AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

LOTT (AND OTHERS) AMENDMENT NO. 394

Mr. LOTT. (for himself, Mr. WARNER, Mr. SHELBY, Mr. MURKOWSKI, Mr. DOMENICI, Mr. SPECTER, Mr. THOMAS, Mr. KYL, and Mr. HUTCHINSON) proposed an amendment to the bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

On page 387, below line 24, add the following:

SEC. 1061. INVESTIGATIONS OF VIOLATIONS OF EXPORT CONTROLS BY UNITED STATES SATELLITE MANUFACTURERS.

(a) NOTICE TO CONGRESS OF INVESTIGATIONS.—The President shall promptly notify Congress whenever an investigation is undertaken of an alleged violation of United States export control laws in connection with a commercial satellite of United States origin.

(b) NOTICE TO CONGRESS OF CERTAIN EXPORT WAIVERS AND LICENSES.—The President shall promptly notify Congress whenever an export license or waiver is granted on behalf of any United States person or firm that is the subject of an investigation described in subsection (a). The notice shall include a justification for the license or waiver.

(c) NOTICE IN APPLICATIONS.—It is the sense of Congress that any United States person or firm subject to an investigation described in subsection (a) that submits to the United States an application for the export of a commercial satellite should include in the application a notice of the investigation.

SEC. 1062. ENHANCEMENT OF ACTIVITIES OF DEFENSE THREAT REDUCTION AGENCY.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations—

(1) to authorize the personnel of the Defense Threat Reduction Agency (DTRA) who monitor satellite launch campaigns overseas to suspend such campaigns at any time if the suspension is required for purposes of the national security of the United States;

(2) to establish appropriate professional and technical qualifications for such personnel;

(3) to allocate funds and other resources to the Agency at levels sufficient to prevent any shortfalls in the number of such personnel;

(4) to establish mechanisms in accordance with the provisions of section 1514(a)(2)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2175; 22 U.S.C. 2778 note) that provide for—

(A) the allocation to the Agency, in advance of a launch campaign, of an amount equal to the amount estimated to be required by the Agency to monitor the launch campaign; and

(B) the reimbursement of the Department, at the end of a launch campaign, for amounts expended by the Agency in monitoring the launch campaign;

(5) to establish a formal technology training program for personnel of the Agency who monitor satellite launch campaigns overseas, including a structured framework for providing training in areas of export control laws;

(6) to review and improve guidelines on the scope of permissible discussions with foreign persons regarding technology and technical information, including the technology and technical information that should not be included in such discussions;

(7) to provide, on at least an annual basis, briefings to the officers and employees of United States commercial satellite entities on United States export license standards, guidelines, and restrictions, and encourage such officers and employees to participate in such briefings;

(8) to establish a system for—

(A) the preparation and filing by personnel of the Agency who monitor satellite launch campaigns overseas of detailed reports of all activities observed by such personnel in the course of monitoring such campaigns;

(B) the systematic archiving of reports filed under subparagraph (A); and

(C) the preservation of such reports in accordance with applicable laws; and

(9) to establish a counterintelligence office within the Agency as part of its satellite launch monitoring program.

(b) ANNUAL REPORT ON IMPLEMENTATION OF SATELLITE TECHNOLOGY SAFEGUARDS.—The Secretary shall submit to Congress each year, as part of the annual report for that year under section 1514(a)(8) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, the following:

(1) A summary of the satellite launch campaigns and related activities monitored by the Defense Threat Reduction Agency during the preceding year.

(2) A description of any license infractions or violations that may have occurred during such campaigns and activities.

(3) A description of the personnel, funds, and other resources dedicated to the satellite launch monitoring program of the Agency during that year.

(4) An assessment of the record of United States satellite makers in cooperating with Agency monitors, and in complying with United States export control laws, during that year.

SEC. 1063. IMPROVEMENT OF LICENSING ACTIVITIES BY THE DEPARTMENT OF STATE.

Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall prescribe regulations to provide notice to the manufacturer of a commercial satellite of United States origin of the reasons for a denial or approval with conditions, as the case may be, of the application for license involving the overseas launch of such satellite.

SEC. 1064. ENHANCEMENT OF INTELLIGENCE COMMUNITY ACTIVITIES.

(a) CONSULTATION WITH DCI.—The Secretary of State shall consult with the Director of Central Intelligence throughout the review of an application for a license involving the overseas launch of a commercial satellite of United States origin in order to assure that the launch of the satellite, if the license is approved, will meet any requirements necessary to protect the national security interests of the United States.

(b) ADVISORY GROUP.—The Director of Central Intelligence shall establish within the intelligence community an advisory group to provide information and analysis to Congress upon request, and to appropriate departments and agencies of the Federal Government, on licenses involving the overseas launch of commercial satellites of United States origin.

