

Regula Shimkus Tiaht  
 Reyes Shows Tierney  
 Reynolds Shuster Toomey  
 Riley Simpson Towns  
 Rivers Sisisky Traficant  
 Rodriguez Skeen Turner  
 Roemer Skelton Udall (CO)  
 Rogan Smith (MI) Upton  
 Rogers Smith (NJ) Velazquez  
 Rohrabacher Smith (TX) Vento  
 Ros-Lehtinen Smith (WA) Visclosky  
 Rothman Snyder Vitter  
 Roukema Souder Walden  
 Roybal-Allard Spence Walsh  
 Royce Spratt Wamp  
 Rush Stabenow Waters  
 Ryan (WI) Stark Watkins  
 Ryan (KS) Stearns Watt (NC)  
 Sabo Stenholm Watts (OK)  
 Sanchez Strickland Waxman  
 Sanders Stump Weiner  
 Sandlin Sununu Weldon (FL)  
 Sanford Sweeney Weldon (PA)  
 Sawyer Talent Wexler  
 Saxton Tancredo Weygand  
 Scarborough Tanner Whitfield  
 Schaffer Tauscher Wicker  
 Schakowsky Tauzin Wilson  
 Scott Taylor (MS) Wise  
 Sensenbrenner Taylor (NC) Wolf  
 Serrano Terry Thomas Woolsey  
 Sessions Thompson (CA) Wu  
 Shadegg Thompson (MS) Wynn  
 Shaw Thornberry Young (AK)  
 Shays Thune Young (FL)  
 Sherman Thurman  
 Sherwood

NOT VOTING—8

Campbell Pickett Stupak  
 Delahunt Salmon Udall (NM)  
 Leach Slaughter

□ 1140

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. SANFORD

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. SANFORD) 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 CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 56, noes 368, not voting 10, as follows:

[Roll No. 199]

AYES—56

Archer Horn Ryan (WI)  
 Arney Hostettler Sanford  
 Barrett (WI) Hunter Schaffer  
 Cannon Johnson, Sam Sensenbrenner  
 Capuano Kasich  
 Chabot Kind (WI) Shadegg  
 Chenoweth-Hage Kingston Sherman  
 Coburn Linder Smith (MI)  
 Conyers McGovern Stark  
 Cox Miller (FL) Stearns  
 Crane Minge Sununu  
 DeLay Northup Tancredo  
 DeMint Obey Tiaht  
 Ehlers Packard Toomey  
 Foley Paul Upton  
 Ganske Ramstad Vento  
 Goodlatte Rogan Vitter  
 Greenwood Rohrabacher Wu  
 Hoekstra Royce

NOES—368  
 Abercrombie Ehrlich LaTourette  
 Ackerman Emerson Lazio  
 Aderholt Engel Lee  
 Allen English Levin  
 Andrews Eshoo Lewis (CA)  
 Baca Etheridge Lewis (GA)  
 Bachus Evans Lewis (KY)  
 Baird Everett Lipinski  
 Baker Ewing LoBiondo  
 Baldacci Farr Lofgren  
 Baldwin Fattah Lowey  
 Ballenger Filner Lucas (KY)  
 Barcia Fletcher Lucas (OK)  
 Barr Forbes Luther  
 Barrett (NE) Ford Maloney (CT)  
 Bartlett Fossella Manzullo  
 Barton Bowler Markey  
 Bass Frank (MA) Martinez  
 Bateman Franks (NJ) Mascara  
 Becerra Frelinghuysen Matsui  
 Bentsen Frost McCarthy (MO)  
 Bereuter Gallegly McCarthy (NY)  
 Berkley Gejdenson McCollum  
 Berman Gekas McCreery  
 Berry Gephardt McDermott  
 Biggart Gibbons McHugh  
 Bilbray Gilchrest McInnis  
 Bilirakis Gillmor McIntosh  
 Bishop Gilman McIntyre  
 Blagojevich Gonzalez McKeon  
 Bilely Goode McKinney  
 Blumenauer Goodling McNulty  
 Blunt Gordon Meehan  
 Boehlert Goss Meek (FL)  
 Boehner Graham Meeks (NY)  
 Bonilla Granger Menendez  
 Bonior Green (TX) Mica  
 Bono Green (WI) Millender-  
 Borski Gutierrez McDonald  
 Boswell Gutknecht Miller, Gary  
 Boucher Hall (OH) Miller, George  
 Boyd Hall (TX) Mink  
 Brady (PA) Hansen Moakley  
 Brady (TX) Hastings (FL) Mollohan  
 Brown (FL) Hastings (WA) Moore  
 Brown (OH) Hayes Moran (KS)  
 Bryant Hayworth Moran (VA)  
 Burton Hefley Morella  
 Buyer Herger Murtha  
 Callahan Hill (IN) Myrick  
 Calvert Hill (MT) Nadler  
 Camp Hilleary Napolitano  
 Canady Hilliard Neal  
 Capps Hinchey Nethercutt  
 Cardin Hinojosa Ney  
 Carson Hobson Norwood  
 Castle Hoeffel Nussle  
 Chambliss Holden Oberstar  
 Clay Hooley Olver  
 Clayton Houghton Ortiz  
 Clement Hoyer Ose  
 Clyburn Hulshof Owens  
 Coble Hutchinson Oxley  
 Collins Hyde Pallone  
 Combest Inslee Pascrell  
 Condit Isakson Pastor  
 Cook Istook Payne  
 Cooksey Jackson (IL) Pease  
 Costello Jackson-Lee Pelosi  
 Coyne (TX) Jackson-Lee Peterson (PA)  
 Cramer Jefferson Petri  
 Crowley Jenkins Phelps  
 Cubin John Pickering  
 Cummings Johnson (CT) Pickett  
 Cunningham Johnson, E. B. Pitts  
 Danner Jones (NC) Pombo  
 Davis (FL) Jones (OH) Pomeroy  
 Davis (IL) Jones (OH) Porter  
 Davis (VA) Kanjorski Portman  
 Deal Kaptur Price (NC)  
 DeFazio Kelly Pryce (OH)  
 DeGette Kennedy Quinn  
 DeLauro Kildee Radanovich  
 Deutsch Kilpatrick Rahall  
 Diaz-Balart King (NY) Rangel  
 Dickey Kleczka Regula  
 Dicks Klink Reyes  
 Dingell Knollenberg Reynolds  
 Dixon Kucinich Riley  
 Doggett Kuykendall Rivers  
 Dooley LaFalce Rodriguez  
 Doolittle LaHood Roemer  
 Doyle Lamson Rogers  
 Dreier Lantos Ros-Lehtinen  
 Duncan Largent Rothman  
 Dunn Larson Roukema  
 Edwards Latham Roybal-Allard  
 Rush

Ryun (KS) Souder Velazquez  
 Sabo Spence Visclosky  
 Sanchez Spratt Walden  
 Sanders Stabenow Walsh  
 Sandlin Stenholm Wamp  
 Sawyer Strickland Waters  
 Saxton Stump Watkins  
 Scarborough Sweeney Watt (NC)  
 Schakowsky Talent Watts (OK)  
 Scott Tanner Waxman  
 Serrano Tauscher Weiner  
 Shaw Tauzin Weldon (FL)  
 Shays Taylor (MS) Weldon (PA)  
 Sherwood Taylor (NC) Wexler  
 Shimkus Terry Weygand  
 Shows Thomas Whitfield  
 Shuster Thompson (CA) Wicker  
 Simpson Thompson (MS) Wilson  
 Sisisky Thornberry Wise  
 Skeen Thune Wolf  
 Skelton Thurman Woolsey  
 Slaughter Tierney Wynn  
 Smith (NJ) Towns Young (AK)  
 Smith (TX) Traficant Young (FL)  
 Smith (WA) Turner  
 Snyder Udall (CO)

NOT VOTING—10

Campbell Metcalf Udall (NM)  
 Delahunt Peterson (MN) Weller  
 Leach Salmon  
 Maloney (NY) Stupak

□ 1149

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). All amendments made in order under House Resolution 503 have been disposed of.

Pursuant to the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. BURR of North Carolina, 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. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, had come to no resolution thereon.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 504 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 504

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes.

SEC. 2. (a) No further amendment to the committee amendment in the nature of a

substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and pro forma amendments offered by the chairman or ranking minority member of the Committee on Armed Services for the purpose of debate.

(b) Except as specified in section 4 of this resolution, each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Each amendment printed in the report shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except as specified in the report and except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment).

(c) All points of order against amendments printed in the report of the Committee on Rules are waived.

SEC. 3. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes.

SEC. 4. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a rule to provide for further consideration of H.R. 4205, the fiscal year 2001 Department of Defense Authorization Act. The rule provides that no further amendment to the committee amendment in the nature of a substitute be in order, except those printed in the Committee on Rules report accompanying the resolution and pro forma amend-

ments offered by the chairman or ranking minority member of the Committee on Armed Services for the purpose of debate.

The rule provides that, except as specified in section 4 of the resolution, each amendment printed in the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read and shall not be subject to a demand for division of the question in the House or Committee of the Whole.

The rule provides that each amendment printed in the report shall be debatable for the time specified and equally divided and controlled by the proponent and opponent, and shall not be subject to amendment, except as specified in the report and except that the chairman and ranking minority member of the Committee on Armed Services may each offer one pro forma amendment for the purpose of debate on any pending amendment.

The rule waives all points of order against the amendments printed in the report.

The rule allows the chairman of the Committee of the Whole to postpone votes on amendments during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

The rule allows the chairman of the Committee of the Whole to recognize for the consideration of any amendment printed in the report out of the order printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, this is rule number 2 for H.R. 4205. Yesterday and this morning, under rule number 1, we debated 35 amendments to the bill. Today we will consider another seven. In the end, out of 102 amendments submitted to the Committee on Rules, the House will consider 42.

Today's rule provides for a full and fair debate on several controversial issues. I will vote against many of these amendments, but it is important that the House is able to work its will on issues such as abortion on military bases, the School of the Americas, and health care for our military retirees.

Mr. Speaker, H.R. 4205 is a good bill, it is a bipartisan bill. At long last, we are taking care of our men and women in uniform, we are getting them off of food stamps and out of substandard housing, and we are giving them tools to win on the battlefield, and I believe this is the right thing for America.

I urge my colleagues to support this rule and to support the underlying bill. Now, more than ever, we must provide for our national security.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in reluctant opposition to this rule. The authorization for the programs and activities of the Department of Defense is one of the most important legislative proposals we will have under consideration during the course of this year.

This legislation dictates the policies we as a Congress want to set for the defense of our great Nation and authorizes \$309 billion to carry them out. A bill of this scope and magnitude deserves to be fully debated so that all points of view can be expressed and heard. Yet, Mr. Speaker, the Republican majority in the House has denied the Members of this body just that opportunity. A total of 102 amendments were submitted to the Committee on Rules, yet, with this rule now under consideration, less than one-half of that number will be heard.

□ 1200

In addition, one of the most important policy issues relating to medical care for military retirees has not been fully addressed and a new amendment on the issue, an amendment that was not even filed with the committee, as was required of every other amendment, has been made in order in this rule.

Mr. Speaker, shortchanging our military retirees to achieve short-term political gain is nothing more than a cheap trick. The committee went part of the way to solving this issue by making in order the Taylor amendment, but it did not make in order the more comprehensive Shows amendment.

Mr. Speaker, the gentleman from Mississippi (Mr. SHOWS) has, since he came to Congress, been working diligently to fashion legislation that will provide meaningful healthcare for our military retirees. He has introduced legislation that would fulfill a promise that has been made to every member of the armed services: Stay in 20 years and they will receive healthcare for the rest of their life.

Mr. Speaker, 298 Members of this body have cosponsored the gentleman's bill. Yet the Committee on Rules on a straight party line vote last night denied the gentleman from Mississippi (Mr. SHOWS) the opportunity to offer his amendment.

Fortunately, the Committee on Rules has allowed the gentleman from Mississippi (Mr. TAYLOR) to offer his amendment, which expands and makes permanent the TRICARE senior prime program, or Medicare subvention. The Taylor amendment would make permanent a program which allows Medicare eligible retirees to use military hospitals for their Medicare care and would extend the program nationwide.

The Taylor amendment is a very good amendment and should be adopted by the House. The Taylor amendment

has been endorsed by a number of organizations, including the Military Coalition, the National Military and Veterans Alliance, the Retired Officers Association and the Retired Enlisted Association.

Yet the Republican majority has made in order a substitute to the Taylor amendment, a substitute that can be described as nothing more than a poison pill. The Republican majority has deliberately set out to deny the House the right to fulfill a promise made long ago to those men and women who served faithfully and honorably for 20 years or more in our Nation's armed services.

Mr. Speaker, it is a sad day when the Republican leadership in this House will not allow its Members to do the right thing. It is a sad day when the Republican leadership denies the House the right to vote on a proposal, which has overwhelming support of Members of both parties, for purely politically partisan reason. It is a sad day when the Republican leadership knows its own position is so politically indefensible that it will not even allow an up or down vote on a valuable and worthy proposal like the Taylor amendment.

