again embarking on another battle to export America's disrespect for the value of human life. Not only do we kill our unborn children here, we are going to vote today to allow abortions, yes, even partial birth abortions in our medical facilities overseas.

I do not think our defense hospitals, needed to treat our war fighters, should be turned into abortion clinics. When the 1993 policy permitting abortions was first promulgated, all military physicians, as well as many nurses and supporting personnel, refused to perform or assist in elective abortions. In response, the Clinton administration sought to hire a civilian doctor to conduct abortions.

Therefore, if the Harman amendment were adopted, not only would taxpayer funded facilities be used to support abortion on demand, but resources would be used to search for, hire, and transport new personnel simply so that abortions could be performed.

Rather, let us use this defense budget to make our military stronger and not use it to help us establish abortion clinics. Military treatment centers, which are dedicated to healing and nurturing human life, should not be forced to facilitate the taking of the most innocent human life, the child in the womb.

I urge my colleagues to maintain the current law and vote against this amendment.

Mr. Chairman, I include for the RECORD a copy of the letter from the Archbishop for Military Services, Edwin F. O'Brien, sent to Members of Congress:

ARCHDIOCESE FOR THE
MILITARY SERVICES, USA,
Washington, DC, May 20, 1998.

DEAR MEMBER OF CONGRESS: As one concerned with the moral well being of our Armed Services I write to urge you to oppose the Harman Amendment to the FY 99 National Defense Authorization Act (H.R. 3616).

This amendment would compel taxpayer funded military hospitals and personnel to provide elective abortions and seeks to equate abortion with ordinary health care.

The life-destroying act of abortion is radically different from other medical procedures. Military medical personnel themselves have refused to take part of this procedure or even to work where it takes place. Military hospitals have an outstanding record of saving life, even in the most challenging times and conditions.

Please do not place this very heavy burden upon our wonderful men and women of America's Armed Services.

Thank you for your kind consideration of this message.

Sincerely,

EDWIN F. O'BRIEN,
Archibishop for the Military Services.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Chairman, this amendment would give U.S. servicewomen stationed overseas access to Department of Defense health facilities by repealing a provision of the law which bars these women from using their own funds to obtain medical treatment in military hospitals.

Women serving in the military overseas depend on these base hospitals for medical care and they may be stationed in areas where local health care facilities are inadequate. The ban may cause a woman who needs medical care to delay treatment while she looks for a safe provider, or it may force a woman to seek an illegal, unsafe procedure locally.

Women who volunteer to serve in our Armed Forces already give up many freedoms and risk their lives to defend our country. They should not have to sacrifice their privacy, their health, or their basic constitutional rights to a policy with no valid military purpose.

This amendment is about women's health. Local facilities in foreign nations are often not equipped to handle a procedure, and medical standards may be far lower than those in the United States. We are putting our own defenders at risk by forcing them to seek local facilities from medical procedures.

This amendment is also supported by the Department of Defense.

Mr. BUYER. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend the gentleman from Indiana (Mr. BUYER) for yielding and for his excellent work on this and other provisions in this important bill.

Mr. Chairman, the national debate on partial birth abortion has proven beyond any reasonable doubt that abortion is violence against children. Most Americans and I believe most Members of Congress on both sides of the aisle, Democrats, Republican, liberals, conservatives and moderates, were shocked and dismayed and frankly very saddened to learn that partial birth abortions were routine and commonplace and that it was completely legal to partially deliver a baby, shove a scissors into the back of that baby's head, and then hook up a hose to suction out that baby's brain. That is the reality of what choice is all about.

I think it is about time, Mr. Chairman, we connected the dots about the violence of abortion. The other methods are no less heinous. They kill children. They are no less violent. This is child abuse. And that collective denial that we as a country have engaged in for so many years needs to be put away.

Mr. Chairman, abortion methods dismember children. Razor blade tipped suction devices 20 to 30 times more powerful than the average household vacuum cleaner, after the child's arms and legs and torso and head has been decapitated, turn on the suction machine and the baby is literally turned into a bloody pulp. This is the uncensored reality of what choice is all about. Abortion methods also include injecting various deadly poisons, including high concentrated salt solutions.

I chair the Committee on International Operations on Human Rights, Mr. Chairman. I have had in excess of 70 hearings, many of them on torture in overseas prisons by dictatorships. And I can tell my colleagues, when I look at the badly burned, chemically burned bodies of unborn children who

have been killed with salioamniocentesis abortions, they are no different at all to those others who have been tortured because of their faith, or because of their beliefs in democracy or their human rights advocacy.

They have been killed. A high concentrated salt injection usually takes 2 hours for the baby to die. And we know that a child feels pain. And when that child is born dead, if we open up the fist that is usually tightly collapsed, we can see that all the scalding and corrosive effects of that salt fails to get on the palm because the child is in pain. That is the reality, Mr. Chairman, of this so-called choice rhetoric.

The Lowey amendment if enacted, Mr. Chairman, will turn DOD medical facilities into abortion mills where this kind of violence, including, as my good friend the gentleman from Indiana (Mr. BUYER) pointed out earlier, where this kind of violence, including partial birth, would be sanctioned.

The Lowey amendment makes a false distinction based not on what happens to a baby in an abortion, in other words a violent death, but on who provides some of the cash. It also completely overlooks the costs that are borne by the taxpayers to facilitate that abortion, like the provision of operating rooms, the hiring of abortionists.

Thank God that when Mr. Clinton's executive order was in effect not a single overseas military doctor would engage in this violence against children. They have had to go out with Planned Parenthood's help and look and seek to find abortionists. Well, that takes taxpayers' dollars. The nominal fee that a woman might pay to procure that abortion would in no way cover that.

This amendment, Mr. Chairman, says in effect, it is okay to tear up an unborn child, to rip that child to pieces. Mr. Chairman, I have been in the prolife movement for 26 years. I am amazed at how so many good and decent people sanitize the unthinkable. We did it on this floor when we talked about partial birth, Members that I deeply respect and work arm in arm on human rights with.

Let me conclude, Mr. Chairman, and let me say that good and decent people have defended the unthinkable, that which is not defensible, in terms of partial births in these other methods. And now we are being called upon to use overseas military facilities for abortion. It facilitates abortion.

One of our colleagues said earlier that we do not want to treat women as second-class citizens. Nobody does. But providing the means to kill their babies, we would welcome the unborn being treated as second-class citizens.

Unfortunately, this amendment and our zeitgeist, our law decreed by the U.S. Supreme Court in 1973, treats the unborn child as a throwaway, as garbage, as so much junk. And God did not make junk. And every child is precious regardless of race or color or gender. Every one of those kids should matter. Medicine, Mr. Chairman, is all about caring and curing and mitigating diseases. Unless my colleagues think pregnancy is a disease to be vanquished, those kids should be nurtured. We should be talking about maternal health care, how do we beef that up. Prenatal care, that is what it is about, not simultaneously saying, if we do not want the child, the child could be injected with salt or dismembered.

Vote no on the Lowey amendment.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentlewoman for yielding to me.

I want to say, it is really unbelievable to me that we are really on this floor discussing this issue. This is not an issue of Row v. Wade. That issue has been decided.

Women in this country have a constitutional right to have a safe, legal abortion. This country made a decision to do that because it did not like the public health impacts of having abortion illegal. Like it or not, women were being killed in back-alley abortions; and the fact is we changed the law and the Constitution of the United States reflects that a woman has a right to a legal, safe abortion so her health is not in jeopardy. That is a public health issue.

Now what we are talking about is, these Constitutional rights are not selective. We cannot just say, ''I want free speech just in Rhode Island and I do not want free speech in California. I want free speech here and not there.'' This is a constitutional right that applies to every single American. And for us to say it will not apply to the Americans, our soldiers, our women in uniform who are defending our rights overseas to me is unconscionable.

The story here, Mr. Chairman, is that these are United States servicewomen and their lives are going to be put in jeopardy if we do not pass this amendment and make this bill protect a woman's right to have a legal and safe abortion.

Mr. BUYER. Mr. Chairman, I yield myself 30 seconds just to remind the Members, with regard to national security issues, the Supreme Court permits the Congress of the United States to establish the laws. And in particular, we do set out rules and policies that end up discriminating against people and we have rules and procedures that are unequal when we compare sometimes what we do compared to what happens in the civilian sector.

We get to discriminate whether someone is too tall, overweight, whether they are diabetic. Those discriminations are permitted as we make many different decisions on building unit cohesions. So we get to make these decisions within this body, so I wanted to share that with everyone.

Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. HOSTETTLER), a member of the committee.

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Mr. HOSTETTLER. Mr. Chairman, I rise in strong opposition to this amendment. The Supreme Court has told us that we have to allow the killing of preborn children. It has not, however, told us that government has an obligation to provide this service. This amendment would do just that.

This amendment obligates the United States to make sure abortion services and facilities are available at U.S. military bases. It is this obligation that I believe the Committee on National Security and the House soundly rejected in recent years on so many occasions and should again reject.

Abortion remains a very divisive practice in America and, indeed, the world. Allowing abortions to be performed on military installations would bring that discord and dissension right onto our military bases complete with pickets and the like.

The core principle at issue here is whether the government has the obligation to provide for what is merely a right is a serious issue with serious ramifications.

Does the freedom of the press guaranteed by the First Amendment obligate the Federal Government to provide every interested American with a printing press? Does the Federal Government have to provide a U.S. flag and a set of matches to anyone who wants to burn our flag just because the Supreme Court has said that flag burning is a right protected under the First Amendment.