(c) ANNUAL REPORTS ON EFFORTS TO ACQUIRE SENSITIVE UNITED STATES TECHNOLOGY AND TECHNICAL INFORMATION.—The Director of Central Intelligence shall submit each year to Congress and appropriate officials of the executive branch a report on the efforts of foreign governments and entities during the preceding year to acquire sensitive United States technology and technical information. The report shall include an analysis of the applications for licenses for export that were submitted to the United States during that year.

(d) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term ''intelligence community'' has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 1065. ADHERENCE OF PEOPLE'S REPUBLIC OF CHINA TO MISSILE TECHNOLOGY CONTROL REGIME.

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

(1) the President should take all actions appropriate to obtain a bilateral agreement with the People's Republic of China to adhere to the Missile Technology Control Regime (MTCR) and the MTCR Annex; and

(2) the People's Republic of China should not be permitted to join the Missile Technology Control Regime as a member without having—

(A) demonstrated a sustained and verified commitment to the nonproliferation of missiles and missile technology; and

(B) adopted an effective export control system for implementing guidelines under the Missile Technology Control Regime and the MTCR Annex.

(b) DEFINITIONS.—In this section:

(1) The term ''Missile Technology Control Regime'' means the policy statement, between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced on April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

(2) The term ''MTCR Annex'' means the Guidelines and Equipment and Technology Annex of the Missile Technology Control Regime, and any amendments thereto.

SEC. 1066. UNITED STATES COMMERCIAL SPACE LAUNCH CAPACITY.

It is the sense of Congress that—

(1) Congress and the President should work together to stimulate and encourage the expansion of a commercial space launch capacity in the United States, including by taking actions to eliminate legal or regulatory barriers to long-term competitiveness in the United States commercial space launch industry; and

(2) Congress and the President should—

(A) reexamine the current United States policy of permitting the export of commercial satellites of United States origin to the People's Republic of China for launch;

(B) review the advantages and disadvantages of phasing out the policy over time, including advantages and disadvantages identified by Congress, the executive branch, the United States satellite industry, the United States space launch industry, the United States telecommunications industry, and other interested persons; and

(C) if the phase out of the policy is adopted, permit launches of commercial satellites of United States origin by the People's Republic of China only if—

(i) such launches are licensed as of the commencement of the phase out of the policy; and

(ii) additional actions are taken to minimize the transfer of technology to the People's Republic of China during the course of such launches.

SEC. 1067. ANNUAL REPORTS ON SECURITY IN THE TAIWAN STRAIT.

(a) IN GENERAL.—Not later than February 1 of each year, beginning in the first calendar year after the date of enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report, in both classified and unclassified form, detailing the security situation in the Taiwan Strait.

(b) REPORT ELEMENTS.—Each report shall include—

(1) an analysis of the military forces facing Taiwan from the People's Republic of China;

(2) an evaluation of additions during the preceding year to the offensive military capabilities of the People's Republic of China; and

(3) an assessment of any challenges during the preceding year to the deterrent forces of the Republic of China on Taiwan, consistent with the commitments made by the United States in the Taiwan Relations Act (Public Law 96–8).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—The term ''appropriate congressional committees'' means the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on International Relations and the Committee on Armed Services of the House of Representatives.

SEC. 1068. DECLASSIFICATION OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.

Section 3161(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2260; 50 U.S.C. 435 note) is amended by adding at the end the following:

''(9) The actions to be taken to ensure that records subject to Executive Order No. 12958 that have been released into the public domain since 1995 are reviewed on a page by page basis for Restricted Data or Formerly Restricted Data unless such records have been determined to be highly unlikely to contain Restricted Data or Formerly Restricted Data.''.

On page 541, line 22, insert ''(A)'' after ''(4)''.

On page 542, between lines 2 and 3, insert the following:

(B) The chairman of the Commission may be designated once five members of the Commission have been appointed under paragraph (1).

On page 542, between lines 11 and 12, insert the following:

(8) The Commission may commence its activities under this section upon the designation of the chairman of the Commission under paragraph (4).

On page 546, strike lines 20 through 23.

On page 547, line 1, strike ''(3)'' and insert ''(2)''.

On page 564, between lines 17 and 18, insert the following:

SEC. 3164. CONDUCT OF SECURITY CLEARANCES.

(a) RESPONSIBILITY OF FEDERAL BUREAU OF INVESTIGATION.—Section 145 of the Atomic Energy Act of 1954 (42 U.S.C. 2165) is amended by striking ''the Civil Service Commission'' each place it appears in subsections a., b., and c. and inserting ''the Federal Bureau of Investigation''.