Mr. Speaker, this rule is deficient also because it has failed to make in order an amendment by the gentleman from New York (Mrs. MCCARTHY). The McCarthy amendment strikes a provision in the bill which allows the Department of Defense to do business with firearms manufacturers and vendors who have not been party to a code of conduct agreement.

This is an amendment that is worthy of consideration in the House and it should be made a part of this rule.

Mr. Speaker, it is my intention to oppose ordering the previous question on this resolution. The fact that the Shows amendment has not been made in order in the rule and the fact that the rule makes in order a poison pill substitute to the Taylor amendment, the fact that a number of other worthy amendments, such as the McCarthy amendment, were not even given the time of day by the Republican majority, are reasons enough to oppose the previous question and the rule.

Mr. Speaker, the Republican majority is shortchanging this bill by limiting debate on issues it addresses. The authorization for the Department of Defense is the single largest authorization we will consider this year. Yet the majority has seen fit to address less than half of the amendments offered to be considered by this House.

Mr. Speaker, Members should reject this rule and allow the House to debate fully the many important policy issues that the Republican leadership will not allow us to consider.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me this time.

Mr. Speaker, I rise in strong support of the rule and wish to take this time to engage the gentleman from Pennsylvania (Mr. WELDON) in a colloquy.

I would say to the gentleman from Pennsylvania (Mr. WELDON), the Navy theater-wide missile defense program is an important component of our Nation's defense against the threat of ballistic missiles targeted against the United States and against our Armed Forces and allies overseas.

Last year the Congress provided an additional \$50 million for a continuation of Navy's competitive development of the advanced radars for theater missile defense, as well as providing funds for the development of the multiyear, multifunction radar and volume search radar for fleet air defense and surveillance.

The committee's report on the fiscal year 2001 national defense authorization notes that the Navy is considering an X-band radar high power discriminator and modifications to the current SPY-1 radar to meet ballistic missile defense radar needs for Navy theater-wide and recommends an additional \$10 million for development of an alternative advanced radar technology for the 2010 time frame.

The report also expresses the committee's concern that the Navy theater-wide defense deployment schedule is inadequate to meet the expected threats and is inadequately funded.

In addition, the Senate Committee on Armed Services report on the fiscal year 2001 defense authorization does not add funds for additional radar development and if adopted by the Senate in its present form will establish an issue that will need to be resolved in this year's House-Senate conference on the Fiscal Year 2001 National Defense Authorization Act.

Mr. WELDON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from Pennsylvania, the chairman of the Subcommittee on Military Research and Development.

Mr. WELDON of Pennsylvania. Mr. Speaker, the gentleman is correct. The House committee's report states that major ballistic missile defense programs such as Navy theater-wide are not adequately funded throughout the future years' defense program to achieve timely operational capability.

The committee places a high priority on the ballistic missile defense program and urges the Department of Defense to commit the funds necessary to achieving timely deployment of systems that will defeat current and future ballistic missile defense threats.

The committee also notes that the interim report on the surface Navy radar road map study recently submitted to the Congress states that a series of time-phased radar development decisions must be made to support varying surface ship acquisitions, in-

cluding requirements for SPY-1 radar upgrades for the near-term Navy theater-wide Block I and investment in technologies for mid- and long-term needs for Navy theater-wide Block II.

The committee report states that a clearly defined and funded radar road map is necessary to ensure the necessary upgrade to Legacy radar systems and the development of new radar systems and also states that the expectation of the Navy's approved radar program will be incorporated in the fiscal year 2002 budget requirement.

Having said that, I will be happy to work with the gentleman during the defense authorization conference to ensure development of advanced technologies and specifically fight for \$15 million in additional funding for Navy theater-wide missile defense programs.

Mr. SAXTON. I thank the gentleman and look forward to working with him to provide the ballistic missile defense required to protect our armed services and our Nation.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. SHOWS).

(Mr. SHOWS asked and was given permission to revise and extend his remarks.)

Mr. SHOWS. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me this time, and I thank him so much and appreciate him taking up for my bill.

Mr. Speaker, I rise today to express my strong opposition to this rule and, frankly, my concern about our military retirees. Today, millions of Americans are prisoners of war, POWs right here in America. These POWs are our American military retirees and their families, and they are being held prisoners by politics.

I have offered an amendment to the defense bill that is identical to the Shows-Norwood Keep Our Promise to America's Military Retirees bill, H.R. 3573, which has 298 cosponsors in this House; 298 Members of the United States Congress have cosponsored this bill because thousands upon thousands of military retirees have mobilized in an effort in saying their healthcare is inadequate, saying they served their country faithfully; they earned their healthcare that was promised them; and saying H.R. 3573 is the answer.

Now legislative rules and decisions are failing our military retirees. It harms our military and continues to break the promise of earned healthcare for those who have committed their lives to the defense of this country.

It can be called whatever it will, bipartisanship, nonpartisanship, but I call it America doing the right thing.

Our military retirees stood for democracy during World War II. My father was one of them. Korea, Vietnam, Desert Storm and Bosnia. Now they suffer under poor healthcare and today they are prisoners of war being held hostage by the political games.

These men and women deserve not political games but, rather, non-partisan courage.

The large number of cosponsors are a reflection of the tremendous grassroots support for Keep Our Promise Act.

Mr. Speaker, military retirees do not need more test programs or commissions to tell them what they already know. The military healthcare system does not work. We do not need to establish a road map, Mr. Speaker, because military retirees have been down that road for years. Thousands of military retirees and veterans die every month while Congress spins its wheels agonizing over the problem. Extending test programs and establishing yet another commission for 4 years will not get healthcare to retirees who need it.

Mr. Speaker, I know many of my colleagues have suffered what we call sticker shock over the projected cost of my bill, but we have bent over backwards to make Keep Our Promise Act cost effective by adding language that cuts the projected cost by more than half. So surely the cost of the bill cannot be the problem.

Mr. Speaker, some of my colleagues believe we just do not have the funds to pay for the Promise bill, but just last week our own CBO office identified a \$40 billion super surplus, money under the mattress. So it cannot be the funding issue that troubles the committee.

Oppose the rule. Let us be honest with the American people. Let us do the honorable thing for our military heroes. Our military retirees deserve nothing less. Our military retirees should never be prisoners of war due to political games in their own country.

Oppose this rule. Any of my colleagues who are one of the 298 cosponsors of H.R. 3573, a vote for the rule would not make sense, and I will include in the RECORD, following my remarks, a list of the cosponsors of H.R. 3573.

Mr. Speaker, let us move forward and vote on the Keep Our Promise Act.

#### H.R. 3573 COSPONSORS

##### AUTHOR

Shows, Ronnie—D-MS

##### 296 COSPONSORS THRU 5-16-00

Norwood, Charlie—R-GA, coauth  
 Aderholt, Robert B.—R-AL  
 Allen, Thomas H.—D-ME  
 Andrews, Robert E.—D-NJ  
 Baca, Joe—D-CA  
 Bachus, Spencer—R-AL  
 Baird, Brian—D-WA  
 Baldacci, John Elias—D-ME  
 Baldwin, Tammy—D-WI  
 Barcia, James A.—D-MI  
 Barr, Bob—R-GA  
 Bass, Charles F.—R-NH  
 Becerra, Xavier—D-CA  
 Berkley, Shelley—D-NV  
 Berman, Howard L.—D-CA  
 Berry, Marion—D-AR  
 Biggert, Judy—R-IL  
 Bilbray, Brian, P.—R-CA  
 Bilirakis, Michael—R-FL  
 Bishop, Sanford D., Jr.—D-GA  
 Blagojevich, Rod R.—D-IL  
 Blunt, Roy—R-MO  
 Boehlert, Sherwood L.—R-NY

Bonilla, Henry—R-TX  
 Bonior, David E.—D-MI  
 Bono, Mary—R-CA  
 Boucher, Rick—D-VA  
 Brady, Robert A.—D-PA  
 Brown, Corrine—D-FL  
 Brown, Sherrod—D-OH  
 Bryant, Ed—R-TN  
 Burr, Richard—R-NC  
 Burton, Dan—R-IN  
 Callahan, Sonny—R-AL  
 Calvert, Ken—R-CA  
 Camp, Dave—R-MI  
 Canady, Charles T.—R-FL  
 Cannon, Chris—R-UT  
 Capps, Lois—D-CA  
 Capuano, Michael E.—D-MA  
 Carson, Julia—D-IN  
 Chambliss, Saxby—R-GA  
 Chenoweth-Hage, Helen—R-ID  
 Christensen, Donna M.C.—D-VI  
 Clayton, Eva M.—D-NC  
 Clement, Bob—D-TN  
 Clyburn, James E.—D-SC  
 Coburn, Tom A.—R-OK  
 Collins, Mac—R-GA  
 Condit, Gary A.—D-CA  
 Conyers, John, Jr.—D-MI  
 Cook, Merrill—R-UT  
 Cooksey, John—R-LA  
 Costello, Jerry F.—D-IL  
 Coyne, William J.—D-PA  
 Cramer, Robert (Bud), Jr.—D-AL  
 Cummings, Elijah E.—D-MD  
 Cunningham, Randy Duke—R-CA  
 Danner, Pat—D-MO  
 Davis, Danny K.—D-IL  
 Davis, Thomas M.—R-VA  
 Deal, Nathan—R-GA  
 DeFazio, Peter A.—D-OR  
 DeGette, Diana—D-CO  
 Delahunt, William D.—D-MA  
 DeLauro, Rosa L.—D-CT  
 Deutsch, Peter—D-FL  
 Diaz-Balart, Lincoln—R-FL  
 Dickey, Jay—R-AR  
 Dicks, Norman D.—D-WA  
 Dingell, John D.—D-MI  
 Dixon, Julian C.—D-CA  
 Doolittle, John T.—R-CA  
 Doyle, Michael F.—D-PA  
 Duncan, John J., Jr.—R-TN  
 Dunn, Jennifer—R-WA  
 Edwards, Chet—D-TX  
 Ehrlich, Robert L., Jr.—R-MD  
 Emerson, Jo Ann—R-MO  
 Engel, Eliot L.—R-NY  
 English, Phil—R-PA  
 Eshoo, Anna G.—D-CA  
 Etheridge, Bob—D-NC  
 Evans, Lane—D-IL  
 Everett, Terry—R-AL  
 Faleomavaega, Eni F.H.—D-AS  
 Farr, Sam—D-CA  
 Fattah, Chaka—D-PA  
 Filner, Bob—D-CA  
 Fletcher, Ernie—R-KY  
 Foley, Mark—R-FL  
 Forbes, Michael P.—D-NY  
 Ford, Harold E., Jr.—D-TN  
 Fowler, Tillie K.—R-FL  
 Frank, Barney—D-MA  
 Franks, Bob—R-NJ  
 Frost, Martin—D-TX  
 Gallegly, Elton—R-CA  
 Gejdenson, Sam—D-CT  
 Gephardt, Richard A.—D-MO  
 Gibbons, Jim—R-NV  
 Gilchrest, Wayne T.—R-MD  
 Gillmor, Paul E.—R-OH  
 Gilman, Benjamin A.—R-NY  
 Gonzalez, Charles A.—D-TX  
 Goode, Virgil H., Jr.—I-VA  
 Goodling, William F.—R-PA  
 Gordon, Bart—D-TN  
 Graham, Lindsey O.—R-SC  
 Granger, Kay—R-TX  
 Green, Gene—D-TX