Does the right to distribute pornography, which also has been upheld by the court, obligate the military to distribute it to the troops? And because prostitution is legal in one State, does this obligate that State government to provide prostitution services to its employees? Of course the answer to these absurd questions is a resounding no.

Congress has the clear responsibility under the Constitution to provide for the rules and regulations of the military. We must not make it the policy of the United States to use its military institutions to facilitate destructive behaviors such as killing innocent preborn life. I urge a no vote on this amendment.

Mr. BUYER. Mr. Chairman, as I understand, the gentlewoman from New York (Mrs. LOWEY) has the right to close?

The CHAIRMAN. The gentleman from Indiana (Mr. BUYER) has the right to close.

Mr. BUYER. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Indiana (Mr. BUYER) has ¾ minute remaining, and the gentlewoman from New York (Mrs. LOWEY) has ¾ minute remaining.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to close by thanking my colleagues on both sides of the aisle who have spoken and supported the Lowey-Harman-Morella amendment.

Let me reiterate, this amendment is not an issue of taxpayer-funded abortions. Under the amendment, the patient, not the government, would pay for the procedure. I close the debate by reminding Members that our American servicewomen take very seriously their duty to protect the constitutional rights of all United States citizens. Yet, we deny them time and time again the rights we extend to women on U.S. soil.

It is time to stop the hypocrisy. The right to choose gives women the right to make this personal decision. Vote for the Lowey-Harman-Morella amendment.

Mr. BUYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I guess I would share with some of the speakers, the proponents of this amendment, they should bring the amendment to be the proponents for those who are diabetic and fight for the diabetes or fight for someone that is overweight or that is too tall or too short. There are many rules and regulations that are out there that I want to share with the body.

On this issue, we also have the issue of military medical readiness. We train all of our nurses and doctors how to do proper triage for saving of life from the battlefield. One of the things that is not on there is the performing of an abortion service to take life. Mr. Chairman, I urge everyone to oppose the amendment.

Mr. STARK. Mr. Chairman, the Lowey-Harman amendment will restore the ability of our female service members and female dependents stationed overseas to exercise their constitutional right to choose safe abortion services, using their own funds to obtain services in military hospitals.

This is an important access-to-health-care amendment. Military women depend on their base hospitals for all of their medical services. This amendment gives them access to the same range and quality of health care that they could obtain in the United States.

This amendment has the strong support of organizations like the American Nurses Association, the American Public Health Association, the American Women's Association, the American College of Obstetricians and Gynecologists, and the Planned Parenthood Federation of America.

This amendment also has the support of the Department of Defense. No surprise here, as the policy of denying women access to safe health care serves no military purpose.

Still, anti-choice Members of Congress would endanger the lives of women in foreign countries where local health care facilities are inadequate—where quality care is not available. They would force women into the hands of untrained medical professionals, or into unsterilized facilities—increasing the danger and the risk to the health of these women.

Make no mistake about it—their objective is the same as always: to make abortion services difficult to obtain, prohibitively expensive, and physically risky for physicians and women alike.

True to form, the conservative majority have extended their reach to discriminate against women who have volunteered to serve their country by prohibiting them from exercising their legally protected right to choose.

Women serving this country have lost a legal right. Vote for the Lowey-Harman amendment to end this blatant disregard for the health, safety and constitutional rights of women.

Ms. PELOSI. Mr. Chairman, I rise in strong support of the Lowey-Harman amendment to repeal the provision in this bill prohibiting privately funded abortion services in U.S. military hospitals overseas. I commend my colleagues for their leadership on this important issue.

Women stationed overseas in service to their country and female military dependents rely on base hospitals for medical care. Access to comprehensive reproductive health is essential for all women, civilian or military. Under the bill, as it currently stands, however, these women who volunteer to protect and serve their country in the military are denied the same protections under Roe v. Wade as the Americans they are serving and protecting. This is not a request for special treatment—it is a need for equal treatment and equal access to health care.

This amendment does not permit taxpayer-funded abortions. No Federal funds are used for abortion—that will not change. It simply repeals the current ban on privately funded abortions in military hospitals and restores equal access to reproductive health care for military women stationed overseas. And it preserves the conscience clause and would not coerce any doctor to perform abortions. It provides military women the right they already have as American women—to make a safe and legal choice with their own funds. I urge my colleagues to repeal this unfair ban and vote yes on the Lowey-Harman amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. LOWEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mrs. LOWEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 441, further proceedings on the amendment offered by the gentlewoman from New York (Mrs. LOWEY) will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 105–544.

AMENDMENT NO. 2 OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B, amendment No. 2 offered by Mr. GILMAN:

At the end of title XII (page 253, after line 3), insert the following new section:

SEC. 1206. PROHIBITION ON RESTRICTION OF ARMED FORCES UNDER KYOTO PROTOCOL TO THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE.

(a) IN GENERAL.—Notwithstanding any other provision of law, no provision of the Kyoto Protocol to the United Nations Framework Convention on Climate Change, or any regulation issued pursuant to such protocol, shall restrict the procurement, training, or operation and maintenance of the United States Armed Forces.

(b) WAIVER.—A provision of law may not be construed as modifying or superseding the provisions of subsection (a) unless that provision of law—

(1) specifically refers to this section; and

(2) specifically states that such provision of law modifies or supersedes the provisions of this section.

The CHAIRMAN. The gentleman from New York (Mr. GILMAN) and a Member opposed each will control 20 minutes.

Mr. SKELTON. Mr. Chairman, since no Member has risen in opposition to this amendment, I ask unanimous consent to be permitted to control the time on this side.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer the Gillman-Danner-Spence-Sensenbrenner-Rohrabacher amendment. In short, this amendment will exempt U.S. Armed Forces from the restrictions of the U.N. Kyoto Climate Change Treaty.

Mr. Chairman, last December the Clinton administration approved a U.N. Climate Change Treaty that forces the United States to make drastic cuts in carbon emissions by the year 2010. The economic recesssions of the late 1970s and early 1980s caused our Nation to cut emissions by 2 percent of our total emission. The Kyoto treaty now imposes restrictions three times larger than the cuts made by the recessions in the 1970s.

In sum, U.S. Government laboratories, industry, and labor groups estimate that the treaty is going to cost hundreds of billions of dollars and could throw two million Americans out of work. While the treaty imposes restrictions on our Nation and 38 other countries, it exempts China, Brazil, South Korea, Mexico, India, and 125 other countries from its limitations.

Our Armed Forces are responsible for over 70 percent of the Federal Government's carbon emissions. The Department of Defense recently estimated that a 10 percent cut in its emissions could trigger the following cuts in the readiness of our Armed Forces. For example, armor training would be cut by 328,000 miles per year, naval steaming days could be cut by 2,000 days per year, and Air Force flying hours could be cut by some 210,000 hours.

Prior to Kyoto, the Defense Department requested a blanket waiver from carbon emissions restrictions. During the negotiations, Vice President GORE overrode the Defense Department's position and exempted only multilateral operations consistent with the U.N. charter. That left unilateral U.S. operations, like Panama or Grenada, and all domestic operations subject to the

Kyoto restrictions. Over time, Mr. Chairman, the Kyoto Protocol would exert a strong pressure on future administrations to curtail our military training and readiness.

Recently, Undersecretary of Defense Goodman claimed that Kyoto will not impair or adversely affect military operations and training. This contradicts the direct language of the treaty that only exempts multilateral operations that are consistent with the U.N. charter.

Mr. Chairman, our amendment will lock into law the current administration's verbal promises to protect our Armed Forces from U.N. restrictions. This amendment is necessary because the administration could retract its position on DOD emissions when climate change negotiators meet again this November in Buenos Aires, just after our congressional elections.

The amendment simply states that no provision in the Kyoto Protocol will restrict the procurement, the training, the operation, or maintenance of our U.S. Armed Forces, as just promised by the administration.

Mr. Chairman, this amendment was endorsed by the Veterans of Foreign Wars, the Navy League, and the Air Force Association. I have their letters here and will make them available to our colleagues. I also understand that, since this amendment implements current administration policy, the Department of Defense does not oppose its adoption.

Accordingly, Mr. Chairman, I urge Members to support this amendment. Our national security is much too important to risk on the U.N. treaty and the bureaucracy that would oppose it.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Mississippi (Mr. TAYLOR) is recognized.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to compliment the gentleman on his amendment. I know of no opposition to that amendment on this side, and we would also urge its passage.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 5 minutes to the distinguished gentleman from South Carolina (Mr. SPENCE), chairman of the Committee on National Security.

(Mr. SPENCE asked and was given permission to revise and extend his remarks.)

Mr. SPENCE. Mr. Chairman, I rise in strong support of the Gilman amendment that would exempt the United States Armed Forces from the restrictions of the United Nation Kyoto Climate Change Treaty.

My colleagues may be wondering what possible connection an environmental protection treaty has to do with the defense of the United States, and in particular, to the operation of the United States forces worldwide. The Kyoto treaty, if ratified by the Senate or if imposed by executive order or regulation, imposes substantial restrictions on the amount of United States carbon emissions.

In a highly industrialized society, these restrictions will have enormous economic impact. The United States Government laboratories, industry, and labor groups estimate that implementation of the Kyoto Protocol would result in hundreds of billions of dollars in lost economic growth and perhaps two million lost American jobs.

The restrictions called for in the Kyoto Protocol would, if implemented, obviously apply to the Federal Government. Because the operations and training of the United States military forces account for more than 70 percent of the Federal Government's carbon emissions, the impact of the Kyoto treaty on our Armed Forces would be tremendous.