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

(1) by striking subsections d. and f.; and

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

(3) in subsection d., as so redesignated, by striking ''determine that investigations'' and all that follows and inserting ''require that investigations be conducted by the Federal Bureau of Investigation of any group or class covered by subsections a., b., and c. of this section.''.

(c) TECHNICAL AMENDMENT.—Subsection f. of that section, as so redesignated, is amended by striking ''section 145 b.'' and inserting ''subsection b. of this section''.

SEC. 3165. PROTECTION OF CLASSIFIED INFORMATION DURING LABORATORY-TO-LABORATORY EXCHANGES.

(a) PROVISION OF TRAINING.—The Secretary of Energy shall ensure that all Department of Energy employees and Department of Energy contractor employees participating in laboratory-to-laboratory cooperative exchange activities are fully trained in matters relating to the protection of classified information and to potential espionage and counterintelligence threats.

(b) COUNTERING OF ESPIONAGE AND INTELLIGENCE-GATHERING ABROAD.—(1) The Secretary shall establish a pool of Department employees and Department contractor employees who are specially trained to counter threats of espionage and intelligence-gathering by foreign nationals against Department employees and Department contractor employees who travel abroad for laboratory-to-laboratory exchange activities or other cooperative exchange activities on behalf of the Department.

(2) The Secretary shall ensure that at least one employee from the pool established under paragraph (1) accompanies any group of Department employees or Department contractor employees who travel to any nation designated to be a sensitive country by the Secretary of State.

KERRY (AND OTHERS) AMENDMENT NO. 395

Mr. KERREY (for himself, Mrs. BOXER, Mr. FEINGOLD, Mr. DASCHLE, Mr. KENNEDY, and Mr. BIDEN) proposed an amendment to the bill, S. 1059, supra; as follows:

On page 357, strike line 13 and all that follows through page 358, line 4.

ALLARD (AND OTHERS) AMENDMENT NO. 396

Mr. ALLARD (for himself, Mr. HARKIN, Mr. SESSIONS, Mr. STEVENS, Mr. CONRAD, Mr. DORGAN, Mr. CLELAND, Mr. CRAIG, Mr. BINGAMAN, Mr. BRYAN, Mr. REID, Mr. CAMPBELL, Mr. MURKOWSKI, Ms. SNOWE, Mr. FEINGOLD, Mr. COVERDELL, and Mr. GRASSLEY) proposed an amendment to the bill, S. 1059, supra; as follows:

Strike section 904, and insert the following:

SEC. 904. MANAGEMENT OF THE CIVIL AIR PATROL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that no major change to the governance structure of the Civil Air Patrol should be mandated by Congress until a review of potential improvements in the management and oversight of Civil Air Patrol operations is conducted.

(b) GAO STUDY.—The Comptroller General shall conduct a study of potential improvements to Civil Air Patrol operations, including Civil Air Patrol financial management, Air Force and Civil Air Patrol oversight, and the Civil Air Patrol safety program. Not later than February 15, 2000, the Inspector General shall submit a report on the results of the study to the congressional defense committees.

(c) INSPECTOR GENERAL REVIEW.—(1) The Inspector General of the Department of Defense shall review the financial and management operations of the Civil Air Patrol. The review shall include an audit.

(2) Not later than February 15, 2000, the Inspector General shall submit to the congressional defense committees a report on the review, including, specifically, the results of the audit. The report shall include any recommendations that the Inspector General considers appropriate regarding actions necessary to ensure the proper oversight of the financial and management operations of the Civil Air Patrol.

MURRAY (AND OTHERS) AMENDMENT NO. 397

Mrs. MURRAY (for herself, Ms. SNOWE, Ms. MIKULSKI, Mrs. BOXER, Ms. LANDRIEU, Mr. KERREY, Mr. SCHUMER, Mr. INOUYE, Mr. KENNEDY, Mr. JEFFORDS, and Mr. ROBB) proposed an amendment to the bill, S. 1059, supra; as follows:

In title VII, at the end of subtitle B, add the following:

SEC. 717. RESTORATION OF PREVIOUS POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

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

(1) by striking subsection (b); and

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

HARKIN (AND BOXER) AMENDMENT NO. 398

(Ordered to lie on the table.)

Mr. HARKIN (for himself, and Mrs. BOXER) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

In title VI, at the end of subtitle E, add the following:

SEC. 676. IMPLEMENTATION OF THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM.

(a) CLARIFICATION OF BENEFITS RESPONSIBILITY.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking ''may carry out a program to provide special supplemental food benefits'' and inserting ''shall carry out a program to provide supplemental foods and nutrition education''.