Green, Mark—R-WI  
 Greenwood, James C.—R-PA  
 Gutierrez, Luis V.—D-IL  
 Hall, Tony P.—D-OH  
 Hall, Ralph M.—D-TX  
 Hansen, James V.—R-UT  
 Hastings, Alcee L.—D-FL  
 Hastings, Doc—R-WA  
 Hayes, Robin—R-NC  
 Hayworth, J.D.—R-AZ  
 Herger, Wally—R-CA  
 Hill, Rick—R-MT  
 Hilleary, Van—R-TN  
 Hilliard, Earl F.—D-AL  
 Hinchey, Maurice D.—D-NY  
 Hinojosa, Ruben—D-TX  
 Hoeffel, Joseph M.—D-PA  
 Holden, Tim—D-PA  
 Holt, Rush D.—D-NJ  
 Hooley, Darlene—D-OR  
 Horn, Stephen—R-CA  
 Hoyer, Steny H.—D-MD  
 Hunter, Duncan—R-CA  
 Hutchinson, Asa—R-AR  
 Hyde, Henry J.—R-IL  
 Inslee, Jay—D-WA  
 Isakson, Johnny—R-GA  
 Istook, Ernest J., Jr.—R-OK  
 Jackson, Jesse L., Jr.—D-IL  
 Jackson-Lee, Sheila—D-TX  
 Jefferson, William J.—D-LA  
 Jenkins, William L.—R-TN  
 John, Christopher—D-LA  
 Johnson, Eddie Bernice—D-TX  
 Johnson, Sam—R-TX  
 Jones, Stephanie Tubbs—D-OH  
 Jones, Walter B.—R-NC  
 Kanjorski, Paul E.—D-PA  
 Kaptur, Marcy—D-OH  
 Kelly, Sue—R-NY  
 Kennedy, Patrick J.—D-RI  
 Kildee, Dale E.—D-MI  
 Kilpatrick, Carolyn C.—D-MI  
 Kind, Ron—D-WI  
 Kingston, Jack—R-GA  
 Klink, Ron—D-PA  
 Kucinich, Dennis J.—D-OH  
 Kuykendall, Steven T.—R-CA  
 LaFalce, John J.—D-NY  
 LaHood, Ray—R-IL  
 Lampson, Nick—D-TX  
 Lantos, Tom—D-CA  
 LaTourette, Steven C.—R-OH  
 Lee, Barbara—D-CA  
 Lewis, John—D-GA  
 Lewis, Ron—R-KY  
 Linder, John—R-GA  
 Lipinski, William O.—D-IL  
 LoBiondo, Frank A.—R-NJ  
 Lofgren, Zoe—D-CA  
 Lucas, Frank D.—R-OK  
 Lucas, Ken—D-KY  
 Maloney, Carolyn B.—D-NY  
 Manzullo, Donald A.—R-IL  
 Martinez, Matthew G.—D-CA  
 Mascara, Frank—D-PA  
 Matsui, Robert T.—D-CA  
 McCarthy, Carolyn—D-NY  
 McCollum, Bill—R-FL  
 McDermott, Jim—D-WA  
 McGovern, James P.—D-MA  
 McHugh, John M.—R-NY  
 McIntosh, David M.—R-IN  
 McIntyre, Mike—D-NC  
 McKeon, Howard "Buck"—R-CA  
 McKinney, Cynthia A.—D-GA  
 McNulty, Michael R.—D-NY  
 Meehan, Martin T.—D-MA  
 Meek, Carrie P.—D-FL  
 Meeks, Gregory W.—D-NY  
 Metcalf, Jack—R-WA  
 Mica, John L.—R-FL  
 Millender-McDonald, J.—D-CA  
 Miller, George—D-CA  
 Moakley, John Joseph—D-MA  
 Mollohan, Alan B.—D-WV  
 Moran, James P.—D-VA  
 Moran, Jerry—R-KS

Morella, Constance A.—R-MD  
 Murtha, John P.—D-PA  
 Napolitano, Grace F.—D-CA  
 Neal, Richard E.—D-MA  
 Nethercutt, George R., Jr.—R-WA  
 Ney, Robert W.—R-OH  
 Norton, Eleanor Holmes—D-DC  
 Oberstar, James L.—D-MN  
 Olver, John W.—D-MA  
 Ortiz, Solomon P.—D-TX  
 Owens, Major R.—D-NY  
 Oxley, Michael G.—R-OH  
 Pallone, Frank, Jr.—D-NJ  
 Pascrell, Bill, Jr.—D-NJ  
 Pastor, Ed—D-AZ  
 Paul, Ron—R-TX  
 Payne, Donald M.—D-NJ  
 Pelosi, Nancy—D-CA  
 Peterson, Collin C.—D-MN  
 Peterson, John E.—R-PA  
 Phelps, David D.—D-IL  
 Pickering, Charles "Chip"—R-MS  
 Pombo, Richard W.—R-CA  
 Pomeroy, Earl—D-ND  
 Price, David E.—D-NC  
 Quinn, Jack—R-NY  
 Radanovich, George—R-CA  
 Rahall, Nick, J. II—D-WV  
 Riley, Bob—R-AL  
 Rivers, Lynn N.—D-MI  
 Rodriguez, Ciro D.—D-TX  
 Rogan, James E.—R-CA  
 Rohrabacher, Dana—R-CA  
 Romero-Barcelo, Carlos—D-PR  
 Rothman, Steven R.—D-NJ  
 Roukema, Marge—R-NJ  
 Roybal-Allard, Lucille—D-CA  
 Rush, Bobby L.—D-IL  
 Ryan, Paul—R-WI  
 Sanchez, Loretta—D-CA  
 Sanders, Bernard—I-VT  
 Sandlin, Max—D-TX  
 Saxton, Jim—R-NJ  
 Scarborough, Joe—R-FL  
 Schaffer, Bob—R-CO  
 Schakowsky, Janice D.—D-IL  
 Scott, Robert C.—D-VA  
 Sessions, Pete—R-TX  
 Shaw, E. Clay, Jr.—R-FL  
 Sherwood, Don—R-PA  
 Slaughter, Louise M.—D-NY  
 Smith, Adam—D-WA  
 Smith, Christopher H.—R-NJ  
 Smith, Lamar S.—R-TX  
 Souder, Mark E.—R-IN  
 Spence, Floyd—R-SC  
 Stabenow, Debbie—D-MI  
 Stearns, Cliff—R-FL  
 Strickland, Ted—D-OH  
 Stupak, Bart—D-MI  
 Sununu, John E.—R-NH  
 Sweeney, John E.—R-NY  
 Talent, James M.—R-MO  
 Tanner, John S.—D-TN  
 Taylor, Charles H.—R-NC  
 Taylor, Gene—D-MS  
 Terry, Lee—R-NE  
 Thompson, Bennie G.—D-MS  
 Thompson, Mike—D-CA  
 Thune, John R.—R-SD  
 Thurman, Karen L.—D-FL  
 Tierney, John F.—D-MA  
 Toomey, Patrick J.—R-PA  
 Towns, Edolphus—D-NY  
 Traficant, James A., Jr.—D-OH  
 Udall, Mark—D-CO  
 Udall, Tom—D-NM  
 Upton, Fred—R-MI  
 Vitter, David—R-LA  
 Walden, Greg—R-OR  
 Walsh, James T.—R-NY  
 Wamp, Zach—T-TN  
 Watkins, Wes—R-OK  
 Watt, Melvin L.—D-NC  
 Watts, J. C., Jr.—R-OK  
 Weiner, Anthony D.—D-NY  
 Weldon, Dave—R-FL  
 Waxler, Robert—D-FL

Weygand, Robert A.—D-RI  
 Whitfield, Ed—R-KY  
 Wicker, Roger F.—R-MS  
 Wilson, Heather—R-NM  
 Wise, Robert E., Jr.—D-WV  
 Wolf, Frank R.—R-VA  
 Woolsey, Lynn C.—D-CA  
 Wu, David—D-OR  
 Wynn, Albert Russell—D-MD  
 Young, Don—R-AK

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what I would like to do is politely respond to the gentleman from Mississippi (Mr. SHOWS) and agree with him that we must provide adequate healthcare for our Nation's retirees. However, the Committee on Rules with this rule has worked to ensure that our Nation adequately takes care of and lives up to its promises to the service men and women.

We have allowed the House to consider amendments that would both expand the current Medicare pilot program and to create a permanent program, and those votes will be allowed today.

This is about the rule, the rule to make sure that we have dealt fairly with everyone to allow this debate, and that is what this is for and that is why I am proud of what we are doing.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS).

(Mr. GIBBONS asked and was given permission to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I rise in strong support of this rule. It is well crafted and well focused and will bring about much important debate on our national security.

Mr. Speaker, when we talk about our national defense, we must all remember that our national security is multifaceted. It is not solely built and maintained by our military soldiers, sailors, airmen and Marines. We must also recognize those citizen veterans of the Cold War who served our country by building and testing the American strategic arsenal of democracy.

Although we cannot give these individuals a Purple Heart for their injuries, I, along with some of my colleagues, have been diligently working on a comprehensive compensation program for these injured workers.

During our committee markup of this bill, I offered just such an amendment to establish such a comprehensive worker's compensation program but, unfortunately, the complex committee jurisdictional programs forced its withdrawal. I did, however, get commitments of support from the chairman of the full committee and the Subcommittee on Military Procurement for introduction of such a piece of legislation.

In light of this support I, along with my colleagues, the gentleman from Kentucky (Mr. WHITFIELD), the gentleman from Ohio (Mr. STRICKLAND), the gentleman from Pennsylvania (Mr. KANJORSKI), the gentleman from Tennessee (Mr. WAMP) and the gentleman

from Colorado (Mr. UDALL) have offered our bipartisan sense of Congress amendment, and I want to thank the Republican leadership and my friend, the gentleman from Texas (Mr. SESSIONS), as well as the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules, for this rule, which makes this amendment in order and allows for that much-needed debate on the issue.

Mr. Speaker, contrary to the arguments of those who simply want to jump on the bandwagon and then immediately demand to steer, this sense of Congress amendment will provide the necessary momentum to get this vital compensation program actually enacted into law.

□ 1215

Again, I support this rule, and I urge all Members to support the rule and our amendment, which issues a clarion call for swift action on a comprehensive Department of Energy injured worker compensation program.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I would like to engage the distinguished gentleman from South Carolina (Mr. SPENCE), the chairman of the committee, in a colloquy.

Mr. Speaker, I thank the chairman for his leadership in bringing this legislation to the House floor once again, H.R. 4205, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. It is a good bill, and all the better because of the title it bears. I supported it in the committee, and I am proud to support it here on the floor.

I would like to take just a moment and ask the chairman about a provision in the bill on which we have collaborated in the past and which the gentleman helped reauthorize this year. That is Section 807 in title VIII of the bill.

It is my understanding that this section simply removes the sunset date of October 1, 2000, for existing statutory rules that apply to the procurement of ball and roller bearings.

Mr. Speaker, I ask the gentleman, do the changes made to existing U.S. law by H.R. 4205 mean that the limits on procurement of non-U.S. bearings will continue to have the effect of law?

Mr. SPENCE. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Speaker, I would tell the gentleman, yes, that is correct. H.R. 4205 simply removes the sunset date for the rules on the procurement of non-U.S. ball and roller bearings. Bearings remain among the items specified in title X, section 2534, as being subject to the requirements of that section.

Mr. SPRATT. I thank the gentleman for that clarification.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to this rule. This rule is unfair because it prohibits floor debate on my amendment that would strike Section 810 of the defense authorization bill. This section singles out firearms and ammunition manufacturers, but it may extend to other contractors.

It says that the Department of Defense cannot give procurement preferences to companies that enter into the agreements with the Federal government. Currently, one firearms manufacturer has entered into an agreement with the Department of Housing and Urban Development that establishes a code of conduct.

This is precedent-setting language that would prevent the armed services from getting the best equipment.

This language says to Smith & Wesson and other contractors that if you have an agreement that seeks to accomplish one goal, then that limits you from doing business with the Department of Defense.

If Smith and Wesson and the armed services lose, then who wins? The NRA, according to today's Wall Street Journal. Mr. Speaker, I include for the RECORD this article from the Wall Street Journal.

The article referred to is as follows:

[From the Wall Street Journal, May 18, 2000]

GOP FIGHTS FAVORS FOR SMITH & WESSON

(By Jim VandeHei and Paul M. Barrett)

WASHINGTON—House Republicans, as part of an effort to undermine President Clinton's weapons pact with Smith & Wesson Corp., are trying to prevent the government from favoring the company with new gun contracts.

Rep. John Hostettler, a pro-gun conservative from Indiana, inserted language into the Defense Department authorization bill forbidding the administration from requiring the department to buy Smith & Wesson guns.

With the blessing of GOP leaders, Mr. Hostettler and his pro-gun allies now want to stamp similar restrictions on three more federal agencies: the Departments of Treasury, Justice and Housing and Urban Development.

They are also working to suspend funding for a federal commission Mr. Clinton created to implement his landmark agreement with the gun maker.

"We don't want agencies playing politics more than they already are," says Oklahoma Rep. J.C. Watts, the fourth-ranking GOP leader. "This should be a fair and open competition."

"This is the gun lobby flexing its muscle on Capitol Hill," says Dennis Henigan, the top lawyer with Handgun Control Inc., a Washington advocacy group.

Smith & Wesson, a unit of Britain's Tomkins PLC, has agreed to go far beyond existing law in requiring new restrictions on how retailers sell its guns and to develop a high-tech "smart" weapon that can only be fired by its owner, among other steps. In return, the Clinton administration and some states and municipalities have agreed to drop Smith & Wesson from threatened or pending lawsuits.

The Clinton administration is also trying to organize a drive by government at all lev-

els to give Smith & Wesson favorable treatment when deciding which company will supply handguns to police and other agencies.

While Mr. Clinton hopes this carrot will entice other gun manufacturers to impose new safety measures voluntarily, at the federal level, it isn't clear whether existing contracting rules would allow the administration to force agencies to favor Smith & Wesson.

The Federal Government spends millions of dollars a year on new handguns—a tiny fraction of the federal budget, but a significant amount to gun manufacturers, which are all relatively small companies. The vast bulk of handgun purchasing is done by local police departments across the country.

The concessions by Smith & Wesson provoked an outcry from the National Rifle Association and gun retailers, some of whom vowed to quit selling the company's products. Republican leaders believe the deal will "unravel" if the Federal Government is prevented from favoring Smith & Wesson with contracts, according to a top GOP aide.

A Smith & Wesson official says the Republican campaign will do nothing to discourage the company from moving ahead with the pact. Talk of preferential treatment is "mostly rhetoric," company spokesman Ken Jorgensen says. "It is not something we asked for, it is nothing we anticipated, and it has not happened."

But two gun lobbyists said the Republicans' campaign will dissuade other gun manufacturers from joining Mr. Clinton's program. "This eliminates the incentive," says a program lobbyist close to several manufacturers.