Unless our military is given a blanket waiver from the Kyoto restriction, a waiver that was recommended by the Secretary of Defense, Mr. Cohen, everyday operations and training will be affected.

The Pentagon estimates, as the gentleman from New York (Mr. GILMAN) said, that even a requirement that emissions be reduced by 10 percent would result in tank training being cut by 328,000 miles per year, Naval steaming days being cut by 2,000 days per year, Air Force flying hours being cut to the tune of 210,000 hours per year.

As serious as the Kyoto treaty's restrictions would be on the military's peacetime training, the restrictions would dramatically affect the conduct of United States military operations.

The Pentagon estimates that the Kyoto treaty's restrictions would degrade the readiness of Army divisions and could add an additional 6 weeks to training and deployment in the event of war.

As a result, strategic deployment schedules would be missed and operations placed at risk. Should Saddam Hussein continue to threaten the stability of the Persian Gulf, the ability of the United States to operate military forces would be governed, and limited, by the provisions of the United Nations environmental treaty.

Ironically, the administration did agree to include one exemption in the Kyoto treaty for ''multilateral operations consistent with the U.N. charter.''

In other words, the administration believes U.N. peacekeeping operations like Bosnia and Somalia should be exempt from environmental treaties while unilateral American operations like the invasion of Grenada in 1983 or Panama in 1989 would have to be conducted, if at all, in an environmentally friendly fashion, as dictated by the United Nations.

As nonsensical as this may sound, it is an accurate assessment of the implications of the administration's posture on the Kyoto treaty. As I indicated, prior to the Kyoto environmental summit, the Department of Defense requested a blanket waiver from restrictions on carbon emission, but Vice President GORE apparently overrode the Department's request.

Although protecting the environment is something we all strive for and, as a Nation, need to improve on, we cannot afford for it to be a primary focus of our military's combat training or of their conduct of operations. Their job is to protect America, its citizens, and its security interest by operating around the globe in peacetime and prevailing during war.

War is a hard and violent business, and the effectiveness of the weapons is not measured by the level of carbon emissions. The 70-ton M1–A1 tank is the world's best, but it consumes a lot of gas. It measured its progress down the Euphrates River Valley in the Gulf War in gallons per mile, not miles per gallon. While the M1–A1 may not be environmentally friendly, it helped to decimate the Iraqi Republican Guard, shorten the war, and, in so doing, limit the loss of life.

In conclusion, let me cite the words of former Secretary of Defense Frank Carlucci, who wrote recently ''Regardless of how the administration interprets the treaty, the Congress must demand a blanket exemption for all military operations.''

That is what the Gilman amendment proposes, and I strongly urge my colleagues to support it. As Carlucci said ''Our national security deserve no less.''

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Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentlewoman from Missouri (Ms. DANNER).

Ms. DANNER. Mr. Chairman, I am pleased to be a sponsor of the Gilman-Danner-Spence-Sensenbrenner-Rohrabacher amendment. Numerous studies have shown that the Kyoto Protocol will not only harm the U.S. economy, but, in addition, it has the potential to threaten America's military preparedness.

Defense Secretary William Cohen has been quite clear with regard to the devastating effects Kyoto will have on American national security, stating in a recent article in the Washington Times: ''We must not sacrifice our national security to achieve reductions in greenhouse gas emissions.''

Basically, the treaty forces United States armed services to reduce greenhouse gas emissions while exempting ''multinational operations consistent with the United Nations charter.''

Our domestic military training will be damaged by the decisions made in Kyoto by subjecting our military to restrictions that the treaty does not impose upon countries such as China, India and Mexico, countries that we know have high levels of emissions. I think this is completely inequitable. Indeed, growing military powers such as China will not be required to adhere to the same standards to which our military will be held.

Reducing Army fuel use by 10 percent alone would downgrade readiness and require up to six additional weeks to prepare and deploy our troops, according to our Pentagon officials. Since the United States armed forces produce over 70 percent of the Federal Government's energy use, you may be very certain that it will be the United States military that will be the most seriously affected as an aspect of our government if subjected to the Kyoto requirements. The Kyoto Protocol must not stand as a barrier to necessary United States military operations.

Furthermore, decisions that impact our armed forces should be made by our commanders, our generals and our admirals, and not be subject to an international environmental accord drafted by international bureaucrats.

Mr. Chairman, this amendment represents an opportunity to protect America's national security and hold the administration to its word, as it was presented to us before the Committee on International Relations just recently. Therefore, I urge all Members to support it.

Mr. GILMAN. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on Science who also was the Chair of our delegation to the Kyoto conference.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentleman from New York for yielding me this time, and rise in support of this common sense amendment to prohibit any provision of law, any provision of the Kyoto Protocol, or any regulation issued pursuant to the protocol, from restricting the procurement, training or operation and maintenance of the United States armed forces.

As chairman of the Committee on Science, I spent a great deal of time analyzing this protocol, the U.N. treaty on climate change, including chairing three full Committee on Science hearings on the outcome and implication of the Kyoto climate change negotiations, and this past December I led the congressional delegation to the Kyoto conference.

Facts I have reviewed lead me to believe that the Kyoto Protocol is seriously flawed; so flawed, in fact, that it cannot be salvaged. The treaty is based upon science, costs too much, leaves too many procedural questions unanswered, is grossly unfair because developing nations such as China, India, Brazil and Mexico are not required to participate, and will do nothing to solve the speculative problem it is intended to solve. I have heard nothing today to persuade me otherwise.

The amendment addresses one of the protocol's many absurdities that the Clinton-Gore administration agreed to in Kyoto, namely the threat to our national security. Under the Protocol, the administration has committed the United States to reduce its greenhouse gas emissions by 7 percent below 1990 levels in the 2008 to 2012 time frame, or about the level that we were emitting 20 years ago in 1978.

Since the Federal Government is the Nation's largest energy user and greenhouse gas emitter, and the Department of Defense is the government's largest emitter, the administration essentially agreed to impose restrictions upon military operations, in spite of Pentagon analyses that showed that such restrictions would not only significantly downgrade the operational readiness of our armed forces, but also threaten their ability to meet the requirements of our national military strategy.

The text of the Kyoto Protocol is silent with respect to greenhouse gas emissions. However, the decision taken by the Framework Convention of the Climate Change's Conference of Parties exempts military operations ''pursuant to the United Nations charter,'' but requires ''that all other operations shall be included in the national emissions totals,'' with the effect of penalizing our armed forces for maintaining world peace.

The administration claims that this decision was one of its great triumphs in Kyoto, but I believe, however, it is one of the many mistakes made by Vice President Gore and his minions that guided the Kyoto negotiations.

As pointed out in a January 22, 1998 letter to the President by the Committee to Preserve American Security and Sovereignty, a concerned group of former U.S. national security and foreign policy officials that includes three past Secretaries of Defense and two past Secretaries of State, ''The Kyoto treaty threatens to limit the exercise of military power by exempting only military exercises that are multinational and humanitarian. Unilateral military actions, as in Grenada, Panama and Libya, will become politically and diplomatically charged.''

It is time too correct this Kyoto absurdity. Support this amendment and say ''yes'' to our national security and ''no'' to Kyoto.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I might say that I personally favor this amendment. I will not oppose it. It is also my understanding that the administration as well is in favor of it. So I compliment the gentleman from New York for bringing this to our attention.

Mr. Chairman, I yield back the balance of my time.

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would note that this amendment prevents U.N. Climate Change Treaty restrictions from applying to our United States armed forces. It has been endorsed by our major veterans' groups, the Veterans of Foreign Wars, the Navy League and the Air Force Association. The Department of Defense does not oppose the amendment. It implements current administrative policy to prevent the Kyoto Climate Change Treaty from cutting our national defense.

Mr. Chairman, I urge my colleagues to support the amendment.

Mr. BONILLA. Mr. Chairman, I rise in support of the Gilman Amendment which insures the safety and security of Americans are not compromised to promote questionable scientific theories. The Kyoto Treaty may not succeed in combating the phantom threat of global warming, but it has sinister consequences for our military and our security.

Simply put the Kyoto Treaty will restrict military fuel consumption. This will cut armor training by 328,000 miles per year, cut naval steaming by 2,000 days per year and cut Air Force training by 210,000 hours per year while placing no restriction on the Chinese and other militaries. The Gilman Amendment will stop this onslaught on America's security. The Gilman amendment will safeguard our independence.

My colleagues, let's defend our sovereignty from real foes not phantom threats. Please join me in voting to safeguard our independence and vote for the Gilman Amendment.

Mr. PALLONE. Mr. Chairman, I rise to address this amendment offered by Mr. GILMAN (Prohibition on Restriction of Armed Forces under Kyoto Protocol to the UN Framework Convention on Climate Change). First, I want to clarify whether DoD's technical changes were made to this amendment. Of course I support protection of our national security interests and want to make sure that no provisions of U.S. law enacted to implement U.S. obligations under the Kyoto Protocol would jeopardize our military readiness. However, while I support the principle behind this amendment, this should not be used as an opportunity to undermine the Kyoto Protocol nor U.S. efforts, as one of 160 nations who were involved in negotiating this treaty, to protect our global climate. Undersecretary of State Eisenstat has emphasized repeatedly that the U.S. will not take steps that would require mandatory action at the macroeconomic level or with respect to specific sectors of our economy in order to reach the Kyoto target before the President has obtained the advice and consent of the Senate. Further, Undersecretary Eisenstat consulted with top national security and military officials and had their assurances that the Kyoto Protocol does in fact meet our national security needs and interests. We secured exemptions for bunker fuels and for other activities that are covered under other existing agreements. If this Protocol were ever signed or ratified by the Senate, our domestic legislation would ensure protection of our national interests. Nor would we trade emissions credits with any other nations that with whom we would not otherwise conduct transactions. Thus, I do not understand the purpose of, nor the need for, this amendment.