(b) FUNDING.—Subsection (b) of such section is amended to read as follows:

''(b) FEDERAL PAYMENTS.—The Secretary of Defense shall use funds available for the Department of Defense to provide supplemental foods and nutrition education and to pay for costs for nutrition services and administration under the program required under subsection (a).''.

(c) PROGRAM ADMINISTRATION.—Subsection (c)(1)(A) of such section is amended by adding at the end the following: ''In the determining of eligibility for the program benefits, a person already certified for participation in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1996 (42 U.S.C. 1786) shall be considered eligible for the duration of the certification period under that program.''.

(d) NUTRITIONAL RISK STANDARDS.—Subsection (c)(1)(B) of such section is amended by inserting ''and nutritional risk standards'' after ''income eligibility standards''.

(e) DEFINITIONS.—Subsection (f) of such section is amended by adding at the end the following:

''(4) The terms 'costs for nutrition services and administration', 'nutrition education' and 'supplemental foods' have the meanings given the terms in paragraphs (4), (7), and (14), respectively, of section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).''.

On page 17, line 6, reduce the amount by $18,000,000.

HARKIN (AND FEINGOLD) AMENDMENT NO. 399

(Ordered to lie on the table.)

Mr. HARKIN (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

In title V, at the end of subtitle D, add the following:

SEC. 552. ELIMINATION OF BACKLOG IN REQUESTS FOR REPLACEMENT OF MILITARY MEDALS AND OTHER DECORATIONS.

(a) SUFFICIENT RESOURCING REQUIRED.—The Secretary of Defense shall make available funds and other resources at the levels that are necessary for ensuring the elimination of the backlog of the unsatisfied requests made to the Department of Defense for the issuance or replacement of military decorations for former members of the Armed Forces. The organizations to which the necessary funds and other resources are to be made available for that purpose are as follows:

(1) The Army Reserve Personnel Command.

(2) The Bureau of Naval Personnel.

(3) The Air Force Personnel Center.

(4) The National Archives and Records Administration

(b) CONDITION.—The Secretary shall allocate funds and other resources under subsection (a) in a manner that does not detract from the performance of other personnel service and personnel support activities within the Department of Defense.

(c) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the status of the backlog described in subsection (a). The report shall include a plan for eliminating the backlog.

(d) REPLACEMENT DECORATION DEFINED.—For the purposes of this section, the term ''decoration'' means a medal or other decoration that a former member of the Armed Forces was awarded by the United States for military service of the United States.

GORTON (AND MURRAY) AMENDMENT NO. 400

(Ordered to lie on the table.)

Mr. GORTON (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

In title VII, at the end of subtitle A, add the following:

SEC. 705. CONTINUOUS OPEN ENROLLMENT IN MANAGED CARE PLANS OF THE FORMER UNIFORMED SERVICES TREATMENT FACILITIES

Section 724 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is amended by adding at the end the following:

''(g) CONTINUOUS OPEN ENROLLMENT.—Covered beneficiaries shall be permitted to enroll at any time in a managed care plan offered by the designated providers consistent with the enrollment requirements for the TRICARE Prime option under the TRICARE program.''.

BOND (AND KERRY) AMENDMENT NO. 401

(Ordered to lie on the table.)

Mr. BOND (for himself and Mr. KERRY) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

Strike section 805.

ALLARD AMENDMENT NO. 402

(Ordered to lie on the table.)

Mr. ALLARD submitted an amendment intended to be proposed by him to the bill, S. 1059, supra; as follows:

On page 578, below line 21, add the following:

SEC. 3179. USE OF 9975 CANISTERS FOR SHIPMENT OF WASTE FROM ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE, COLORADO.

(a) APPROVAL OR DENIAL OF USE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Energy shall either grant or deny approval for the use of 9975 canisters for the shipment of waste from the Rocky Flats Environmental Technology Site, Colorado.

(b) ALTERNATIVE MEANS OF SHIPMENT OF WASTE.—(1) If approval of the use of 9975 canisters for the shipment of waste from the Rocky Flats Environmental Technology Site is denied under subsection (a), the Secretary shall identify an alternative to 9975 canisters for use for the shipment of waste from the Rocky Flats Environmental Technology Site.

(2) The alternative under paragraph (1) shall be identified not later than 10 days after the date of the denial of approval under subsection (a).

(3) The alternative identified for purposes of paragraph (1) shall be available for use at the time of its identification for purposes of that paragraph, without need for any further approval.

(c) COSTS.—Amounts to cover any costs associated with the identification of an alternative under subsection (b), and any costs associated with delays in the shipment of waste from Rocky Flats Environmental Technology Site as a result of delays in approval, shall be subtracted from amounts appropriated for travel by the Secretary of Energy.