Mr. Hostettler persuaded two-thirds of Armed Services Committee lawmakers to vote for his amendment, which doesn't mention Smith & Wesson by name but clearly targets the company. Gun Owners of America, an aggressive branch of the pro-gun movement, urged its members to lobby lawmakers to apply the restriction to other departments. "It's abhorrent that our tax dollars are being used to push Clinton's antigun agenda," says John Velleco, the group's spokesman.

Rep. Carolyn McCarthy, an antigun Democrat from New York whose husband was killed by gunfire, is leading a counter-attack against attempts to gut the pact. "I think they are trying to destroy Smith & Wesson for coming out with a good code of conduct," she says.

A greater potential threat to the gun industry than the attempt to manipulate government gun-buying practices are lawsuits filed against the industry by 30 cities and counties around the country.

In the latest development in the litigation, a Michigan state-court judge allowed parts of lawsuits filed against the industry by Detroit and Wayne County, MI, to proceed toward trial.

Wayne County Circuit Court Judge Jeanne Stempin said in a ruling Tuesday that the municipalities could move forward with the allegation that "willful blindness" by handgun manufacturers, wholesalers and retailers contributes to the diversion of guns to criminals, creating a "public nuisance." The judge threw out the municipalities' claim that industry actions constitute "negligence."

Mr. Speaker, the article states that the gun lobby sponsored the language my amendment would strike and additional legislation efforts are likely by the NRA that will cripple Smith & Wesson.

This language sets a bad precedent. What if a company has an agreement to hire more veterans? What if a company has an agreement to use more

subcontractors? Congress should not micromanage how procurement is conducted. The result would be substandard products for our men and women who have to defend our Nation.

I strongly support the agreement that Smith & Wesson has reached with HUD. The code of conduct will reduce gun violence in our communities. It contains many provisions that are under review by the House and Senate: child safety locks, background checks on all sales, safe storage for guns, establishing a DNA ballistic network that aids the ATF in solving crimes.

I urge my colleagues to oppose this rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. HILL).

(Mr. HILL of Indiana asked and was given permission to revise and extend his remarks.)

Mr. HILL of Indiana. Mr. Speaker, I rise in opposition to this rule because it prevents consideration of an amendment which I offered that would bring fundamental fairness to the way we convey property from closed military facilities.

Last year's defense authorization bill included language to forgive debts and allow communities to reclaim property from installations closed under the Base Realignment and Closure Act.

The amendment which I offered that was not included in the rule would have extended this same opportunity to communities with military facilities outside the BRAC process.

Mr. Speaker, this Congress has already decided that communities with BRAC facilities should receive property at no cost so they can more easily transform closed bases into engines of economic growth. Yet, many other communities in the same exact situation are still expected to bear the burden of paying for transferred property merely because their facilities happen to be closed outside the BRAC process. This is not right.

It is equally not right that while this bill and several amendments already adopted allow for no-cost conveyances of several facilities across the country, this House is denied the ability to consider an amendment that would simply treat all closed facilities the same.

I have a special interest in this issue because a community in my district is working hard to transform the Indiana Army Ammunition Plant into a center for economic development. A no-cost conveyance of this property would make their job much easier. But I want all communities to be able to benefit from the fair deal we already have given BRAC communities. That is why I regret that this rule does not make my amendment in order.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank the gentleman for yielding time to me.

I urge my colleagues to oppose this rule and stand up for the men and

women who dedicated their lives to this great country, and as a result are now suffering debilitating diseases.

Earlier this week, I appeared before the Committee on Rules to speak in favor of justice and fair play for former Department of Energy workers who have suffered serious diseases due to radiation, beryllium, silica, and other toxic chemical exposure related to their jobs.

From 1951 to 1992, the Federal government tested nuclear weapons above and below ground in southern Nevada at the Nevada test site, among other sites around the country.

Growing up in southern Nevada, I was friends with many of the children of Nevada test site workers and knew these people well. These former workers are now suffering debilitating diseases, and many have died as a result of their service to their country.

These workers were never made aware of the potential danger exposure to radiation, beryllium, silica, and other toxic chemicals might pose to their health, but we now know the hazards that were faced and we now have the responsibility to do the right thing.

The Federal government is already spending millions of dollars of taxpayers' money reimbursing contractors for the legal expenses contractors incur fighting claims from radiation victims. The Federal government is also already compensating atomic veterans and down winders.

I know that there is a sense of Congress that is going to be introduced, and I support it, because that is the right thing to do. But I am also well aware of the fact that that is too little and it will not be getting the job done for these people who are looking to the Federal government to get compensation for their illnesses.

It is the right thing to do, it is the appropriate thing to do. I want to state my strong opposition to the rule and my strong support for compensating former site workers who suffered work-related illnesses or lost wages due to radiation exposure and other toxic exposure.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding time to me. I would like to compliment the Committee on Rules for a very inclusive rule.

What I would like to do at this moment is I would like to read into the RECORD the letters of support we have from many different organizations and associations representing millions of Americans, not only veterans but Americans who support the bill:

The Veterans of Foreign Wars of the United States; the Association of the United States Army; the National Military Family Association; American Shipbuilding Association; the Enlisted Association of the National Guard of the United States; the Navy League of the United States; the National Asso-

ciation of Uniformed Services; the Fleet Reserve Association; the Retired Enlisted Association; Noncommissioned Officers Association; Commissioned Officers Association of U.S. Public Health Service; the Armed Forces Marketing Council; National Guard Association of the United States; the National Military and Veterans Alliance, which include the following organizations: The Air Force Sergeants Association; the American Military Retirees Association; the American Military Society; the American Retirees Association; Class Act Group; Catholic War Veterans; Korean Veterans Association; the Legion of Valor Association; the Military Order of the World Wars; the Naval Enlisted Reserve Association; the Society of Medical Consultants; the TREA Senior Citizens League; Tragedy Assistance Program for Survivors; the Vietnam Veterans of America; Women in Search of Equity, were also supported by the military coalition, which includes the following organizations:

The Air Force Association, the Army Aviation Association of America; the Association of Military Surgeons of the United States; the CWO & WO Associations of the U.S. Coast Guard; the Gold Star Wives of America, Incorporated; Jewish War Veterans of the United States; the Marine Corps League; Marine Corps Reserve Officers Association; the Military Order of the Purple Heart; the National Order of Battlefield Commissions; the Naval Reserve Association; the Society of Medical Consultants in the Armed Forces; the Military Chaplains Associations of the United States Army; the United Armed Forces Association; the United States Coast Guard Chief Petty Officers Association; the United States Army Warrant Officers Association; and the Veterans Widows International Network, Incorporated; to also end with the United States Chamber of Commerce.

Mr. Speaker, this list is very extensive. It represents millions of Americans that support the base bill that came out of the Committee on Armed Services, the Floyd Spence bill. They are all lined up also in honor of the gentleman from South Carolina (Mr. SPENCE) for his years of service, for his principles, for his commitment to national security.

When we hear some perhaps bickering about what was not included, what was included, let us pause for a moment and all Members recognize that this base bill is supported by many different organizations and associations.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I rise in support of the rule.

For those who followed it yesterday, I was very concerned that an amendment that would have fulfilled the promise of lifetime health care for our

Nation's military retirees was not included in the rule yesterday. It is today.

We will have an opportunity to vote on this amendment, which would make Medicare subvention the law of the land permanently. This amendment has been endorsed by the military coalition, the 24 organizations that the gentleman from Indiana (Mr. BUYER) just made reference to, the National Military Veterans Alliance, the Retired Officers Association, and the Retired Enlisted Association.

I am very pleased that the Committee on Rules has seen to it that Members will have an opportunity to vote for it. I would also ask my fellow colleagues to support it without being amended.

I think it is important that we fulfill the promise that was made. Retirees, quite frankly, have been getting jacked around for a long time. They do not need any more demonstrations, more promises, they do not need any more half-hearted efforts. They need the promise that was made to them on the day that they enlisted to be fulfilled. The promise was free lifetime health care for them and their spouse at a military facility for the rest of their lives. That is what we are trying to do.

I am going to vote in support of this rule so this amendment can be voted on. I am going to ask all of my colleagues to vote for it. I would remind my colleagues that this amendment has five Republican cosponsors, five Democratic cosponsors, and I sure as heck would like to see every Member of this body vote for it.

□ 1230

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Mississippi (Mr. TAYLOR) for his support of this rule. The rule is fair. The rule allows debate. The gentleman from Mississippi (Mr. TAYLOR) came before the Committee on Rules and asked that we consider what he was doing, and he today is supporting us.

Mr. Speaker, we also have people who not only represent veterans across this country, as many of us do, but we also have those who are veterans who serve in Congress. I serve next to the gentleman from Texas (Mr. SAM JOHNSON), from the Third Congressional District, a man who served as a prisoner of war for 7 years in North Vietnam.

I am pleased also to have a young man who serves with us, a colleague who has been instrumental with the gentleman from South Carolina (Chairman SPENCE), in making sure that the veterans of this country and active duty men and women are not only protected but receive the very best of assurances that we will never put our Armed Forces in harm's way without the best ability that they have, and I am speaking about the gentleman from Indiana (Mr. BUYER). The gentleman served as a captain in the United States Army, in the Gulf War and now

serves as a lieutenant colonel in the Reserves.

Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding me the time, and I also want to thank my colleague, the gentleman from Mississippi (Mr. TAYLOR).

As most of the body knows and understands, the gentleman from Mississippi (Mr. TAYLOR) and I serve as co-chair of the Guard and Reserve Caucus. And we do many things on behalf of the Congress, on behalf of many, many Members as we move that process through the subcommittees of procurement and the full committee, and on as we move into conference.

The gentleman from Mississippi (Mr. TAYLOR) and I stand side by side in many of the different fights and battles that we do with regard to national security. This may be one of those moments where we can agree to disagree.

Let us do a little review of history, as America paid great tribute in recognition to the World War II veteran and to the Korean War veteran and we turned to them, and Congress created the GI bill. And we also in 1956 created the space availability care for medical treatment; but in the 1960s, when Congress created Medicare, it was the Congress at that time that took the military retiree and triggered them into the general population. That is what happened in this body. Now, I do not want to get into the politics of this thing, but that was a Democrat controlled Congress triggered the military retiree to be treated the same.

Now, many did not recognize or feel that. Why? Because many of the military retirees, they lived next to military medical treatment facilities. Then as we go through the BRAC process, many of them find out and discovered then for the first time that, oh, my gosh, the military can actually close that military hospital and I have to drive so far for my health care. I thought that I was promised health care for life.

Then the Congress responds by creating many different types of pilot programs, whether it is Medicare subvention or FEHBP or a BRAC pharmacy program. We have such a hodgepodge military health care system right now. Why? Because really we as a body are trying to struggle with how do we get our arms around this military health care system and deliver care to the military retiree without saying to the military retiree, you have to live next to a medical treatment facility.

Mr. Speaker, with regard to Mr. TAYLOR's amendment seeking to make Medicare subvention permanent, the gentleman is basically saying to the military retiree if you want that care, you better live next to a medical treatment facility, because if you do not live next to one, it is not going to apply to you.

Now, what concerns me is that the medical subvention is a pilot. See, we create these pilot programs so we can then analyze the data so we can make competent judgments. Often, we create these pilot programs and we do not have the patience to analyze the data and quickly we move into the permanency of these programs.

This is a moment when I analyze this one, I said, enough of all the rhetoric; any Member can come to the floor and make a great speech about throwing their arm around the veteran. It is 101 when it comes to political speeches, but let us stop the rhetoric.

We take the pilot programs that are out there in this base bill and we extend the demos, that was negotiated through the Committee on Commerce and the Committee on Ways and Means. The administration supports the base tax of this bill to extend the demos. We extend them and they end December 31 of 2003.

Now, what happens? Why do you end them? You end them because we are going to analyze them. We do several things. We create this independent advisory council nominated by the Secretary of Defense to analyze this complex health care system and to give recommendations to the Congress in July of 2002. You then have the input from Congress. You have the independent advisory council. You have OMB as a player. You have DOD as a player, and you have the United States Senate.

I believe as we work in the fall of 2002, after having properly analyzed all of these pilot programs, that we can actually then deliver and the next administration will know that since we created this road map of methodology to properly analyze what will be the best health delivery system for the military retiree, the next administration knows the bill is coming in the 2004 cycle. So the bill is crafted in the fall of 2002 on what is the best method; it is introduced before the Committee on Armed Services in April of 2003 in the 2004 cycle; and in October 1 of 2004, it happens. It happens.

It is not just that it happens, it happens in a manner that is based on a methodology for the most competent decision.

Medicare subvention; what we have learned as a pilot program is it is running \$100 million a year in arrears to DOD, and it was meant to be a cost-neutral program. So if it is running \$100 million in arrears to DOD at 6 sites, if we expand it to over 60 sites and make it permanent, we are taking a crippled program that has not been fixed and putting it on the road to financial disaster, and that is what the letter that we received from the Air Force, Michael Ryan, the General, the Chief of Staff of the United States Air Force, he said "I urge that we heed the lessons already learned from Medicare subvention demonstration projects. The current TRICARE senior prime program, though popular with retirees,

is not fiscally sustainable over the long term."