I also want to clarify that this amendment should not be interpreted to be able to prevent the U.S. Armed Forces from continuing to adopt practical energy efficient measures. More efficient heating and cooling systems for military buildings, energy saving engines, and other such technology applications would save money and could improve the readiness and capabilities of our Armed Forces. The Defense Department has stated this position, as well. To date, the Defense Department actually is on the forefront of implementing energy efficient measures that have saved substantial

amounts of money and energy and increased our environmental protection.

Mr. WAXMAN. Mr. Chairman, I agree with the intent of Mr. GILMAN's amendment and support it. Indeed, the Kyoto Protocol will improve the national security of the United States by reducing the risk of catastrophic climate change, which would create upheaval and unrest throughout the world, including the potential for millions of environmental refugees.

Furthermore, measures to implement the Kyoto Protocol can improve our security by reducing our dependence on imported oil through improved energy efficiency and increased reliance on domestic renewable energy resources.

At the same time, the Administration has issued clear policy guidance assuring that implementation of the Kyoto Protocol will not impair or adversely affect the training or operation and maintenance of the United States Armed Forces.

I am concerned, however, that the Amendment as drafted could be ambiguous. The Department of Defense was a leader in reducing the use of ozone depleting substances and has received awards for its efforts from the Environmental Protection Agency. In recent years DoD has made great strides in increasing energy efficiency in military housing. it has also invested in technologies, such as fuel cells, that could improve military effectiveness and reduce greenhouse gas emissions. I am supporting the amendment because I do not believe it prevents DoD from pursuing these valuable goals. I urge the chairman to work with the Department of Defense to clarify this language in conference committee.

Mr. GILMAN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. PEASE). The question is on the amendment offered by the gentleman from New York (Mr. GILMAN).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. GILMAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 441, further proceedings on the amendment offered by the gentleman from New York (Mr. GILMAN) will be postponed.

The CHAIRMAN pro tempore. It is now in order to consider Amendment No. 3 printed in part B of House Report 105–544.

AMENDMENT NO. 3 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 3 offered by Mr. HEFLEY:

At the end of title X (page 234, after line 4), insert the following new section:

SEC. 1044. PROHIBITION ON ASSIGNMENT OF UNITED STATES FORCES TO UNITED NATIONS RAPIDLY DEPLOYABLE MISSION HEADQUARTERS.

No funds available to the Department of Defense may be used to assign or detail any member of the Armed Forces to duty with the United Nations Rapidly Deployable Mission Headquarters (or any similar United Nations military operations headquarters).

The CHAIRMAN pro tempore. Pursuant to House Resolution 441, the gentleman from Colorado (Mr. HEFLEY) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer an amendment which would prohibit the Department of Defense from spending U.S. taxpayer dollars on the assignment or detailing of any member of the U.S. military to duty with the United Nations Rapidly Deployable Missions Headquarters or any similar U.N. organization.

As many of you know, this proposed headquarters is intended by the Secretary General of the United Nations to form the core of a standing U.N. military force; now, let me repeat that, a standing U.N. military force. And the administration has already spent a limited amount of funds to help establish the headquarters operation.

Now, think about this for a moment. The United Nations wants to create a rapidly deployable standing military force, including United States soldiers, and the administration seems to be willing to go along.

I have a quote from the Washington Times that reads, ''The U.N. wants standby forces that could be called up immediately to permit U.N. headquarters to tailor foreign military units to suit the countries or regions to which they are assigned.''

The U.N. complains that under current conditions they must develop each mission from scratch after a vote by the Security Council, and in some cases this can take too long. I think they should have to start from scratch on each mission to ensure nations understand their commitments thoroughly.

Why should the committee support this amendment? The answer is the ambiguity of the current administration policy with regard to U.S. participation in U.N. peacekeeping and other military operations. Although the administration formally denies any intent to assist in the creation of a standing U.N. military force, and despite repeated congressional actions to limit or prohibit the involvement of U.S. forces in many U.N. operations and any such U.N. force, the U.S. State Department transferred $200,000 from its voluntary peacekeeping account in October 1997 to fund the establishment of the U.N. Rapidly Deployable Mission Headquarters, the standing U.N. army.

Time and time again this administration has supported peacekeeping operations around the world. They can continue to still do that. But most of those efforts have been controversial. Indeed, the operation in Bosnia is still problematic, and, of course, that is not a U.N. operation.

The simple fact is, Congress ought to be involved in any decision to commit U.S. forces to U.N. peacekeeping operations. It is these kinds of open-ended and at times back door operations that have led to this amendment, and I think all Members will agree we should cut off the funds for this organization until a clear statement is made that our troops will be accountable only to United States command and control.

What is also disturbing to me is that it is unclear what command arrangements would govern any forces assigned to the U.N. Rapidly Deployable Mission Headquarters. The key question of whether any U.S. troops assigned would be under the command of the U.N. Secretary General or their national command authorities has not been answered.

In addition, consider that these forces could be sent out over the objections of the United States Congress. Let me repeat, our forces could be sent into conflict that the Congress does not support or approve of.

The United Nations is a forum for international policy discussion, and should remain so. It is also not a sovereign territory. It has no citizens and no constitutional authority to send U.S. troops into harm's way. Member states should make their contributions to peacekeeping and other multilateral efforts involving military forces consistent with their constitutional requirements in each of those countries. We should not be locked into a conflict or a peacekeeping operation simply because we happen to have U.S. personnel in a standing U.N. army.

This is not an effort to undercut the U.N., and I would say to the gentleman from Missouri (Mr. SKELTON), I hope you believe this, that I am not here to bash the United Nations with what I am trying to do here. I am simply saying that we want to preserve this Congress' prerogatives in the commitment of United States military forces. In other words, for 50 years we have participated in U.N. operations around the world. We could continue to do that, even if this amendment passes, but we would not have a standing U.N. army under the command and control of the Secretary General of the United Nations.

Mr. Chairman, I ask Members to vote for this amendment and keep U.S. forces under U.S. control.

Mr. Chairman, I reserve the balance of my time.

□ 1615

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume to say that with sadness, I find that I must disagree and oppose this amendment. Mr. Chairman, I read it. Let me read it to the body. ''No funds available to the Department of Defense may be used to assign or detail any member of the Armed Forces to duty with the United Nations Rapidly Deployable Mission Headquarters (or any similar United Nations military operations headquarters).'' This amendment could lead to disaster.

First, Mr. Chairman, let me state unequivocally that I am against a standing union army. I will repeat that. I am against a United Nations standing army. That is not right. Also, thinking of the words of my friend from Colorado (Mr. HEFLEY), who is my good friend, he speaks of the commitment of the United States forces being kept with Congress, and if he will recall, not so long ago our colleague, the gentleman from Indiana (Mr. BUYER) and I, made that case very well, and successfully, on this floor through our debate, and I think the gentleman from Colorado agreed with us, that the forces at that time should not be deployed to Bosnia.

So on the very basics of which the gentleman from Colorado speaks, I agree, but that is not what we are passing into law.

What is being passed into law is the amendment that I just read. It could create some real problems for American soldiers. It could create some real problems for American leadership. For instance, it restricts the flexibility of the President's ability to detail or otherwise deploy U.S. military personnel in his capacity as Commander in Chief with the advice of his military advisors. That is very, very important. I speak not just for this President, I speak for those future Presidents regardless of what political party to which they belong.

I also mention the fact that it would undermine our efforts encouraging other nations to play a greater role in U.N. peacekeeping activities. If we are not helping plan something, and they know we are the best, and we are the best, whether it be at planning or in the field, it would undermine those nations' confidence, playing a role in those activities where we participate. But more than that, it concerns me a great deal that this amendment would prevent the best and the brightest of our Armed Forces to plan with other nations and to be a leading part of planning with those other nations in an operational situation.

Mr. Chairman, this would be similar to prohibiting the United States of America's military forces from planning NATO operations. This does not prevent them from being in the field; this does not prevent or interfere with the Commander in Chief's prerogatives. This prevents good military thinking, and we are the best.

I have spent a great deal of time, as my friend from Colorado (Mr. HEFLEY) will recall, with the military war colleges, both intermediate war colleges such as at Fort Leavenworth and the senior war colleges such as the National War College, and we put a lot of time, effort and money into making our captains and majors and lieutenant commanders the best and the brightest for planning things. We are good at it. We are going to say to the finest military planners, whether it be an operation that involves risk, or an operation that involves humanitarianism, or an operation that involves peacekeeping; this is going to say to the best and brightest planners in military uniform of the United States you cannot participate. You can send the troops out there, but you cannot participate in the planning.

That is an invitation for disaster for some fine young Americans. One of the problems that we had in Somalia, if the gentleman remembers, was that there was no central planning for that operation.

What this amendment will allow, for instance, it would allow the Bangladeshis, the Ethiopians, the Kazakhstanis, to do the planning for American forces to go out in the field. I am not about to let that happen. I am not about to let other people plan for the American troops. That is wrong. When American troops are involved, when their safety is involved, when their mission is involved, I cannot and I will not support that.

I must compliment the gentleman from Colorado (Mr. HEFLEY) in his attempt to stand, as I do, against a standing in our Nation's army. But as so often happens, this rifle shot, Mr. Chairman, sadly misses the mark.