BOXER AMENDMENT NO. 403

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1059 supra; as follows:

In title X, at the end of subtitle A, add the following:

SEC. 10 . TRANSFERS FOR THE ESTABLISHMENT OF ADDITIONAL NATIONAL VETERANS CEMETERIES.

(a) AUTHORITY.—Of the amounts appropriated for the Department of Defense for fiscal year 2000 pursuant to authorizations of appropriations in this Act, the Secretary of Defense shall transfer $100,000,000 to the Department of Veterans Affairs. The Secretary shall select the source of the funds for transfer under this subsection, and make the transfers in a manner that causes the least significant harm to the readiness of the Armed Forces, does not affect the increases in pay and other benefits for Armed Forces personnel, and does not otherwise adversely affect the quality of life of such personnel and their families.

(b) USE OF AMOUNTS TRANSFERRED.—Funds transferred to the Department of Veterans Affairs under subsection (a) shall be made available to establish, in accordance with chapter 24 of the title 38, United States Code, national cemeteries in areas in the United States that the Secretary of Veterans Affairs determines to be most in need of such cemeteries to serve the needs of veterans and their families.

(c) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The authority to make transfers under subsection (a) is in addition to the transfer authority provided in section 1001.

SMITH (AND WYDEN) AMENDMENT NO. 404

(Ordered to lie on the table.)

Mr. SMITH of Oregon (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by them to the bill, S. 1059, supra; as follows:

On page 404, below line 22, add the following:

TITLE XIII—CHEMICAL DEMILITARIZATION ACTIVITIES

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Community-Army Cooperation Act of 1999''.

SEC. 1302. FINDINGS AND PURPOSE.

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

(1) Between 1945 and 1989, the national security interests of the United States required the construction, and later, the deployment and storage of weapons of mass destruction throughout the geographical United States.

(2) The United States is a party to international commitments and treaties which require the decommissioning or destruction of certain of these weapons.

(3) The United States has ratified the Chemical Weapons Convention which requires the destruction of the United States chemical weapons stockpile by April 29, 2007.

(4) Section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) provides that the Department of the Army shall be the executive agent for the destruction of the chemical weapons stockpile.

(5) In 1988, the Department of the Army determined that on-site incineration of chemical weapons at the eight chemical weapons storage locations in the continental United States would provide the safest and most efficient means for the destruction of the chemical weapons stockpile.

(6) The communities in the vicinity of such locations have expressed concern over the safety of the process to be used for the incineration of the chemical weapons stockpile.

(7) Sections 174 and 175 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) and section 8065 of the Department of Defense Appropriations Act, 1997 (Public Law 104–208) require that the Department of the Army explore methods other than incineration for the destruction of the chemical weapons stockpile.

(8) Compliance with the 2007 deadline for the destruction of the United States chemical weapons stockpile in accordance with

the Chemical Weapons Convention will require an accelerated decommissioning and transporting of United States chemical weapons.

(9) The decommissioning or transporting of such weapons has caused, or will cause, environmental, economic, and social disruptions.

(10) It is appropriate for the United States to mitigate such disruptions.

(b) PURPOSE.—It is the purpose of this title to provide for the mitigation of the environmental, economic, and social disruptions to communities and Indian tribes resulting from the onsite decommissioning of chemical agents and munitions, and related materials, at chemical demilitarization facilities in the United States.

SEC. 1303. SENSE OF CONGRESS.

It is the sense of Congress that the Secretary of Defense and the Secretary of the Army should streamline the administrative structure of the Department of Defense and the Department of the Army, respectively, in order that the officials within such departments with immediate responsibility for the demilitarization of chemical agents and munitions, and related materials, have authority—

(1) to meet the April 29, 2007, deadline for the destruction of United States chemical weapon stockpile as required by the Chemical Weapons Convention; and

(2) to employ sound management principles, including the negotiation and implementation of contract incentives, to—

(A) accelerate the decommissioning of chemical agents and munitions, and related materials; and

(B) enforce budget discipline on the chemical demilitarization program of the United States while mitigating the disruption to communities and Indian tribes resulting from the onsite decommissioning of the chemical weapons stockpile at chemical demilitarization facilities in the United States.

SEC. 1304. DECOMMISSIONING OF UNITED STATES CHEMICAL WEAPONS STOCKPILE.

(a) IN GENERAL.—As executive agent for the chemical demilitarization program of the United States, the Department of the Army shall facilitate, expedite, and accelerate the decommissioning of the United States chemical weapons stockpile so as to complete the decommissioning of that stockpile by April 29, 2007, as required by the Chemical Weapons Convention.

(b) MANAGEMENT WITHIN DEPARTMENT OF THE ARMY.—The Secretary of the Army shall designate or establish in the Office of the Secretary of the Army an office to facilitate compliance with the requirements in subsection (a).