Mr. Speaker, what I ask of Members is that in this base tax, we have the methodology for us to analyze the data to make the competent decisions, and we deliver.

In good faith, negotiating with the gentleman from Mississippi (Mr. TAYLOR) yesterday, we agreed to offer a substitute to his amendment that would expand to all major medical centers as we then begin to work to help and urge the renegotiation of the rate between HCFA and the Department of Defense as we also work on the utilization issue. That is what the substitute is that I bring to the Members to vote on this afternoon. It is extremely important.

The question is, do we want to continue a pilot program, work to make it better so we can get a good test or do we just say, oh, the heck with it. Let us just make it permanent. The money does not matter. I do not believe that is our responsibility as Members of Congress.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in opposition to this rule.

Mr. Speaker, I am deeply disappointed that the amendment offered by my good friend, the gentlewoman from New York (Mrs. MCCARTHY), was not made in order by the rule. The amendment would have stripped section 810 from this bill, an egregious provision barring the Department of Defense from giving preference in procurement to companies that enter into agreements with the Federal Government. It is clear that this language is an attack on Smith and Wesson, which recently signed a code of conduct with the Department of Housing and Urban Development.

The Department of Defense, responsible for our Nation's security, should be free to purchase the best quality, most cost effective and safest products available today. It is preposterous to penalize a manufacturer solely because it has pledged to produce safe, quality merchandise and to go to great lengths to cooperate with Federal, state and local law enforcement. We should encourage such courageous initiatives, not punish them.

Codes of conduct by firearms manufacturers will make our communities and streets safer. They will protect our children from accidental shootings, and they will strengthen law enforcement's efforts to enforce our Nation's firearms laws by ensuring that background checks are performed and improving ballistic technology.

The American people support efforts to make firearms safer and to keep them out of the hands of children and criminals. Congress should have had the chance to demonstrate its support for these goals by considering the McCarthy amendment.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise with great concern about the omissions that are found in this rule, in particular, the lack of allowing the amendment of the gentlewoman from New York (Mrs. MCCARTHY) to make fair the process of procurement in the Federal Government.

We rarely do this in other instances. Why would we try to penalize a good neighbor and a good corporate citizen like Smith and Wesson, which has committed itself to safer guns to protect the lives of our children? I do not know.

I am saddened by the fact that that has occurred, and I would hope that my colleagues would see the wisdom in allowing us to debate such issues. I am gratified, however, with the Sanchez-Morella amendment, which restores equal access to equal services of overseas military hospitals to servicemen and women and their dependents.

I rise today to salute the gentleman from Mississippi (Mr. TAYLOR) for his persistence and for where we are in being allowed to debate a vital issue, and I ask my colleagues to support the Taylor amendment, which provides lifetime health care for military retirees. I want to put a face on military retirees. They are the everyman. They are in rural America. They are in urban America. They are the bus drivers, many of them, they are the day workers and laborers across the Nation. They are the teachers, yes, the doctors and lawyers, but they are the everyday American. I have many of them in my constituency.

It bothers me when I begin to hear the balancing or the nonbalancing of the numbers. We know that this program, if put in place, will merely cost us an additional \$20 million. Yes, we have arrears of \$100 million, but might I say to the American people, there is a distinction between arrears and debt. Arrears is we have not been paying, and we have a problem with HCFA. We have a problem with HCFA, my small health care businesses, who tell me every single day, I am being closed down. I cannot care for the elderly because HCFA is not paying.

The real issue is not debt to Medicare, it is the question that HCFA is not paying its bills. I want my military retirees, those who were in Korea, those who were in Vietnam, those who were in the Persian Gulf, those who were in Kosovo, I want them to have the dignity and the respect of being called their title and the kind of treatment they get at military hospitals on base if they so desire.

I am going to roll up my sleeves, and I do not know about the rest of my colleagues. I encourage them to rise to their feet, and support the Taylor amendment, because those people are

our neighbors, and they have been committed to, they have been told that this would be a lifetime provision and benefit. And I do not know why we would deny it. I think it is important to not misuse the figures and the dollars, and I am gratified that we have been able to have this opportunity.

Mr. Speaker, I certainly would not take that away from the Committee on Rules, and I do thank them. I hope that as we debate this issue, that as we move toward honoring our men and women who gave the ultimate sacrifice this Memorial Day that we will say to the living veterans, we thank you, we thank you, we thank you, because the ability to debate on the floor of the House, the freedom of all of us in the United States of America, is because our men and women have been willing to put themselves on the line for freedom.

I am going to put myself on the line to vote for the Taylor amendment to ensure that they have the dignity of full-time military health benefits throughout their entire lifetime. I would ask my colleagues to do so.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let us be clear as to what is at issue for our military retirees. We have a very good approach by the gentleman from Mississippi (Mr. TAYLOR). The gentleman from Indiana (Mr. BUYER) is saying do not rush into anything, do not vote for the Taylor amendment in its original form. Our military retirees have been waiting patiently for quite a while for resolution of this issue.

What the Taylor amendment, of course, does is apply to those military retirees who have already reached the age of 65 and permits them to be treated at military hospitals and to have those hospitals reimbursed by Medicare.

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What the Shows amendment does is to not only address those military retirees that are already 65, but the large number of military retirees who have not yet reached the age of 65. And it would permit those retirees, those men and women who have served at least 20 years for their country, to participate in the Federal Employees Health Benefits Program, the exact same program that we as Members of Congress and our staffs participate in, and every other Federal civilian employee participates in.

The Shows amendment is a comprehensive approach. It is the amendment that has a very large number of supporters in this House and it is an amendment that we are not being permitted to vote on today. That is regrettable. That is a comprehensive approach which would address the concerns of military retirees once and for all. We are not going to have that opportunity today under the rule as crafted.

The Taylor amendment does provide some relief because it does provide an

opportunity for those retirees who have already reached the age of 65 to be treated at military hospitals and have that treatment reimbursed by Medicare. The rule that we have before us today is an improvement over the rule yesterday, but it does not go as far as some people would like, which is to see the House have the opportunity to voice its views on the question of military retirees.

Now, Mr. Speaker, I urge Members to vote "no" on the previous question. If the previous question is defeated, I will offer an amendment to the rule to make in order an additional 37 amendments, including the Shows amendment, which provides additional health care benefits for veterans.

The McCarthy amendment, which removes provisions in the bill that punish gun manufacturers for abiding by voluntary gun safety agreements, and the Allen amendment, that deals with retiring or dismantling excess strategic nuclear delivery systems.

If the previous question is defeated, Members will have the opportunity to vote up or down on all of those proposals.

Mr. Speaker, I ask unanimous consent to insert the text of the previous question and extraneous materials into the CONGRESSIONAL RECORD immediately prior to the vote.

The SPEAKER pro tempore (Mr. BURR of North Carolina). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FROST. Mr. Speaker, I ask my colleagues to vote "no" on the previous question so we can debate all of these issues, and I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

What we are talking about today is the rule, Mr. Speaker, the rule for the fiscal year 2001 Department of Defense authorization bill. It is a bill that has been not only worked on very diligently by the brightest and best Members of Congress that we have, led by our chairman, the gentleman from South Carolina (Mr. SPENCE), but also by a great number of other people who have spoken today; not only the gentleman from Indiana (Mr. BUYER) but also the gentleman from Nevada (Mr. GIBBONS), who are both veterans of high stature.

Mr. Speaker, today's rule allows for a full and fair consideration of all the controversial defense authorization issues. We are getting our military families off food stamps and we are going to provide a 3.7 percent pay increase. We are helping them by creating an Armed Services Thrift Savings Plan. We are doing those things that will improve military housing. We are doing things, I believe, that rearm our military to make sure that the young men and young women who represent America have not only the best fighting equipment, but also the circumstances and the will of a grateful Nation.

Mr. FROST. Mr. Speaker, I submit for the RECORD the materials I referred to earlier.

PREVIOUS QUESTION FOR H. RES. 504, H.R. 4205, NATIONAL DEFENSE AUTHORIZATION ACT

At the end of the resolution add the following new section:

"SEC. 6. Notwithstanding any other provision of the resolution, it shall be in order to consider, without intervention of any points of order, the amendments offered to the committee amendment in the nature of a substitute printed in section 7 of this resolution. Each amendment may be offered only by the proponent specified in section 7 or a designee, shall be considered as read, and shall be debatable for 30 minutes, equally divided between the proponent and an opponent.

SEC. 7. The amendments described in section 6 are as follows:

AMENDMENT TO H.R. 4205, AS REPORTED  
OFFERED BY MR. SHOWS OF MISSISSIPPI

Strike section 723 (page 229, line 1, and all that follows through page 230, line 19).

At the end of title VII (page 247, after line 9), insert the following new subtitle:

**Subtitle E—Additional Provisions Regarding Department of Defense Beneficiaries**

**SEC. 741. SHORT TITLE.**

This subtitle may be cited as the "Keep Our Promise to America's Military Retirees Act".

**SEC. 742. FINDINGS.**

Congress finds the following:

(1) No statutory health care program existed for members of the uniformed services who entered service prior to June 7, 1956, and retired after serving a minimum of 20 years or by reason of a service-connected disability.

(2) Recruiters for the uniformed services are agents of the United States government and employed recruiting tactics that allowed members who entered the uniformed services prior to June 7, 1956, to believe they would be entitled to fully-paid lifetime health care upon retirement.

(3) Statutes enacted in 1956 entitled those who entered service on or after June 7, 1956, and retired after serving a minimum of 20 years or by reason of a service-connected disability, to medical and dental care in any facility of the uniformed services, subject to the availability of space and facilities and the capabilities of the medical and dental staff.

(4) After 4 rounds of base closures between 1988 and 1995 and further drawdowns of remaining military medical treatment facilities, access to "space available" health care in a military medical treatment facility is virtually nonexistent for many military retirees.

(5) The military health care benefit of "space available" services and Medicare is no longer a fair and equitable benefit as compared to benefits for other retired Federal employees.

(6) The failure to provide adequate health care upon retirement is preventing the retired members of the uniformed services from recommending, without reservation, that young men and women make a career of any military service.

(7) The United States should establish health care that is fully paid by the sponsoring agency under the Federal Employees Health Benefits program for members who entered active duty on or prior to June 7, 1956, and who subsequently earned retirement.

(8) The United States should reestablish adequate health care for all retired members of the uniformed services that is at least equivalent to that provided to other retired

Federal employees by extending to such retired members of the uniformed services the option of coverage under the Federal Employees Health Benefits program, the Civilian Health and Medical Program of the uniformed services, or the TRICARE Program.

**SEC. 743. COVERAGE OF MILITARY RETIREES UNDER THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.**

(a) EARNED COVERAGE FOR CERTAIN RETIREES AND DEPENDENTS.—Chapter 89 of title 5, United States Code, is amended—

(1) in section 8905, by adding at the end the following new subsection:

"(h) For purposes of this section, the term 'employee' includes a retired member of the uniformed services (as defined in section 101(a)(5) of title 10) who began service before June 7, 1956. A surviving widow or widower of such a retired member may also enroll in an approved health benefits plan described by section 8903 or 8903a of this title as an individual."; and

(2) in section 8906(b)—

(A) in paragraph (1), by striking "paragraphs (2) and (3)" and inserting "paragraphs (2) through (5)"; and

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

"(5) In the case of an employee described in section 8905(h) or the surviving widow or widower of such an employee, the Government contribution for health benefits shall be 100 percent, payable by the department from which the employee retired."

(b) COVERAGE FOR OTHER RETIREES AND DEPENDENTS.—(1) Section 1108 of title 10, United States Code, is amended to read as follows:

**"§ 1108. Health care coverage through Federal Employees Health Benefits program**

"(a) FEHBP OPTION.—The Secretary of Defense, after consulting with the other administering Secretaries, shall enter into an agreement with the Office of Personnel Management to provide coverage to eligible beneficiaries described in subsection (b) under the health benefits plans offered through the Federal Employees Health Benefits program under chapter 89 of title 5.

"(b) ELIGIBLE BENEFICIARIES; COVERAGE.—(1) An eligible beneficiary under this subsection is—

"(A) a member or former member of the uniformed services described in section 1074(b) of this title;

"(B) an individual who is an unremarried former spouse of a member or former member described in section 1072(2)(F) or 1072(2)(G);

"(C) an individual who is—

"(i) a dependent of a deceased member or former member described in section 1076(b) or 1076(a)(2)(B) of this title or of a member who died while on active duty for a period of more than 30 days; and

"(ii) a member of family as defined in section 8901(5) of title 5; or

"(D) an individual who is—

"(i) a dependent of a living member or former member described in section 1076(b)(1) of this title; and

"(ii) a member of family as defined in section 8901(5) of title 5.

"(2) Eligible beneficiaries may enroll in a Federal Employees Health Benefit plan under chapter 89 of title 5 under this section for self-only coverage or for self and family coverage which includes any dependent of the member or former member who is a family member for purposes of such chapter.

"(3) A person eligible for coverage under this subsection shall not be required to satisfy any eligibility criteria specified in chapter 89 of title 5 (except as provided in paragraph (1)(C) or (1)(D)) as a condition for enrollment in health benefits plans offered through the Federal Employees Health Benefits program under this section.