In truth and fact, the U.S. forces in Korea would be affected because that was and is a United Nations operation. The troops that we have, and I visited them, and I am so proud of them, in Macedonia on peacekeeping, watchful duty, no American military personnel could plan what they do. Do we want those other folks to tell where they are going to be, what they are going to be doing and how they are going to be doing it? No. I want Americans planning this.

I would really hope that my friend from Colorado would take a good look at this and if he would like to have an amendment that would say that he stands against a standing by the United Nations army, I am with the gentleman. I think that is absolutely wrong. But let us not risk the lives of bright young Americans by not having bright, a little bit older Americans, plan what they are going to do in humanitarian or peacekeeping crisis situations.

So I find myself driven to the conclusion that I must oppose this.

Mr. Chairman, I reserve the balance of my time.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume before I yield to the chairman of the Committee on National Security.

I find it unusual that the gentleman from Missouri (Mr. SKELTON) and I are ever in disagreement on anything, and I think it illustrates that people of goodwill and with good reading ability can read the same thing and find very, very different meanings in it.

What this is meant to do is exactly what the gentleman said he would support, and that is not to have a standing U.N. army. As to the gentleman's explanation, I do not want all of those things either, I would say to the gentleman. I do not want to undermine our efforts to get others to participate, but for 50 years we have gotten others to participate without a standing U.N. army.

The gentleman talks about us letting others plan. That is the very idea. We do not want others to plan our command and control of our troops. They are not to be a standing army. If we are going to get involved with the U.N., we want it to function like it has over the last 50 years. We get involved. Generally we take the lead. Generally we do the planning. Generally the others join in with us as in the Persian Gulf War to accomplish a U.N. mission.

So I think the goal is the same. The gentleman is reading into this amendment things that I simply do not see there.

Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. SPENCE), the chairman of the Committee on National Security.

(Mr. SPENCE asked and was given permission to revise and extend his remarks.)

Mr. SPENCE. Mr. Chairman, I rise in support of the Hefley amendment prohibiting the assignment of United States Armed Forces to the United Nations Rapidly Deployable Mission Headquarters.

Last October, the State Department approved $200,000 from its voluntary peacekeeping account to create a U.N. Rapidly Deployable Mission Headquarters. This was the first down payment in the United Nations $2.3 million plan for this organization. Officially, the purpose of this RDMH, or whatever we call it, is to set up a command and control center for U.N. forces anywhere in the world. The headquarters is to have 8 officers, apparently permanently detailed to the U.N., and already has a Canadian Army Lieutenant Colonel who is ''on loan'' to organize the headquarters and recruit other officers to join in.

Mr. Chairman, I have no doubt that such an arrangement could improve the performance and professionalism of U.N. peacekeeping forces, and they certainly need it. However, it is clear that the U.N. continues to pursue a broader agenda, and that is the key element we are talking about here today.

Choi Young-Jin, the Korean diplomat, who is the U.N.'s Assistant Secretary General for Peacekeeping, recently admitted that the U.N. remains committed to establishing a standing army. The U.N.'s official spokesman later tried to clarify that, and said that Rapidly Deployable Mission Headquarters is an interim step, an interim step. That is exactly what we are talking about, since a standing army is ''too ambitious for the time being.''

We are looking at the long haul in this legislation today.

There are also legitimate questions over whether Rapidly Deployable Mission Headquarters represents a first step toward U.N. military independence. It already promises to weaken

the ability of the Congress to influence United States military action. The first mission of the headquarters is reported to be in the Central African Republic to replace the French army as it withdraws from that troubled Nation. But just this March, Congress blocked the administration's $9.5 million request to pay the U.S. share of that mission. Nonetheless, the administration has supported the mission in the Security Council, and now apparently the Rapidly Deployable Mission Headquarters will lead the way into the Central African Republic.

Confronted with the charge that this headquarters represents a first step toward a standing U.N. force, State Department officials do not simply deny the link between the two. Indeed, they go further, saying that they support the Rapidly Deployable Mission Headquarters because it does not support the standing army concept. That does not make sense. This makes no sense.

Let me review the facts. This headquarters unit will provide the core capability for a U.N. standing army. The nations which support a standing army concept welcome this development, and U.N. officials describe it as an interim step toward a standing army. Think of the implications of a standing U.N. army. Will they defend the United States of America against others? What part will our own Armed Forces play in it in such an event?

□ 1630

The lesson learned in recent years, especially in places like Bosnia and Somalia, is that the United Nations military operations are more likely to draw U.S. forces into a mess, rather than to keep them out. I wonder whether the eight soldiers who are supposed to form the U.N. Rapidly Deployable Mission Headquarters in the Central African Republic will once again prove to be an advance party for what becomes an American operation?

Time and time again the Congress has passed legislation to limit the participation of United States troops in U.N. missions. Only congressional vigilance, and where necessary, preemptive action such as the Hefley amendment, can prevent the further subcontracting of American foreign security policy to the United Nations. I strongly urge my colleagues to support the Hefley amendment.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say that if what we are really after is the same thing, why do we not amend this or rewrite it and say that the United States shall not participate in a standing United Nations army? That is not what this says.

I am very, very concerned that, after the fact, we may very well find some fine young Americans, as a result of not being able to plan ahead and not have people planning ahead who know what they are doing, and Americans who know what they are doing, injured or even killed. It is a deep concern of mine.

I know full well, Mr. Chairman, that on the very substance of this issue that the gentleman from Colorado (Mr. HEFLEY) and I agree, but the wording of this frankly causes me a great deal of concern. If we read this very carefully, we will see that it opens a door to Ukranians and Russians and Kazakhstanis and Bangladeshis for planning what our armed forces are going to do. I cannot, I cannot, stand by and let that happen.

Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. HASTINGS).

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Chairman, I want to approach this subject very carefully. First, I thank the gentleman from Missouri (Mr. SKELTON) for yielding time to me. The gentleman from Missouri (Mr. SKELTON) and the gentleman from Colorado (Mr. HEFLEY) are two people that I have the greatest respect for, as I do virtually all of the Members of this institution.

Mr. Chairman, this particular amendment, most respectfully, is attempting to solve a problem that does not exist. We have all, at some point, been critical of the United Nations. Many have criticized the United Nations for its failure to respond promptly to conflict overseas. Our colleagues on the Committee on National Security often criticize the U.N. for not having professional military capabilities.

However, this proposed U.N. Rapidly Deployable Mission Headquarters is a response to these criticisms. It would be a very small unit in New York, staffed by a handful of U.N. employees and personnel, on loan from member states which could deploy quickly to the field to establish communications links, make a survey of the ground situation, and other commonsense steps. This unit is not a stalking horse for a United Nations standing army.

I remember reading something in the Washington Times to that effect, and I think that that article in and of itself was ill-advised, to suggest that the military, or those of us here in Congress who pay attention to the defense and foreign policy matters, would not have the ability to understand that a standing army had been created at the United Nations without our knowledge.

If we want the United Nations to be more professional in its peacekeeping operations, and we do, I cannot understand why we would want to prohibit United States military personnel from participating in such a unit. We would all agree, I would hope, that the United States military is the finest in the world. Why would we not want, on a voluntary basis, to contribute, say, a communications specialist to this very small unit at the United Nations?

Mr. Chairman, I urge Members to oppose this amendment. In my view, and in the view of several of us that serve on the Committee on International Relations, it is unnecessary and it is harmful to our interests. It is patently obvious that the administration opposes it, but I call on all my colleagues in this body to oppose this amendment, as well.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I hope the gentleman who just spoke listened to the gentleman from South Carolina (Chairman SPENCE) when he read the statement from the Secretary General's office which says that this is an interim step, that we cannot get the standing army yet, but this is the interim step. So this is the start of their idea of a standing army.

I think most of us would agree we do not want a standing army. So where do we stop it? We stop it at the outset.

Mr. HASTINGS of Florida. Mr. Chairman, will the gentleman yield?

Mr. HEFLEY. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, does the gentleman think for one minute that the gentleman from Missouri (Mr. SKELTON) or any of the fine Members of the Committee on National Security or anyone else on the Committee on International Relations would stand idly by and allow that to develop?

This is not a step in that direction, I say to the gentleman from Colorado (Mr. HEFLEY). I honestly think we can stop it. The gentleman is asking for something that is just not a problem.

Mr. HEFLEY. Mr. Chairman, I would say to the gentleman, we have already put $200,000 into it, and we did not stop it.

Mr. Chairman, I yield 3½ minutes to the gentlewoman from Idaho (Mrs. CHENOWETH).

Mrs. CHENOWETH. I thank the gentleman from Colorado for yielding time to me, Mr. Chairman.

Mr. Chairman, I rise in strong support of the Hefley amendment, which would, very simply, prohibit President Clinton from putting our troops under the command of a newly created United Nations organization known as the Rapidly Deployable Mission Headquarters.

The U.N. Rapidly Deployable Mission Headquarters is designed to function as a worldwide command and control network for U.N. forces. This new organization, which is here, which is being funded, would create a worldwide standby army for peacekeeping operations which could mobilize at any time.

Most of my colleagues, most Members of Congress on both sides of the aisle, would be really disturbed to know that the Clinton administration, without authorization, has given the U.N. $200,000 as seed money to organize this army. That is the problem, Mr. Chairman, that is the problem.

This Rapidly Deployable Mission Headquarters would report to an eight-

member command unit at the United Nations, which functions under the U.N. Security Council. In other words, this is a permanent military unit which functions directly under the control of the United Nations. It appears to be a backdoor way for creating a standing army when Congress has specifically prohibited U.S. support for a standing army.