(c) RESPONSIBILITIES OF OFFICE.—The office designated or established under subsection (b) shall have the following responsibilities:

(1) To provide oversight and policy guidance to the Department of the Army on issues relating to compliance with the requirements in subsection (a).

(2) Except as provided in section 1305, to allocate within the Department amounts appropriated for the Department for chemical demilitarization activities.

(3) To negotiate, renegotiate, and execute contracts, including performance-based contracts and incentive-based contracts, with nongovernmental entities.

(4) To negotiate and execute agreements, including incentive-based agreements, with other departments, agencies, and instrumentalities of the United States.

(5) To delegate authority and functions to other departments, agencies, and instrumentalities of the United States.

(6) To negotiate and execute agreements with the chief executive officers of the States.

(7) Such other responsibilities as the Secretary considers appropriate.

SEC. 1305. ECONOMIC ASSISTANCE PAYMENTS.

(a) IN GENERAL.—Upon the direction of the Secretary of the Army, the Comptroller of the Army may make economic assistance payments to communities and Indian tribes directly affected by the decommissioning of chemical agents and munitions, and related materials, at chemical demilitarization facilities in the United States.

(b) SOURCE OF PAYMENTS.—Amounts for payments under this section shall be derived from appropriations available to the Department of the Army for chemical demilitarization activities.

(c) TOTAL AMOUNT OF PAYMENTS.—(1) Subject to paragraph (2), the aggregate amount of payments under this section with respect to a chemical demilitarization facility during the period beginning on the date of the enactment of this Act and ending on April 29, 2007, may not be less than $50,000,000 or more than $60,000,000.

(2) Payments under this section shall cease with respect to a facility upon the transfer of the facility to a State-chartered municipal corporation pursuant to an agreement referred to in section 1412(c)(2)(B) of the Department of Defense Authorization Act, 1986, as amended by section 1306 of this Act.

(d) DATE OF PAYMENT.—(1) Payments under this section with respect to a chemical demilitarization facility shall be made on March 1 and September 2 each year if the decommissioning of chemical agents and munitions, and related materials, occurs at the facility during the applicable payment period with respect to such date.

(2) For purposes of this section, the term ''applicable payment period'' means—

(A) in the case of a payment to be made on March 1 of a year, the period beginning on July 1 and ending on December 31 of the preceding year; and

(B) in the case of a payment to be made on September 2 of a year, the period beginning on January 1 and ending on June 30 of the year.

(e) ALLOCATION OF PAYMENT—(1) Except as provided in paragraph (2), each payment under this section with respect to a chemical demilitarization facility shall be allocated equally among the communities and Indian tribes that are located within the positive action zone of the facility, as determined by population.

(2) The amount of an allocation under this subsection to a community or Indian tribe shall be reduced by the amount of any tax or fee imposed or assessed by the community or Indian tribe during the applicable payment period against the value of the facility concerned or with respect to the storage or decommissioning of chemical agents and munitions, or related materials, at the facility.

(f) COMPUTATION OF PAYMENT.—(1) Except as provided in paragraph (2), the amount of each payment under this section with respect to a chemical demilitarization facility shall be the amount equal to $10,000 multiplied by the number of tons of chemical agents and munitions, and related materials, decommissioned at the facility during the applicable payment period.

(2)(A) If at the conclusion of the decommissioning of chemical agents and munitions, and related materials, at a facility the aggregate amount of payments made with respect to the facility is less than the minimum amount required by subsection (c)(1), unless payments have ceased with respect to the facility under subsection (c)(2), the amount of the final payment under this section shall be the amount equal to the difference between such aggregate amount and the minimum amount required by subsection (c)(1).

(B) This paragraph shall not apply with respect to a facility if the decommissioning of chemical agents and munitions, and related materials, continues at the facility after April 29, 2007.

(g) INTEREST ON UNTIMELY PAYMENTS.—(1) Any payment that is made under this section for an applicable payment period after the date specified for that period in subsection (d) shall include, in addition to the payment amount otherwise provided for under this section, interest at the rate of 1.5 percent per month.

(2) Amounts for payments of interest under this paragraph shall be derived from amounts available for the Department of Defense, other than amounts available for chemical demilitarization activities.

(h) USE OF PAYMENTS.—A community or Indian tribe receiving a payment under this section may utilize amounts of the payment for such purposes as the community or Indian tribe, as the case may be, considers appropriate in its sole discretion.

SEC. 1306. ENVIRONMENTAL PROTECTION AND USE OF FACILITIES.

Paragraph (2) of section 1412(c) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)) is amended to read as follows:

''(2)(A) Facilities constructed to carry out this section may not be used for any other purpose than the destruction of the following:

''(i) The United States stockpile of lethal chemical agents and munitions that exist on November 8, 1985.