"(4) For purposes of determining whether an individual is a member of family under paragraph (5) of section 8901 of title 5 for purposes of paragraph (1)(C) or (1)(D), a member or former member described in section 1076(b) or 1076(a)(2)(B) of this title shall be deemed to be an employee under such section.

"(5) An eligible beneficiary who is eligible to enroll in the Federal Employees Health Benefits program as an employee under chapter 89 of title 5 is not eligible to enroll in a Federal Employees Health Benefits plan under this section.

"(6) An eligible beneficiary who enrolls in the Federal Employees Health Benefits program under this section shall not be eligible to receive health care under section 1086 or section 1097. Such a beneficiary may continue to receive health care in a military medical treatment facility, in which case the treatment facility shall be reimbursed by the Federal Employees Health Benefits program for health care services or drugs received by the beneficiary.

"(c) CHANGE OF HEALTH BENEFITS PLAN.—An eligible beneficiary enrolled in a Federal Employees Health Benefits plan under this section may change health benefits plans and coverage in the same manner as any other Federal Employees Health Benefits program beneficiary may change such plans.

"(d) GOVERNMENT CONTRIBUTIONS.—The amount of the Government contribution for an eligible beneficiary who enrolls in a health benefits plan under chapter 89 of title 5 in accordance with this section may not exceed the amount of the Government contribution which would be payable if the electing beneficiary were an employee (as defined for purposes of such chapter) enrolled in the same health benefits plan and level of benefits.

"(e) SEPARATE RISK POOLS.—The Director of the Office of Personnel Management shall require health benefits plans under chapter 89 of title 5 to maintain a separate risk pool for purposes of establishing premium rates for eligible beneficiaries who enroll in such a plan in accordance with this section.

"(f) LIMITATION ON NUMBER OF ENROLLEES.—The number of eligible individuals enrolled in the Federal Employees Health Benefit plan under this section and pursuant to section 8905(h) of title 5 shall not exceed 300,000. In implementing this subsection, priority shall be given to medicare eligible covered beneficiaries entitled to retired or re-tainer pay."

(2) The item relating to section 1108 at the beginning of such chapter is amended to read as follows:

"1108. Health care coverage through Federal Employees Health Benefits program."

(3) The amendments made by this subsection shall take effect on January 1, 2001.

**SEC. 744. EXTENSION OF COVERAGE OF CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES.**

Section 1086 of title 10, United States Code, is amended—

(1) in subsection (c), by striking "Except as provided in subsection (d), the", and inserting "The";

(2) by striking subsection (d); and

(3) by redesignating subsections (e) through (h) as subsections (d) through (g), respectively.

**SEC. 745. RESERVE FUND.**

The allocation of new budget authority and outlays to the Committees on Armed Services of the House of Representatives and the Senate shall be increased by \$4,000,000,000 for fiscal years 2001 through 2005 for the purpose of carrying out the provisions in this Act if such increase will not cause an on-budget deficit for such fiscal years.

AMENDMENT TO H.R. 4205, AS REPORTED  
OFFERED BY MRS. MCCARTHY OF NEW YORK  
Strike section 810 (page 262, lines 1 through 16).

AMENDMENT TO H.R. 4205, AS REPORTED  
OFFERED BY MR. ALLEN OF MAINE, MR.  
MCGOVERN OF MASSACHUSETTS AND MR.  
GEJDENSON OF CONNECTICUT

At the end of title X (page 324, after line 11), insert the following new section:

**SEC. 1038. REVISION TO LIMITATION RESPECTING STRATEGIC SYSTEMS IN ORDER TO COMPLY WITH START II TREATY.**

(a) LIMITATION.—Subsection (a)(2) of section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85) is amended—

(1) in the matter preceding subparagraph (A), by striking “in paragraph (1)(B) shall be modified in accordance with paragraph (3)” and inserting “in paragraph (1) shall cease to apply”;

(2) in subparagraph (C), by striking “ratify the START II treaty” and inserting “continue reductions in its own strategic nuclear arsenal”; and

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

“(E) That reductions in the strategic nuclear delivery systems of the United States are to be carried out in a verifiable, symmetrical, and reciprocal manner with Russia to ensure that the level of strategic nuclear delivery systems deployed by the United States does not fall below the level of strategic nuclear delivery systems deployed by the Russia.”

(b) WAIVER AUTHORITY.—Subsection (b) of such section is amended by striking “the limitation in effect under paragraph (1)(B) or (3) of subsection (a), as the case may be,” and inserting “the limitations in effect under subsection (a)”.

AMENDMENT TO H.R. 4205, AS REPORTED  
OFFERED BY MS. BERKLEY OF NEVADA

At the end of title XXXI (page \_\_\_\_, after line \_\_\_\_), insert the following new section:

**SEC. \_\_\_\_. ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.**

(a) IN GENERAL.—The Energy Policy Act of 1992 is amended by adding after title XXX the following new title:

**“TITLE XXXI—ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM**

**“Subtitle A—General Definitions and Administrative Office**

**“SEC. 3101. DEFINITIONS.**

“For the purpose of this title—

“(1) the term ‘Department of Energy’ includes the predecessor agencies of the Department of Energy, including the Manhattan Engineering District;

“(2) the term ‘Department of Energy facility’ means any building, structure, or premises, including the grounds upon which they are or were located, in which operations are or were conducted by, or on behalf of, the Department of Energy and with regard to which the Department of Energy has or had a proprietary interest or has or had entered into a contract with an entity to provide management and operating, management and integration, or environmental remediation;

“(3) the term ‘Director’ means the Director of the Occupational Illness Compensation Office appointed under section 3102;

“(4) the term ‘Fund’ means the Energy Employees Occupational Illness Compensation Fund established under section 3156;

“(5) the term ‘Office’ means the Occupational Illness Compensation Office established under section 3102; and

“(6) the term ‘radiation’ means ionizing radiation in the form of alpha or beta particles or gamma rays.

**“SEC. 3102. OCCUPATIONAL ILLNESS COMPENSATION OFFICE.**

“(a) OFFICE.—There is created within the Department of Energy the Occupational Illness Compensation Office.

“(b) DIRECTOR.—The Office shall be headed by a Director who shall be appointed by the Secretary of Energy and who shall be compensated at the rate provided for in level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(c) DUTIES OF THE DIRECTOR.—The Director shall administer this title and carry out the duties assigned to the Director.

“(d) CONSULTATION WITH THE SURGEON GENERAL.—The Director may consult the Surgeon General, and the Surgeon General may consult with the Director, concerning administration of this title.

“(e) REPORTS.—(1) Beginning one year after the date of enactment of this title, and each year thereafter, the Director shall prepare a concise report concerning the status of the operation of the programs under this title and shall, through the Secretary of Energy, submit the report to Congress and publish it in the Federal Register. This report shall include information such as the number of claims filed under each subtitle, the action taken regarding these claims, the total and average value of the benefits furnished to claimants, administrative expenses of the Office, and amounts available in the Fund. The information shall be compiled in a statistical format in a manner so that personal information on individuals is not revealed.

“(2) Four years after the date of enactment of this title, the Director shall prepare a report on the administration of this title and the effectiveness of the program in meeting the compensation needs of Department of Energy workers with regard to occupational illnesses.

**“Subtitle B—Beryllium, Silicosis, and Radiation**

**“SEC. 3111. DEFINITIONS.**

“For purposes of this subtitle—

“(1) the term ‘atomic weapons employee’ means an individual employed by an atomic weapons employer during a time when the employer was processing or producing for the use of the United States material that emitted radiation and was used in the production of an atomic weapon, as that term is defined in section 11(d) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(d));

“(2) the term ‘atomic weapons employer’ means an entity that—

“(A) processed or produced for the use of the United States material that emitted radiation and was used in the production of an atomic weapon, as that term is defined in section 11(d) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(d)); and

“(B) is designated as an atomic weapons employer for the purpose of this subtitle in regulations issued by the Director;

“(3) the term ‘beryllium illness’ means any of the following conditions:

“(A) Beryllium Sensitivity, established by an abnormal beryllium lymphocyte proliferation test performed on either blood or lung lavage cells;

“(B) Chronic Beryllium Disease, established by—

“(i) beryllium sensitivity, as defined in subparagraph (A); and

“(ii) lung pathology consistent with Chronic Beryllium Disease, such as—

“(I) a lung biopsy showing granulomas or a lymphocytic process consistent with Chronic Beryllium Disease;

“(II) a computerized axial tomography scan showing changes consistent with Chronic Beryllium Disease; or

“(III) pulmonary function or exercise testing showing pulmonary deficits consistent with Chronic Beryllium Disease; or

“(C) any injury or illness sustained as a consequence of a beryllium illness as defined in subparagraph (A) or (B) of this paragraph;

“(4) the term ‘beryllium vendor’ means:

“(A) Atomics International;

“(B) Brush Wellman, Inc.;

“(C) General Atomics;

“(D) General Electric Company;

“(E) NGK Metals Corporation and its predecessors: Kawecki-Berylco, Cabot Corporation, BerylCo, and Beryllium Corporation of America;

“(F) Nuclear Materials and Equipment Corporation;

“(G) StarMet Corporation, and its predecessor, Nuclear Metals, Inc.;

“(H) Wyman Gordan, Inc.; or

“(I) any other vendor, processor, or producer of beryllium or related products designated as a beryllium vendor for the purposes of this subtitle in regulations issued by the Director under section 3112(d);

“(5) the term ‘beryllium vendor employee’ means an individual employed by a beryllium vendor or a contractor or a subcontractor of a beryllium vendor when the vendor, contractor, or subcontractor was engaged in activities related to beryllium that was produced or processed for sale to, or use by, the Department of Energy;

“(6) the term ‘Department of Energy contractor employee’ means an individual who is or was employed at a Department of Energy facility by—

“(A) an entity that contracted with the Department of Energy to provide management and operating, management and integration, or environmental remediation at the facility; or

“(B) a subcontractor that provided services, including construction, at the facility;

“(7) the term ‘Federal employee’ means an individual defined as an employee in section 8101(1) of title 5, United States Code, who may have been exposed to beryllium or silica at a Department of Energy facility or at a facility owned, operated, or occupied by a beryllium vendor;

“(8) the term ‘monthly pay’ means the monthly pay at the time of injury, or the monthly pay at the time disability begins, or the monthly pay at the time compensable disability recurs, if the recurrence begins more than six months after the employee resumes regular full-time employment, whichever is greater, except when otherwise determined under section 8113 of title 5, United States Code;

“(9) the term ‘silicosis’ means an illness that is established by—

“(A) a chest radiograph or other imaging technique consistent with silicosis under criteria set forth in Surveillance Case Definition for Silicosis published by the National Institute for Occupational Safety and Health; and

“(B) pathologic findings characteristic of silicosis under criteria set forth in Surveillance Case Definition for Silicosis published by the National Institute for Occupational Safety and Health; and

“(10) the term ‘time of injury’, when used in sections of title 5, United States Code, referenced in this subtitle, means the last date on which—

“(A) a Department of Energy contractor employee, a Federal employee, or a beryllium vendor employee was exposed to beryllium or silica in the performance of duty as specified in section 3112, if the claim or award is made under section 3112; or

“(B) a Department of Energy contractor employee or an atomic weapons employee was exposed to radiation as determined by rules issued under section 3113, if the claim or award is made under section 3113.

**“SEC. 3112. ELIGIBILITY OF WORKERS EXPOSED TO BERYLLIUM AND SILICA.**

“(a) IN GENERAL.—

“(1) To be eligible under this section for benefits under section 3114—

“(A) a Federal employee, Department of Energy contractor employee, or beryllium vendor employee must have—

“(i) suffered disability or death from a beryllium illness; and

“(ii) been exposed to beryllium in the performance of duty; or

“(B) a Federal employee or Department of Energy contractor employee must have—

“(i) suffered disability or death from silicosis; and

“(ii) been exposed to silica in the performance of duty.

“(2) Notwithstanding paragraph (1)—

“(A) a Federal employee, Department of Energy contractor employee, or beryllium vendor employee is eligible for medical benefits under section 3114(a)(3) if the employee has suffered from a beryllium illness and has been exposed to beryllium in the performance of duty; and

“(B) a Federal employee or Department of Energy contractor employee is eligible for medical benefits under section 3114(a)(3) if the employee has suffered from silicosis and has been exposed to silica in the performance of duty,

but was not disabled or did not die because of the beryllium illness or silicosis.

“(b) FEDERAL AND CONTRACTOR EMPLOYEE.—

“(1) In the absence of substantial evidence to the contrary, a Federal employee or Department of Energy contractor employee shall be considered to have been exposed to beryllium in the performance of duty if—

“(A) the employee was employed at a Department of Energy facility or present at a Department of Energy facility because of the employee's employment when beryllium dust particles or vapor may have been present at that facility; or

“(B) the employee was present at a facility owned by a beryllium vendor because of the employee's employment when dust particles or vapor of beryllium produced or processed for sale to, or use by, the Department of Energy may have been present at the facility.

“(2) In the absence of substantial evidence to the contrary, a Federal employee or Department of Energy contractor employee shall be considered to have been exposed to silica in the performance of duty if the employee was employed at a Department of Energy facility or present at a Department of Energy facility because of the employee's employment in an area where airborne silica dust was present.