Mr. Chairman, I want to remind my colleagues of the tragedy that occurred in Mogadishu, Somalia. We might recall watching in horror as the U.S. Army helicopter was attacked and our troops were dragged through the streets, held hostage, tortured, and killed.

Members might also recall that the multinational military unit created for the Somalia engagement functioned under the control of the U.N. An investigation revealed that the primary factor was not centralized planning, Mr. Chairman. The primary factor which led to this terrible incident was the inability of the various military commanders to communicate to one another because of the language barriers. They could not talk to one another.

If we allow another military engagement to function under the control of the U.N., similar types of tragedies are certain to happen. In fact, it happens the creation of the Rapidly Deployable Mission Headquarters could be the precursor to a deployment in highly unstable and dangerous Central African Republic. The first mission of the headquarters was reported to be in the Central African Republic, to replace the French army as it withdraws from that troubled Nation.

Just this March Congress blocked the administration's $9.5 million request to pay the U.S. share of that mission. However, by supporting the Rapidly Deployable Mission Headquarters, the Clinton administration has simply ignored the mandate by Congress not to get our troops involved in the Central African Republic. That is the problem. That is what this amendment is addressing, Mr. Chairman.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I find myself betwixt and between two very, very good Members of this committee, two excellent Members of Congress.

If I listen to both of the Members, I find them saying almost the same thing. They are both saying we do not want a standing U.N. army, and I agree with that. The difference I see is in the point that the gentleman from Missouri (Mr. SKELTON) makes, which is why, when there will be a joint operation, when there will be a joint operation, do we prohibit the very best from participating?

Last October I had lunch with the head of the British forces, the head of the French forces, the head of the Italian forces over in Bosnia, very proud people who spent their whole lives getting to the top of their profession.

It must have been very difficult for them to say what they said, but what they said was that they could not do it without the Americans; that when they went in without the Americans, their peacekeepers were chained to the lightpost, and people were raped and murdered and tortured in front of them, to show them how helpless they were. All that changed when the American troops came in.

What I would like the gentleman from Colorado (Mr. HEFLEY) and the gentleman from Missouri (Mr. SKELTON) to do is I would like to see the amendment of the gentleman from Colorado (Mr. HEFLEY) move on, but I would hope that in the very long time we have between now and the conference committee, that the Members work this out so that we accomplish what I know to be the Members' mutual goals.

I would simply ask the author of this amendment if he would be willing to try to work with the gentleman from Missouri (Mr. SKELTON) on this, because I am hearing the Members saying way too many of the same things for us to get involved in a fight on the floor about this.

Mr. HEFLEY. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, I think the gentleman from Missouri (Mr. TAYLOR) is absolutely right. I think the goals of the gentleman from Missouri (Mr. SKELTON) and me are the same as the gentleman's probably are. If we can work out a better way to word this so it takes care of the concerns of the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from Missouri (Mr. SKELTON), I will be happy to do that.

We all do not want a standing army, that is what we are all trying to avoid. I would pledge to work with the gentleman from Missouri (Mr. SKELTON) to see if we cannot get this wording to all of our satisfaction.

Mr. TAYLOR of Mississippi. Mr. Chairman, I thank the gentleman.

Mr. HEFLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. PAUL)

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding time to me, and I would like to compliment the gentleman for bringing this amendment to the floor.

Mr. Chairman, I want to make a couple of points. One, the other side of the aisle has mentioned that this is only a small amount. We are just introducing this idea. We are only giving a couple of dollars now. It reminds me of the arguments in 1913, let us have an income tax, but it is only going to be a fraction of 1 percent. We know what happened. There are plans for what they are doing. This is the time to stop it.

I think another point that we ought to make is, how did they get any money already? They got it from the Defense Department. We did not even appropriate the money. They have already started it. They have used American taxpayers' money without a direct appropriation from this Congress, and it is about time we stopped that type of legislation. That is the point. Where did the money come from? The Defense Department. It goes over into the United Nations for meddling, meddling overseas. It is taken away, literally, from defense.

We have a problem in this country for national defense. We have Air Force people who do not get flying time. Our men are not trained. We do not have the right equipment. We continuously spend all our money overseas, endlessly getting involved in Bosnia and Somalia, and wherever.

I think it is policy that needs to be addressed. It is the policy that allows our administration to do this, because there is too much complicity in allowing the United Nations to assume our sovereignty.

☐ 1645

That is the point here. The American people deserve better protection. They deserve better protection of their money. They deserve better protection of their youngsters who may get drafted and may get sent overseas. There is a great deal of danger in the Bosnia and Kosovo area, yet here we are talking about starting a new U.N. organization that unfortunately dwells on the term and brags about rapidly deployable. That is the last thing we need from the United Nations. I would like to slow it up, but now they want to take away our sovereignty to go and get involved more easily than ever and more quickly than ever.

So this is absolutely the wrong direction that we are going in today. This is a further extension of the notion that our obligation is to police the world. We are supposed to make the world safe for democracy. Just think, since World War II, we have not had one declared war, but we sure have been fighting a lot. We have lost well over 100,000 men killed. We have lost, we have had hundreds of thousands of men injured because we have a policy that carelessly allows us to intervene in the affairs of other nations, and we allow the United Nations to assume too much control over our foreign policy.

It is up to the U.S. Congress to do something about that; that is, to take away the funding. This is a great amendment. I cannot conceive of anybody voting against this amendment and pretending that this is only a little bit.

Mr. HEFLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. BARTLETT).

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Chairman, our President may be a

globalist. He may genuinely believe that if we support a U.N. army that is stronger than the military of any member state, that this will permit the United Nations to keep the peace in the world. This rapid response force could very easily be a first step in this direction.

Clearly, the President means it to be a step in whatever direction he intends to go because he has given them $200,000.

I have some problem understanding how he can do this because Article I, section 9 of the Constitution says, ''No money shall be drawn from the Treasury but in consequence of appropriations made by law.''

The Congress makes those appropriations. We made no such appropriation. I do not understand how the President can give our taxpayers' money to the U.N. without an act of Congress.

The citizens of our country do not support any such idea as a standing army or rapid response force in the United Nations. They support the Constitution, which says very clearly, in Article I, section 8, ''The Congress shall have power to declare war.''

The President cannot do this, and any time he sends troops in harm's way it is the equivalent of a declaration of war, and I submit that that is technically in violation of the Constitution.

Mr. Chairman, if we vote down this amendment, Americans will think that we have gone mad. If we are going to be involved in military activities, we need to do so as Americans and under the control of Americans.

The gentleman from Missouri made the argument that if we pass this amendment that we will limit the President's ability to send our troops hither and yon in the world. I should hope so. I think that when he uses taxpayers' money in sending our troops to faraway lands where they are in harm's way, that is the exact equivalent of a declaration of war. Except in a dire emergency, he has no right to do this. Americans do not want him to continue to do this. That is Congress's responsibility, as defined by the Constitution.

Americans in poll after poll support the spirit of this amendment by at least 4 to 1. This amendment does not say we cannot participate in planning or in execution. It simply says, our involvement will not be automatic because we are a member of some rapid response force. It says that we will decide each time what is in our best national interest.

The amendment does not prohibit joint operations. It simply says that when we are involved, we will decide and we will control.

Mr. Chairman, this is a very common sense amendment which Americans overwhelmingly support. We must support it here also.

Mr. HEFLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas (Mr. RYUN).

Mr. RYUN. Mr. Chairman, I rise in strong support of the Hefley amendment to prohibit the assignment of U.S. Armed Forces to United Nations Rapidly Deployable Mission Headquarters.

It is no secret that the United Nations wants to establish a standing army. My concern is that we may be starting down a slippery slope toward the goal of placing our troops under the command of the United Nations. U.S. troops are already deployed around the world to U.N. peacekeeping operations, and this is very important, which have little to do with U.S. security issues, this is also important, which have questionable success rates.

These deployments are putting a strain on our defense budget, and they are also shrinking our military and they are putting our people, our military people in harm's way. Our defense budget continues to decline. Readiness shortfalls are common. No U.S. military resources should be made available to the U.N. Rapidly Deployable Missions Headquarters.

If the administration is able to find money, and it is my prayer that they can find money, but we can use it on national security, as opposed to contributing money to a new U.N. project. I know I have plenty of military housing quality-of-life problems back in my district which should be funded before we spend additional taxpayer dollars on new U.N. bureaucracies.

I urge my colleagues to protect our Armed Forces from any future U.N. infringements and vote yes on the Hefley amendment.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

I have made my thoughts clear, and I oppose a standing United Nations army. I oppose the United States military forces being part of a standing United Nations army. What I am concerned about is the wording in this amendment that may cause in the long run some injuries and casualties to wonderful United States troops.

I think that is our job in this body, to support the troops. And in my small way, in reading this amendment and the wording of this amendment, I am standing up for American troops.

Mr. Chairman, I yield back the balance of my time.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

In summary, again, I think the gentleman from Missouri (Mr. SKELTON) and I are on the same track. We interpret the wording of this amendment a little differently. I think we are on the same track as to what we want to do. I hope that we can work this out.

Let me just read again a brief paragraph that the gentleman from South Carolina (Mr. SPENCE) emphasized: Choi Young-Jin, the Korean diplomat who is the U.N.'s Assistant Secretary General for Peacekeeping, recently admitted that the U.N. remains committed to establishing a standing army. Now get that, the U.N. remains committed to establishing a standing army.