''(ii) Any items designated by the Secretary of Defense after that date to be lethal chemical agents and munitions, or related materials.

''(B) Facilities constructed to carry out this section shall, when no longer needed for the purposes for which they were constructed, be disposed of in accordance with agreements between the office designated or established under section 1304(b) of the National Defense Authorization Act for Fiscal Year 2000 and the chief executive officer of the State in which the facilities are located.

''(C) An agreement referred to in subparagraph (B) that provides for the transfer of facilities from the United States to a State-chartered municipal corporation shall include provisions as follows:

''(i) That any profits generated by the corporation from the use of such facilities shall be used exclusively for the benefit of communities and Indian tribes located within the positive action zone of such facilities, as determined by population.

''(ii) That any profits referred to in clause (i) shall be apportioned among the communities and Indian tribes concerned on the basis of population, as determined by the most recent decennial census.

''(iii) That the transfer of such facilities shall include any lands extending 50 feet in all directions from such facilities.

''(iv) That the transfer of such facilities include any easements necessary for reasonable access to such facilities.

''(D) An agreement referred to in subparagraph (B) may not take effect if executed after December 31, 2000.''.

SEC. 1307. ACTIONS REGARDING ACTIVITIES AT CHEMICAL DEMILITARIZATION FACILITIES.

(a) LIMITATION ON JURISDICTION.—(1) An action seeking the cessation of the construction, operation, or demolition of a chemical demilitarization facility in the United States may be commenced only in a district court of the United States.

(2) No administrative office exercising quasi-judicial powers, and no court of any State, may order the cessation of the construction, operation, or demolition of a

chemical demilitarization facility in the United States.

(b) LIMITATIONS ON STANDING.—(1)(A) Except as provided in paragraph (2), as of a date specified in subparagraph (B), no person shall have standing to bring an action against the United States relating to the decomissioning of chemical agents and munitions, and related materials, at a chemical demilitarization facility except—

(i) the State in which the facility is located; or

(ii) a community or Indian tribe located within 2 miles of the facility.

(B) A date referred to in this subparagraph for a chemical demilitarization facility is the earlier of—

(i) the date on which the first payment is made with respect to the facility under section 1305; or

(ii) the date on which an agreement referred to in section 1412(c)(2)(B) of the Department of Defense Authorization Act, 1986, as amended by section 1306 of this Act, becomes effective for the facility in accordance with the provisions of such section 1412(c)(2)(B).

(2) Paragraph (1) shall not apply in the case of an action by a State, community, or Indian tribe to determine whether the State, community, or Indian tribe, as the case may be, has a legal or equitable interest in the facility concerned.

(c) INTERIM RELIEF.—(1) During the pendency of an action referred to in subsection (a), a district court of the United States may issue a temporary restraining order against the ongoing construction, operation, or demolition of a chemical demilitarization facility if the petitioner proves by clear and convincing evidence that the construction, operation, or demolition of the facility, as the case may be, is will cause demonstrable harm to the public, the environment, or the personnel who are employed at the facility.

(2) The Secretary of Defense or the Secretary of the Army may appeal immediately any temporary restraining order issued under paragraph (1) to the court of appeals of the United States.

(d) STANDARDS TO BE EMPLOYED IN ACTIONS.—In considering an action under this section, including an appeal from an order under subsection (c), the courts of the United States shall—

(1) treat as an irrebuttable presumption the presumption that any activities at a chemical demilitarization facility that are undertaken in compliance with standards of the Department of Health and Human Services, the Department of Transportation, or the Environmental Protection Agency relating to the safety of the public, the environment, and personnel at the facility will provide maximum safety to the public, environment, and such personnel; and

(2) in the case of an action seeking the cessation of construction or operation of a facility, compare the benefit to be gained by granting the specific relief sought by the petitioner against with the increased risk, if any, to the public, environment, or personnel at the facility that would result from deterioration of chemical agents and munitions, or related materials, during the cessation of the construction or operation.

(e) PARTICIPATION IN ACTIONS AS BAR TO PAYMENTS.—(1) No community or Indian tribe which participates in any action the result of which is to defer, delay, or otherwise impede the decommissioning of chemical agents and munitions, or related materials, in a chemical demilitarization facility may receive any payment or portion thereof made with respect to the facility under section 1305 while so participating in such action.

(f) IMPLEADING OF CONTRACTORS.—(1) The Department of the Army may, in an action with respect to a chemical demilitarization facility, implead a nongovernmental entity having contractual responsibility for the decommissioning of chemical agents and munitions, or related materials, at the facility for purposes of determining the responsibility of the entity for any matters raised by the action.