“(c) BERYLLIUM VENDOR EMPLOYEE.—In absence of substantial evidence to the contrary, a beryllium vendor employee shall be considered to have been exposed to beryllium in the performance of duty if the employee was employed by a beryllium vendor, or a contractor or subcontractor of a beryllium vendor, and was present at that employer's site because of the employment when silica or beryllium dust particles or vapor of beryllium produced or processed for sale to, or use by, the Department of Energy may have been present at the site.

“(d) ADDITIONAL VENDORS.—The Director may designate, in regulations, an additional vendor, processor, or producer of beryllium or related products as a beryllium vendor for the purposes of this subtitle upon the Director's finding that the entity engaged in activities related to beryllium that was produced or processed for sale to, or use by, the Department of Energy in a manner similar to the entities listed in section 3111(4).

“(e) ADDITIONAL ILLNESS CRITERIA.—The Director may specify, in regulations, addi-

tional criteria by which a claimant may establish the existence of a beryllium illness, as defined in section 3111(3)(A) or (B), or silicosis, as defined in section 3111(9).

**“SEC. 3113. ELIGIBILITY OF WORKERS EXPOSED TO RADIATION.**

“(a) IN GENERAL.—

“(1) To be eligible under this section for benefits under section 3114, a Department of Energy contractor employee or atomic weapons employee must—

“(A) have suffered disability or death from cancer;

“(B) have contracted cancer after beginning employment at a Department of Energy facility for a Department of Energy contractor employee or at an atomic weapons employer facility for an atomic weapons employee; and

“(C) fall within guidelines that—

“(i) are established by the Director by rule for determining whether the cancer the employee contracted was at least as likely as not related to employment at the facility;

“(ii) are based on the employee's exposure to radiation at the facility;

“(iii) incorporate the methods established under subsection (b)(1)(A); and

“(iv) take into consideration the type of cancer; past health-related activities, such as smoking; information on the risk of developing a radiation-related cancer from workplace exposure; and other relevant factors.

“(2) Notwithstanding paragraph (1), a Department of Energy contractor employee or atomic weapons employee is eligible for medical benefits under section 3114(a)(3) if the employee meets the requirements of paragraph (1)(B) and (C), but was not disabled or did not die because of the cancer.

“(b) RADIATION DOSE.—

“(1) The Director shall—

“(A) establish, by rule, methods for arriving at reasonable estimates of the radiation doses Department of Energy contractor employees received at a Department of Energy facility and an atomic weapons employee received at a facility operated by an atomic weapons employer if the employee were not monitored for exposure to radiation at the facility or were monitored inadequately, or if the employee's exposure records are missing or incomplete; and

“(B) provide to an employee who meets the requirements of subsection (a)(1)(B) an estimate of the radiation dose the employee received based on dosimetry reading, a method established under subparagraph (A), or a combination of both.

“(2) The Director shall establish an independent review process to review the methods established under subsection (b)(1)(A) and the application of those methods and to verify a reasonable sample of individual dose reconstructions provided under subsection (b)(1)(B).

“(c) RESOLUTION OF REASONABLE DOUBT.—In determining whether an employee meets the requirements of this section, the Director shall resolve any reasonable doubt in favor of the employee.

“(d) NAVAL NUCLEAR PROPULSION PROGRAM.—A Department of Energy contractor employee or atomic weapons employee who is or was employed at a facility or in an activity covered by Executive Order No. 12344, dated February 1, 1982, pertaining to the Naval nuclear propulsion program, is not eligible under this section for benefits under section 3114.

**“SEC. 3114. COMPENSATION FOR DISABILITY OR DEATH, MEDICAL SERVICES, AND VOCATIONAL REHABILITATION.**

“(a) IN GENERAL.—

“(1) Except as otherwise provided in this subtitle and subject to the availability of amounts in the Fund, unless the disability or death was caused by one of the cir-

cumstances set forth in subsection (a)(1)–(2) of section 8102 of title 5, United States Code, the Director shall, for an employee the Director determines meets the requirements of section 3112(a)(1) or 3113(a)(1)—

“(A) pay the compensation specified in sections 8105–8110, 8111(a), 8112–13, 8115, 8117, 8133–8135, and 8146a(a)–(b) of title 5, United States Code;

“(B) furnish the medical services and other benefits specified in section 8103(a) of title 5, United States Code; and

“(C) reimburse medical expenses incurred by an employee or employee's survivor before the Director's determination is made and that have not been or will not be reimbursed by any source.

“(2) The Director may direct a permanently disabled employee whose disability is compensable under this section to undergo vocational rehabilitation as a condition for receiving benefits under paragraph (1) and shall provide for furnishing vocational rehabilitation services pursuant to sections 8104 and 8111(b) of title 5, United States Code.

“(3) Except as otherwise provided in this subtitle and subject to the availability of amounts in the Fund, the Director shall, for an employee the Director determines meets the requirements of section 3112(a)(2) or 3113(a)(2)—

“(A) furnish the medical services and other benefits specified in section 8103(a) of title 5, United States Code; and

“(B) reimburse medical expenses incurred by an employee or employee's survivor before the Director's determination is made and that have not been or will not be reimbursed by any source.

“(4) An employee or the employee's survivor shall not receive compensation under paragraph (1)(A) for more than one disability.

“(b) FUND.—All compensation provided and services paid for under this section shall be paid from the Fund and shall be limited to amounts available in the Fund.

“(c) COMPUTATION OF PAY.—Computation of pay under this subtitle shall be determined in accordance with section 8114 of title 5, United States Code.

**“SEC. 3115. LUMP SUM COMPENSATION.**

“(a) BERYLLIUM.—A Federal employee, Department of Energy contractor employee, or beryllium vendor employee may elect to receive compensation in the amount of \$100,000 in place of any other compensation or services under this subtitle to which the employee might otherwise be entitled, if the Director determines the employee—

“(1) was exposed to beryllium in the performance of duty, as set forth in section 3112;

“(2) was diagnosed before the date of enactment of this subtitle as having—

“(A) Chronic Beryllium Disease as defined in section 3111(1)(B), or

“(B) a beryllium-related pulmonary condition that does not meet the criteria necessary to establish the existence of a beryllium illness under section 3111(1) but that was determined, either contemporaneously or later, to be consistent with Chronic Beryllium Disease as defined in section 3111(1)(B); and

“(3) demonstrates the existence of a beryllium illness or beryllium-related pulmonary condition and its diagnosis by medical documentation created during the employee's lifetime or at the time of death or autopsy.

“(b) SILICOSIS.—A Federal employee or Department of Energy contractor employee may elect to receive compensation in the amount of \$100,000 in place of any other compensation or services under this subtitle to which the employee might otherwise be entitled, if the Director determines the employee—

“(1) was exposed to silica in the performance of duty, as set forth in section 3112,

“(2) was diagnosed before the date of enactment of this subtitle as having silicosis; and

“(3) demonstrates the existence of silicosis and its diagnosis by medical documentation created during the employee's lifetime or at the time of death or autopsy.

“(c) RADIATION.—A Department of Energy contractor employee or atomic weapon employee may elect to receive compensation in the amount of \$100,000 in place of any other compensation or services under this subtitle to which the employee might otherwise be entitled, if the Director determines the employee—

“(1) developed a cancer before the date of enactment of this subtitle;

“(2) contracted cancer after beginning employment at a Department of Energy facility for a Department of Energy contractor employee or at an atomic weapons employer facility for an atomic weapons employee; and

“(3) falls within guidelines the Director established under section 3113(a)(1)(C).

“(d) DEATH BEFORE ELECTION.—If an employee who would be eligible to make an election provided by this section dies before the date of enactment of this subtitle, or before making the election, whether or not the death is the result of a beryllium-related condition, silicosis, or a cancer, the employee's survivor may make the election and receive the compensation under this section. The right to make an election and receive compensation under this section shall be afforded to survivors in the order of precedence set forth in section 8109 of title 5, United States Code.

“(e) TIME LIMIT.—The election under this section shall be made within 60 days after the date the Director informs the employee or the employee's survivor of a determination on awarding benefits made by the Director under section 3114. The election when made by an employee or survivor is irrevocable and binding on the employee and all survivors.

“(f) CONDITION AND ILLNESS.—A determination that an employee, or a survivor on behalf of an employee, has established a beryllium-related pulmonary condition under subsection (a)(2)(B) does not constitute a determination that the existence of a beryllium illness has been established.

“(g) COST OF LIVING ADJUSTMENT.—The compensation payable under this section is not subject to the cost-of-living adjustment set forth in section 8146a (a) of title 5, United States Code.

**“SEC. 3116. ADJUDICATION.**

“Except to the extent specified otherwise in this subtitle, the Director shall determine and adjudicate issues under this subtitle in accordance with sections 8123–8127 and 8129 of title 5, United States Code.

**“Subtitle C—Gaseous Diffusion Employees Exposure Compensation**

**“SEC. 3121. DEFINITIONS.**

“For purposes of this subtitle—

“(1) the term ‘gaseous diffusion employee’ means an individual who is or was employed at the Paducah, Kentucky; Portsmouth, Ohio; or Oak Ridge, Tennessee; gaseous diffusion plant by—

“(A) the Department of Energy; or

“(B) an entity that contracted with the Department of Energy to provide management and operating, management and integration, or environmental remediation at the plant; and

“(2) the term ‘specified disease’ means—

“(A) leukemia (other than chronic lymphocytic leukemia);

“(B) multiple myeloma;

“(C) lymphomas (other than Hodgkin's disease);

“(D) primary liver cancer; and

“(E) cancer of the—

“(i) thyroid;

“(ii) male or female breast;

“(iii) pharynx;

“(iv) esophagus;

“(v) stomach;

“(vi) small intestine;

“(vii) pancreas;

“(viii) bile ducts;

“(ix) gall bladder;

“(x) salivary gland;

“(xi) urinary tract;

“(xii) lung, provided not a heavy smoker;

“(xiii) bone; and

“(xii) bronchiolo-alveolae.

**“SEC. 3122. ELIGIBLE EMPLOYEES.**

“(a) IN GENERAL.—A gaseous diffusion employee who—

“(1) was employed at a gaseous diffusion plant for at least one year during the period beginning on January 1, 1953, and ending on February 1, 1992;

“(2) during that period—

“(A) was monitored through the use of dosimetry badges for exposure at the plant of the external parts of the employee's body to radiation; or

“(B) worked in a job that had exposures comparable to a job that was monitored through the use of dosimetry badges; and

“(3) contracted a specified disease after employment under conditions specified in subparagraphs (1) and (2),

shall receive \$100,000, if a claim for payment is filed with the Director by or on behalf of the gaseous diffusion employee and the Director determines, in accordance with section 3123, that the claim meets the requirements of this subtitle.

“(b) PAYMENT LIMITATIONS.—

“(1) Payments under this section shall be limited to amounts available in the Fund.

“(2) An employee or the employee's survivor shall not receive more than one payment under this subtitle.

**“SEC. 3123. DETERMINATION AND PAYMENT OF CLAIMS.**

“(a) DETERMINATION.—The Director shall establish, under regulations the Director issues, procedures for filing a claim and for determining whether a claim filed under this subtitle meets the requirements of this subtitle.

“(b) PAYMENT.—

“(1) The Director shall pay, from the Fund and limited to amounts available in the Fund, claims filed under this subtitle that the Director determines meet the requirements of this subtitle.

“(2)(A) In the case of a gaseous diffusion employee who is deceased at the time of payment under this section, a payment shall be made only as follows—

“(i) if the gaseous diffusion employee is survived by a spouse who is living at the time of payment, the payment shall be made to the surviving spouse;

“(ii) if there is no spouse living at the time of payment, the payment shall be made in equal shares to all children of the gaseous diffusion employee who are living at the time of payment; or

“(iii) if there are no spouse or children living at the time of payment, the payment shall be made in equal shares to the parents of the gaseous diffusion employee who are living at the time of payment.

“(B) If a gaseous diffusion employee eligible for payment under this subtitle dies before filing a claim under this subtitle, a survivor of that employee who may receive payment under subparagraph (A) may file a claim for payment under this subtitle.

“(C) For purposes of this section—

“(i) the spouse of a gaseous diffusion employee is a wife or husband of that employee

who was married to that employee for at least one year immediately before the death of the employee;

“(ii) a child includes stepchildren, adopted children, and posthumous children; and

“(iii) a parent includes step-parents and parents by adoption.

**“Subtitle D—Energy Workers Exposed to Other Hazardous Materials**

**“SEC. 3131. WORKERS EXPOSED TO OTHER HAZARDOUS MATERIALS.**

“(a) DEFINITIONS.—For purposes of this section—

“(1) the term ‘Department of Energy contractor employee’ means an individual who is or was employed at a Department of Energy facility by an entity that contracted with the Department of Energy to provide management and operating, management and integration, or environmental remediation at the facility; and

“(2) the term ‘panel’ means a physicians panel established under subsection (d).

“(b) DIRECTOR REVIEW.—The Director shall—

“(1) establish procedures under which an individual may submit an application for review and assistance under this section, and

“(2) review an application submitted under this section and determine whether the applicant submitted reasonable evidence that—

“(A) the application was filed by or on behalf of a Department of Energy contractor employee or employee's estate; and

“(B) the illness or death of the Department of Energy contractor employee may have been related to employment at a Department of Energy facility.