The U.N.'s official spokesman later tried to clarify what Mr. Choi meant to say, that this rapidly deployable headquarters is an interim step, he said, since a standing army is too ambitious for the time being. In other words, one of the leading diplomats, the Assistant Secretary General for Peacekeeping said that the U.N. is committed to a standing army and, of course, he went too far and so he tried to explain it and then he said, well, that is too ambitious a step for right now.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. HEFLEY. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, he is absolutely wrong. I am not for that. I am not for that at all.

What bothers me is the wording of this amendment. I think this amendment, as worded, as I explained a few moments ago, should it become law, could very well invite some real disasters for our troops. I really think that it can be rewritten much, much better.

Mr. HEFLEY. Mr. Chairman, the gentleman may be absolutely right. It may be able to be worded much better, but if he and I believe the same thing, that we do not want a standing army, the way for us to assure that is to let this amendment go ahead and progress. I have committed to the gentleman that I will work with him as we go through this process and try to get the wording in a way that we can both agree on. But if we kill the amendment here today on the floor of the House, then there is no opportunity for us to do that.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. PEASE). The question is on the amendment offered by gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 441, further proceedings on the amendment offered by gentleman from Colorado (Mr. HEFLEY) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 441, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. B–1 offered by the gentlewoman from New York (Mrs. LOWEY); amendment No. B–2 offered by the gentleman from New York (Mr. GILMAN); amendment No. B–3 offered by the gentleman from Colorado (Mr. HEFLEY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. B–1 OFFERED BY MRS. LOWEY

The CHAIRMAN pro tempore. The pending business is the demand for a

recorded vote on the amendment offered by the gentlewoman from New York (Mrs. LOWEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 190, noes 232, not voting 10, as follows:

[Roll No. 171]

AYES—190

Abercrombie	Frost	Morella
Ackerman	Furse	Nadler
Allen	Gejdenson	Neal
Andrews	Gephardt	Obey
Baesler	Gilchrest	Olver
Baldacci	Gilman	Owens
Barrett (WI)	Gordon	Pallone
Bass	Green	Pascrell
Becerra	Greenwood	Pastor
Bentsen	Gutierrez	Payne
Berman	Hastings (FL)	Pelosi
Bishop	Hefner	Pomeroy
Blagojevich	Hilliard	Porter
Blumenauer	Hinchey	Price (NC)
Boehlert	Hinojosa	Pryce (OH)
Bonior	Hooley	Ramstad
Bono	Horn	Rangel
Boswell	Houghton	Reyes
Boucher	Hoyer	Rivers
Boyd	Jackson (IL)	Rodriguez
Brown (CA)	Jackson-Lee	Rothman
Brown (FL)	(TX)	Roukema
Brown (OH)	Jefferson	Roybal-Allard
Campbell	Johnson (CT)	Rush
Capps	Johnson (WI)	Sabo
Cardin	Johnson, E.B.	Sanchez
Castle	Kelly	Sanders
Clayton	Kennedy (MA)	Sandlin
Clement	Kennedy (RI)	Sawyer
Clyburn	Kennelly	Schumer
Condit	Kilpatrick	Scott
Conyers	Kind (WI)	Serrano
Coyne	Kleczka	Shaw
Cramer	Kolbe	Shays
Cummings	Lampson	Sherman
Davis (FL)	Lantos	Sisisky
Davis (IL)	Leach	Skaggs
DeFazio	Lee	Slaughter
DeGette	Levin	Smith, Adam
Delahunt	Lewis (GA)	Snyder
DeLauro	Lofgren	Spratt
Deutsch	Lowey	Stark
Dicks	Luther	Stokes
Dingell	Maloney (CT)	Strickland
Dixon	Maloney (NY)	Tanner
Doggett	Markey	Tauscher
Dooley	Martinez	Thomas
Edwards	Matsui	Thompson
Ehrlich	McCarthy (MO)	Thurman
Engel	McCarthy (NY)	Tierney
Eshoo	McDermott	Torres
Etheridge	McGovern	Towns
Evans	McHale	Turner
Farr	McKinney	Velazquez
Fattah	Meehan	Vento
Fawell	Meek (FL)	Visclosky
Fazio	Menendez	Waters
Filner	Millender-	Watt (NC)
Foley	McDonald	Waxman
Ford	Miller (CA)	Wexler
Fowler	Miller (FL)	White
Frank (MA)	Minge	Woolsey
Franks (NJ)	Mink	Wynn
Frelinghuysen	Moran (VA)	Yates

NOES—232

Aderholt	Bartlett	Bonilla
Archer	Barton	Borski
Armey	Bereuter	Brady
Bachus	Berry	Bryant
Baker	Bilbray	Bunning
Ballenger	Bilirakis	Burr
Barcia	Bliley	Burton
Barr	Blunt	Buyer
Barrett (NE)	Boehner	Callahan
Calvert	Hyde	Pitts
Camp	Inglis	Pombo
Canady	Istook	Portman
Cannon	Jenkins	Poshard
Chabot	John	Quinn
Chambliss	Johnson, Sam	Radanovich
Chenoweth	Jones	Rahall
Christensen	Kanjorski	Redmond
Coble	Kaptur	Regula
Coburn	Kasich	Riggs
Collins	Kildee	Riley
Combest	Kim	Roemer
Cook	King (NY)	Rogan
Cooksey	Kingston	Rogers
Costello	Klink	Rohrabacher
Cox	Klug	Ros-Lehtinen
Crane	Knollenberg	Royce
Crapo	Kucinich	Ryun
Cubin	LaFalce	Salmon
Cunningham	LaHood	Sanford
Danner	Largent	Saxton
Davis (VA)	Latham	Scarborough
Deal	LaTourette	Schaefer, Dan
DeLay	Lazio	Schaffer, Bob
Diaz-Balart	Lewis (CA)	Sensenbrenner
Dickey	Lewis (KY)	Sessions
Doolittle	Linder	Shadegg
Doyle	Lipinski	Shimkus
Dreier	Livingston	Shuster
Duncan	LoBiondo	Skeen
Dunn	Lucas	Skelton
Ehlers	Manton	Smith (MI)
Emerson	Manzullo	Smith (NJ)
English	Mascara	Smith (OR)
Ensign	McCollum	Smith (TX)
Everett	McCrery	Smith, Linda
Forbes	McDade	Snowbarger
Fossella	McHugh	Solomon
Fox	McInnis	Souder
Gallegly	McIntosh	Spence
Ganske	McIntyre	Stearns
Gekas	McKeon	Stenholm
Gibbons	McNulty	Stump
Gillmor	Metcalf	Stupak
Goode	Mica	Sununu
Goodlatte	Moakley	Talent
Goodling	Mollohan	Tauzin
Goss	Moran (KS)	Taylor (MS)
Graham	Myrick	Taylor (NC)
Granger	Nethercutt	Thornberry
Gutknecht	Neumann	Thune
Hall (OH)	Ney	Tiahrt
Hall (TX)	Northup	Traficant
Hamilton	Norwood	Upton
Hansen	Nussle	Walsh
Hastert	Oberstar	Wamp
Hastings (WA)	Ortiz	Watkins
Hayworth	Oxley	Watts (OK)
Hefley	Packard	Weldon (FL)
Herger	Pappas	Weldon (PA)
Hill	Parker	Weller
Hilleary	Paul	Weygand
Hobson	Paxon	Whitfield
Hoekstra	Pease	Wicker
Holden	Peterson (MN)	Wolf
Hostettler	Peterson (PA)	Young (AK)
Hulshof	Petri	Young (FL)
Hunter	Pickering	
Hutchinson	Pickett	

NOT VOTING—10

Bateman	Gonzalez	Stabenow
Carson	Harman	Wise
Clay	Meeks (NY)	
Ewing	Murtha	

□ 1716

The Clerk announced the following pair:

On this vote:

Ms. Stabenow for, with Mr. Ewing against.

Mr. GEKAS and Mr. LAZIO of New York changed their vote from ''aye'' to ''no.''

Mr. KIND and Mrs. CLAYTON changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. PEASE). Pursuant to House Resolution 441, the Chair announces that it will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. GILMAN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. GILMAN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 420, noes 1, not voting 11, as follows:

[Roll No. 172]

AYES—420

Abercrombie	Coble	Furse
Ackerman	Coburn	Gallegly
Aderholt	Collins	Ganske
Allen	Combest	Gejdenson
Andrews	Condit	Gekas
Archer	Conyers	Gephardt
Armey	Cook	Gibbons
Bachus	Cooksey	Gilchrest
Baesler	Costello	Gillmor
Baker	Cox	Gilman
Baldacci	Coyne	Goode
Ballenger	Cramer	Goodlatte
Barcia	Crane	Goodling
Barr	Crapo	Gordon
Barrett (NE)	Cubin	Goss
Barrett (WI)	Cummings	Graham
Bartlett	Cunningham	Granger
Barton	Danner	Green
Bass	Davis (FL)	Greenwood
Becerra	Davis (IL)	Gutierrez
Bentsen	Davis (VA)	Gutknecht
Bereuter	Deal	Hall (OH)
Berman	DeFazio	Hall (TX)
Berry	DeGette	Hamilton
Bilbray	Delahunt	Hansen
Bilirakis	DeLauro	Hastert
Bishop	DeLay	Hastings (FL)
Blagojevich	Deutsch	Hastings (WA)
Bliley	Diaz-Balart	Hayworth
Blumenauer	Dickey	Hefley
Blunt	Dicks	Hefner
Boehlert	Dingell	Herger
Boehner	Dixon	Hill
Bonilla	Doggett	Hilleary
Bonior	Dooley	Hilliard
Bono	Doolittle	Hinchey
Borski	Doyle	Hinojosa
Boswell	Dreier	Hobson
Boucher	Duncan	Hoekstra
Boyd	Dunn	Holden
Brady	Edwards	Hooley
Brown (CA)	Ehlers	Horn
Brown (FL)	Ehrlich	Hostettler
Brown (OH)	Emerson	Houghton
Bryant	Engel	Hoyer
Bunning	English	Hulshof
Burr	Ensign	Hunter
Burton	Eshoo	Hutchinson
Buyer	Etheridge	Hyde
Callahan	Evans	Inglis
Calvert	Everett	Istook
Camp	Farr	Jackson (IL)
Campbell	Fattah	Jackson-Lee
Canady	Fawell	(TX)
Cannon	Fazio	Jefferson
Capps	Filner	Jenkins
Cardin	Foley	John
Castle	Forbes	Johnson (CT)
Chabot	Ford	Johnson (WI)
Chambliss	Fossella	Johnson, E. B.
Chenoweth	Fowler	Johnson, Sam
Christensen	Fox	Jones
Clayton	Franks (NJ)	Kanjorski
Clement	Frelinghuysen	Kaptur
Clyburn	Frost	Kasich

Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velazquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

PRESENT—1

Frank (MA)

NOT VOTING—11

Bateman
Carson
Clay
Ewing
Gonzalez
Harman
McDade
Meeks (NY)
Murtha
Stabenow
Wise

□ 1725

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT B–3 OFFERED BY MR. HEFLEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 3 offered by the gentleman from Colorado (Mr. *Hefley*) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 250, noes 172, not voting 10, as follows:

[Roll No. 173]

AYES—250

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
Johnson (WI)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (CT)
Manzullo
Martinez
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—172

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Cardin
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Greenwood
Hall (OH)
Hamilton
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Houghton
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Leach
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Porter
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Spratt
Stark
Stokes
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOT VOTING—10

Bateman
Carson
Clay
Ewing
Gonzalez
Harman
Meeks (NY)
Murtha
Stabenow
Wise

□ 1733

Ms. HOOLEY of Oregon changed her vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. EVERETT. Mr. Chairman, the legislation before us today represents our best efforts to fashion a defense authorization bill that meets the national security requirements of the country within a constrained budget. This year marks the 14th consecutive year of real decline in defense spending; a fact that has led to the military being slashed by more than one-third. As a percentage of the Gross National Product, this defense budget represents only 3 percent; the lowest level since before World War II.

I raise these points as a warning. As a Nation who has invested dearly to amass the

greatest military in the world, we cannot continue the erosion of our national security capabilities without assuming greater risk in our ability to meet the many and varied challenges of America's security interests. The Joint Chiefs have all testified that we can still get the job done under this budget, but the associated risk factor to meet the national threat assessment continues to increase. The unfunded requirements also continue to grow, amounting to $54 billion over the next 5 years according to the Chiefs. These unfunded requirements range from the modernization of key weapon systems, to real property maintenance backlogs, to quality of life issues effecting the dedicated military personnel and their families. In addition to these massive unmet requirements, the Congressional Budget Office has indicated that Clinton's 5-year defense budget will not even keep pace with today's mild rate of inflation. This fact broadens the defense budget problems by another $54.4 billion shortfall between now and fiscal 2003.

These sobering realities of the defense budget are important to note, because this administration continues to task the military with countless forward deployments while failing to provide the resources necessary to conduct these missions. The Op Tempo rate of our military personnel is at the breaking point. The Bosnia peacekeeping mission and Operation Southern Watch in Iraq continue to sap the readiness accounts of the services, requiring Congress to approve last-minute emergency supplemental appropriations bills to pay for critical training accounts depleted by these foreign policy forays. These trends are an indication of poor management of the country's national defense.

With that said, I must commend Chairman SPENCE and the subcommittee chairman for their work in crafting this bill under these difficult circumstances. We have been able to provide additional funds for key weapon systems procurement like the UH–60 Black Hawk helicopters and Javelin precision guided missiles and speed up the testing and development of the RAH–66 Comanche, while also adding critical funds to help improve and maintain the infrastructure on our military installations. I urge all members to support the bill.

Mr. UNDERWOOD. Mr. Chairman, I join my colleagues today in support of H.R. 3616, the FY 1999 Defense Authorization Bill. This bipartisan effort has been well received and will do much to ensure that the security of the United States and its territories will be preserved.

Mr. Chairman, these are dangerous times. Today, the United States is faced with multifaceted threats from all corners of the globe. The list is enormous: illicit Ballistic Missile technology transfers from Russia and China, North Korean and Iranian ballistic missile development, a potential nuclear arms race in South Asia, continuing strife in Bosnia, Iraq's failure to completely comply with U.N. weapons inspectors, rioting, oppression, and a secession crisis in Indonesia, a seemingly insurmountable international narcotrafficking problem and the specter of global and domestic terrorism. Our military forces are being stretched to the limit, being forced to do more with less. These threats matched against our Nation's shrinking defense budget all create a tense security environment that our Nation must contend with.

But, Mr. Chairman, H.R. 3616 is not just about outfitting our military with the best equipment and training to meet these challenges, it is also about doing more for our uniformed men and women. H.R. 3616 includes several measures that I introduced that enhances the lives of our service personnel. I was able to obtain language that would allow National Guardsmen to have equal PX/BX and Commissary privileges as the active duty servicemen when called up for duty during a federally declared disaster. We learned of this inequity only too well when Typhoon Paka struck Guam last December. Additionally, I reintroduced an amendment that will authorize the reimbursement for the cost of a rental car, after a permanent change of station transfer to a new duty station overseas under the travel automobile rental allowance authorized to service members. This provision would apply only to service members whose motor vehicle has not arrived by the promised shipping date. This initiative, suggested to me by Colonel Adolf Sgambelluri of Guam, became a reality after working closely with Congressman STEVE BUYER and Congressman GENE TAYLOR.

Mr. Chairman, the House National Security Committee also manages a vital oversight function over the Department of Defense. My colleagues and I treat this responsibility very seriously. Two oversight initiatives that I had included in this bill are (1) to secure directive report language that requires the Department of Defense to report to Congress on the reasons that led to the establishment of Department of Defense Dependents School (DoDDS), their plan of reintegration between the DoDDS and the public school system on Guam, and report on the specific plans to construct any structure on Guam for the expressed purpose of housing DoDDS facilities on Guam; and (2) to require the Department of Defense to report to Congress their proposed plan for privatization of public (departmental and military) owned electric and water utilities and the real property that these utilities are located on. The report also requires that DoD describe the criterion where such a conveyance will not be made on the grounds of national security. I worked closely with Chairman JOEL HEFLEY on this initiative and would like to thank him for his foresight in including this important initiative.

Mr. Chairman, one note of dissent, I am not in support of this bill's provision that will mandate gender-separate training and barracks for all services of the armed forces during basic training. I have often commented on the growing rift in military/civilian relations. I believe that for 50 years the armed forces has been the most successful institution that promotes inclusion of both race and gender. To reverse that noble history, which this measure will certainly do, is to run the risk of dangerously turning our military into an organization that will be further separated from the society that it is charged to defend.

Finally, Mr. Chairman, I am deeply concerned with the Department of Defense's continuing utilization of the A–76 process in its quest to mete out savings and increase productivity. While I recognize that the Department can no longer conduct business the way it had during the Cold War, it seems shortsighted and thankless to potentially lay off thousands of government employees who have served for so long. Despite that the A–76 process, at a minimum, provides a chance for Government employees to compete, we must recognize that this is an inglorious method to show our gratitude for all their years of public service. I believe that the Department of Defense is relying too heavily on A–76, privatization and other outsourcing initiatives to provide sorely needed savings for their programs. I remain skeptical over the estimates that DoD claims they will reap from these processes.

Essentially, I am concerned that the retirement benefit packages of Federal employees is penalized severely for early retirement. Currently, there is no provision to protect the full receipt of benefits if the employee is displaced by a private sector worker as a result of A–76. The devastating inequity of A–76 is that a federal worker who is 2 to 3 years away from retirement will lose out on a full pension through no fault of their own. In conclusion, it is my hope that the Department will seriously review the process to protect its loyal employees and the retirement benefits that they were promised.

Mrs. FOWLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GIBBONS) having assumed the chair, Mr. PEASE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3616) to authorize appropriations for fiscal year 1999 for military activities of Department of Defense, to prescribe military personnel strengths for fiscal year 1999, and for other purposes, had come to no resolution thereon.

NOTICE OF INTENT TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

Mr. MINGE. Mr. Speaker, pursuant to clause 1(c) of House Rule XXVIII, I hereby notify the House of my intention tomorrow to offer the following motion to instruct House conferees on H.R. 2400, Building Efficient Surface Transportation and Equity Act of 1998:

I move the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2400, be instructed to ensure that spending for highways and transit programs authorized in the conference agreement on H.R. 2400 is fully paid for using estimates of the Congressional Budget Office, to reject the use of estimates from any other source, to reject any method of budgeting that departs from the budget enforcement principles currently in effect, or the use of the budget surplus to pay for spending on highways or transit programs.

MOTION TO INSTRUCT CONFEREES ON H.R. 2400, BUILDING EFFICIENT SURFACE TRANSPORTATION AND EQUITY ACT OF 1998

Mr. OBEY. Mr. Speaker, I offer a motion to instruct conferees.