(2)(A) A court of the United States may assess damages against a nongovernmental entity impleaded under paragraph (1) for acts of commission or omission of the entity that contribute to the failure of the United States to decommission chemical agents and munitions, and related materials, at the facility concerned by April 29, 2007, in accordance with the Chemical Weapons Convention.

(B) The damages assessed under subparagraph (A) may include the imposition of liability on an entity for any payments that would otherwise be required of the United States under section 1305 with respect to the facility concerned.

SEC. 1308. DEFINITIONS.

In this title:

(1) CHEMICAL AGENT AND MUNITION.—The term ''chemical agent and munition'' has the meaning given that term in section 1412(j)(1) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(j)(1)).

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

(3) COMMUNITY.—The term ''community'' means a country, parish, or other unit of local government.

(4) DECOMMISSION.—The term ''decommission'', with respect to a chemical agent and munition, or related material, means the destruction, dismantlement, demilitarization, or other physical act done to the chemical agent and munition, or related material, in compliance with the Chemical Weapons Convention or the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521).

(5) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

SMITH (AND OTHERS) AMENDMENT NO. 405

Mr. SMITH of New Hampshire (for himself, Mr. FRIST, Mr. BOND, Ms. LANDRIEU, Mr. ROBB, Mr. HAGEL, Mr. BREAUX, Mr. TORRICELLI, Mr. HELMS, Mr. INHOFE, Mr. DURBIN, and Mr. EDWARDS) proposed an amendment to the bill, S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following:

SEC. 1061. SENSE OF CONGRESS REGARDING THE U.S.S. INDIANAPOLIS.

(a) COURT-MARTIAL CONVICTION OF LAST COMMANDER.—It is the sense of Congress that—

(1) the court-martial charges against then-Captain Charles Butler McVay III, United States Navy, arising from the sinking of the U.S.S. INDIANAPOLIS (CA–35) on July 30, 1945, while under his command were not morally sustainable;

(2) Captain McVay's conviction was a miscarriage of justice that led to his unjust humiliation and damage to his naval career; and

(3) the American people should now recognize Captain McVay's lack of culpability for the tragic loss of the U.S.S. INDIANAPOLIS and the lives of the men who died as a result of her sinking.

(b) PRESIDENTIAL UNIT CITATION FOR FINAL CREW.—(1) It is the sense of Congress that the President should award a Presidential Unit Citation to the final crew of the U.S.S. INDIANAPOLIS (CA–35) in recognition of the courage and fortitude displayed by the members of that crew in the face of tremendous hardship and adversity after their ship was torpedoed and sunk on July 30, 1945.

(2) A citation described in paragraph (1) may be awarded without regard to any provision of law or regulation prescribing a time limitation that is otherwise applicable with respect to recommendation for, or the award of, such a citation.

SMITH (AND OTHERS) AMENDMENT NO. 406

Mr. SMITH of New Hampshire (for himself, Mr. SESSIONS, Mr. ALLARD, Mr. CRAIG, Mr. INHOFE, and Mr. HUTCHINSON) proposed an amendment to the bill S. 1059, supra; as follows:

In title X, at the end of subtitle D, add the following new section:

SEC. ___. RESTRICTION ON USE OF FUNDS FOR MILITARY OPERATIONS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA (SERBIA AND MONTENEGRO).

(a) IN GENERAL.—Except as provided in subsection (b), none of the funds available to the Department of Defense (including prior appropriations) may be used for the purpose of conducting military operations by the Armed Forces of the United States in the Federal Republic of Yugoslavia (Serbia and Montenegro) unless Congress first enacts a law containing specific authorization for the conduct of those operations.

(b) EXCEPTIONS.—Subsection (a) shall not apply to—

(1) any intelligence or intelligence-related activity or surveillance or the provision of logistical support; or

(2) any measure necessary to defend the Armed Forces of the United States against an immediate threat.

(c) EFFECTIVE DATE.—This section shall take effect on October 1, 1999.

MADE IN USA LABEL DEFENSE ACT OF 1999

ABRAHAM AMENDMENT NO. 407

(Ordered referred to the Committee on Finance.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill (S. 922) to prohibit the use of the ''Made in the USA'' label on products of the Commonwealth of the Northern Mariana Islands and to deny such products duty-free and quota-free treatment; as follows:

At the appropriate place, insert the following new section:

SEC. ___. ADDITIONAL REVENUES DEDICATED TO TAX RELIEF OR DEBT REDUCTION.

Notwithstanding any other provisions of law, including section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985—

(1) the Office of Management and Budget shall estimate the revenue increase resulting from the enactment of this Act, for fiscal years 2000 through 2009; and

(2) the amount estimated pursuant to paragraph (1) shall only be available for revenue reduction (without any requirement of an increase in revenues or reduction in direct spending) or debt reduction.