“(c) DIRECTOR DETERMINATION.—If the Director determines that the applicant submitted reasonable evidence under subsection (b)(2), the Director shall submit the application to a physicians panel established under subsection (d). The Director shall assist the employee in obtaining additional evidence within the control of the Department of Energy and relevant to the panel's deliberations.

“(d) PANEL.—

“(1) The Director shall inform the Secretary of Health and Human Services of the number of physicians panels the Director has determined to be appropriate to administer this section, the number of physicians needed for each panel, and the area of jurisdiction of each panel. The Director may determine to have only one panel.

“(2) The Secretary of Health and Human Services shall compile a list of physicians with experience and competency in diagnosing occupational illnesses for each panel and provide the list to the Director. The Director shall appoint panel members from the list under section 3109 of title 5, United States Code. Each member of a panel shall be paid at the rate of pay payable for level III of the Executive Schedule for each day (including travel time) the member is engaged in the work of a panel.

“(3) A panel shall review an application submitted to it by the Director and determine, under guidelines established by the Director, by rule, whether—

“(A) the illness or death that is the subject of the application arose out of and in the course of employment by the Department of Energy and exposure to a hazardous material at a Department of Energy facility; and

“(B) the Department of Energy contractor employee who is the subject of the application would be ineligible to receive benefits under section 3114, 3115, 3123, or 3132.

“(4) At the request of a panel, the Director and a contractor who employed a Department of Energy contractor employee shall provide additional information relevant to

the panel's deliberations. A panel may consult specialists in relevant fields as it determines necessary.

"(5) Once a panel has made a determination under paragraph (3), it shall report to the Director its determination and the basis for the determination.

"(e) ASSISTANCE.

"(1) The Director shall review a panel's determination made under subsection (d), information the panel considered in reaching its determination, any relevant new information not reasonably available at the time of the panel's deliberations, and the basis for the panel's determination. The Director shall accept the panel's determination in the absence of compelling evidence to the contrary.

"(2) If the panel has made a positive determination under subsection (d) and the Director accepts the determination, or the panel has made a negative determination under subsection (d) and the Director finds compelling evidence to the contrary, the Director shall—

"(A) assist the applicant to file a claim under the appropriate State workers compensation system based on the health condition that was the subject of the determination;

"(B) recommend to the Secretary of Energy that the Department of Energy not contest a claim filed under a State workers compensation system based on the health condition that was the subject of the determination and not contest an award made under a State workers compensation system regarding that claim; and

"(C) recommend to the Secretary of Energy that the Secretary direct, as permitted by law, the contractor who employed the Department of Energy contractor employee who is the subject of the claim not to contest the claim or an award regarding the claim.

"(f) INFORMATION.—At the request of the Director, a contractor who employed a Department of Energy contractor employee shall make available to the Director or the employee, information relevant to deliberations under this section.

**"SEC. 3132. PANEL-EXAMINED OAK RIDGE WORKERS.**

"(a) PHYSICIANS PANEL REPORT.—A panel of physicians who specialize in diseases and health conditions related to occupational exposure to radiation, hazardous materials, or both selected by the contractor that managed the Department of Energy's East Tennessee Technology Park (referred to in this section as the 'facility') shall prepare a report concerning medical examinations of not more than 55 current and former employees of the facility. This panel is separate and apart from a panel appointed by the Director under section 3131(d). The report shall address whether each of these employees may have sustained any illness or other adverse health condition as a result of their employment at the facility.

"(b) DIRECTOR FINDING.—The contractor shall provide the report of the panel completed under subsection (a) to the Director. The Director shall make a finding as to whether an employee covered by the report sustained an illness or other adverse health condition as a result of exposure to radiation, hazardous materials, or both as part of employment at the facility.

"(c) AWARD.—If the Director makes a positive finding under subsection (b) regarding an employee, the Director shall make an award to the employee of \$100,000 from the Fund, limited to amounts available in the Fund. An employee shall not receive more than one award under this subtitle.

**"Subtitle E—General Provisions**

**"SEC. 3141. DUAL BENEFITS.**

"(a) BENEFITS UNDER MORE THAN ONE SECTION.—

"(1) An individual may not receive benefits, because of the same illness or death or because of more than one illness or death, under more than one of the following sections: 3114, 3115, 3123, or 3132. An individual who is eligible to receive benefits under more than one of those sections because shall elect one section under which to receive benefits.

"(2) A widow or widower who is eligible for benefits under this title derived from more than one husband or wife shall elect one benefit to receive.

"(b) BENEFITS UNDER THIS TITLE AND OTHER FEDERAL ILLNESS OR DEATH BENEFITS.—

"(1) An individual who is eligible to receive benefits under this title because of an illness or death of a Federal employee and who also is entitled to receive from the United States under a statute other than this title payments or benefits for that same illness or death, including payments and other benefits under another Federal workers compensation system but not including proceeds of an insurance policy, shall elect which benefits to receive.

"(2) An individual who has been awarded benefits under this title, and who also has received benefits from another Federal workers compensation system because of the same illness or death, shall receive compensation under this title reduced by the amount of any workers compensation benefits that the individual has received under the Federal workers compensation system as a result of the illness or death, after deducting—

"(A) payments received under the Federal workers compensation system for medical expenses that are not reimbursed under section 3114; and

"(B) the reasonable costs, as determined by the Director, of obtaining benefits under the Federal workers compensation system.

"(c) BENEFITS UNDER THIS TITLE AND STATE WORKERS COMPENSATION BENEFITS.—

"(1) An individual who is eligible to receive benefits under this title because of an illness or death and who also is entitled to receive benefits because of the same illness or death from a State workers compensation system shall elect which benefits to receive, unless:

"(A) at the time of injury, workers compensation coverage for the employee was secured by a policy or contract of insurance; and

"(B) the Director waives, because of the substantial financial benefit to the United States, the requirement to make such an election.

"(2) Except as specified in paragraph (3), an individual who has been awarded benefits under this title and who also has received benefits from a State workers compensation system because of the same illness or death, shall receive compensation under this title reduced by the amount of any workers compensation benefits that the individual has received under the State workers compensation system as a result of the illness or death, after deducting—

"(A) payments received under the State workers compensation system for medical expenses that are not reimbursed under section 3114; and

"(B) the reasonable costs, as determined by the Director, of obtaining benefits under the State workers compensation system.

"(3) An individual described in paragraph (2) who also has received, under paragraph (1)(B), a waiver of the requirement to elect between benefits under this title and benefits

under a State workers compensation system, shall receive compensation under this title reduced by eighty percent of the net amount of any workers compensation benefits that the individual has received under a State workers compensation system because of the same illness, after deducting—

"(A) payments received under the State workers compensation system for medical expenses that are not reimbursed under section 3114; and

"(B) the reasonable costs, as determined by the Director, of obtaining benefits under the State workers compensation system.

"(d) OTHER STATUTES.—An individual may not receive compensation under this title for a radiation-related cancer and also receive compensation under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) or under the Radiation-Exposed Veterans Compensation Act (38 U.S.C. 1112(c)).

"(e) SUBTITLE B BENEFITS AND RETIREMENT BENEFITS.—

"(1) If an employee or employee's survivor who is awarded payments for lost wages under section 3114 receives a retirement payment from any source, the Director shall adjust, if necessary, the amount of the lost wages paid under section 3114 so that the combination of lost wages under section 3114 and retirement benefits from any source to be paid in a year does not exceed the employee's last annual salary.

"(2) An employee or employee's survivor shall inform the Director at the time of filing an application for benefits under subtitle B if the employee or employee's survivor is receiving retirement payments. An employee or employee's survivor who is not receiving retirement benefits when filing an application for benefits under subtitle B and who is awarded benefits for lost wages under subtitle B shall inform the Director of receipt of retirement payments no later than 30 days before receiving the first retirement payment.

"(f) ELECTION.—

"(1) If an individual is required to make an election under this section, the individual shall make the election within a reasonable time, as determined by the Director.

"(2) An election when made by an individual is irrevocable and binding on the employee and all survivors.

**"SEC. 3142. EXCLUSIVE REMEDY UNDER SUBTITLE B AGAINST THE UNITED STATES, CONTRACTORS, AND SUBCONTRACTORS.**

"(a) IN GENERAL.—The liability of the United States or an instrumentality of the United States under subtitle B with respect to a cancer, silicosis, beryllium illness, beryllium-related pulmonary condition, or death of an employee is exclusive and instead of all other liability—

"(1) of—

"(A) the United States;

"(B) any instrumentality of the United States;

"(C) a contractor that contracted with the Department of Energy to provide management and operating, management and integration, or environmental remediation of a Department of Energy facility;

"(D) a subcontractor that provided services, including construction, at a Department of Energy facility; and

"(E) an employee, agent, or assign of an entity specified in subparagraphs (A)–(D),

"(2) to—

"(A) the employee;

"(B) the employee's legal representative, spouse, dependents, survivors, and next of kin; and

"(C) any other person, including any third party as to whom the employee has a cause of action relating to the illness or death, otherwise entitled to recover damages from

otherwise entitled to recover damages from the United States, the instrumentality, the contractor, the subcontractor, or the employee, agent, or assign of one of them, because of that cancer, silicosis, beryllium illness, beryllium-related pulmonary condition, or death in any proceeding or action, including a direct judicial proceeding, a civil action, a proceeding in admiralty, or a proceeding under a tort liability statute or the common law.

“(b) FINAL JUDGMENT.—This section applies to all cases in which a final judgment that is not subject to any further judicial review has not been entered on or before the date of enactment of this subtitle.

“(c) WORKERS COMPENSATION.—This section does not apply to an administrative or judicial proceeding under a State or Federal workers compensation statute, subject to section 3141.

**“SEC. 3143. ELECTION OF REMEDY.**

“(a) BERYLLIUM VENDORS AND ATOMIC WEAPONS EMPLOYERS.—

“(1) If an individual elects to accept compensation under subtitle B with respect to a cancer, beryllium illness, beryllium-related pulmonary condition, or death of an employee, that acceptance of payment shall be in full settlement of all claims—

“(A) against—

“(i) a beryllium vendor or a contractor or a subcontractor of a beryllium vendor;

“(ii) an atomic weapons employer; and

“(iii) an employee, agent, or assign of a beryllium vendor, of a contractor or a subcontractor of a beryllium vendor, or of an atomic weapons employer,

“(B) by—

“(i) that individual;

“(ii) that individual’s legal representative, spouse, dependents, survivors, and next of kin; and

“(iii) any other person, including any third party as to whom the employee has a cause of action relating to the illness or death, otherwise entitled to recover damages from the beryllium vendor, the contractor or the subcontractor of the beryllium vendor, the atomic weapons employer, or the employee, agent, or assign of the beryllium vendor, of the contractor or the subcontractor of the beryllium vendor, or of the atomic weapons employer,

that arise out of that cancer, beryllium illness, beryllium-related pulmonary condition, or death in any proceeding or action, including a direct judicial proceeding, a civil action, a proceeding in admiralty, or a proceeding under a tort liability statute or the common law.

“(2) For purposes of this subsection, atomic weapons employer has the meaning given that term in section 3111(2) and beryllium vendor has the meaning given that term in section 3111(4).

“(b) PAYMENT UNDER SUBTITLE C AND SECTION 3132 OF SUBTITLE D.—If an individual elects to accept payment under subtitle C or section 3132 of subtitle D, that acceptance of payment shall be in full settlement of all claims—

“(1) against—

“(A) the United States;

“(B) any instrumentality of the United States;

“(C) a contractor that contracted with the Department of Energy to provide management and operating, management and integration, or environmental remediation of a Department of Energy facility;

“(D) a subcontractor that provided services, including construction, at a Department of Energy facility; and

“(E) an employee, agent, or assign of an entity or individual specified in clauses (A)–(D),

“(2) by—

“(A) that individual;

“(B) that individual’s legal representative, spouse, dependents, survivors, and next of kin; and

“(C) any other person, including any third party as to whom the employee has a cause of action relating to the illness or death for which the payment was made, otherwise entitled to recover damages from an entity or individual specified in subparagraph (1),

that arise out of that illness or death for which the payment was made, in any proceeding or action including a direct judicial proceeding, a civil action, a proceeding in admiralty, or a proceeding under a tort liability statute or the common law.

“(c) WORKERS COMPENSATION.—This section does not apply to an administrative or judicial proceeding under a State or Federal workers compensation statute, subject to section 3141.

“(d) FINAL JUDGMENT.—This section applies to all cases in which a final judgment that is not subject to any further judicial review has not been entered on or before the date of enactment of this title.

**“SEC. 3144. SUBROGATION OF THE UNITED STATES.**

“(a) IN GENERAL.—If an illness, disability, or death for which compensation under this title is payable is caused under circumstances creating a legal liability in a person other than the United States to pay damages, sections 8131 and 8132 of title 5, United States Code, apply, except to the extent specified in this title.

“(b) FUND.—For purposes of this section, references in section 8131 and 8132 of title 5, United States Code, to the Employees Compensation Fund mean the Energy Employees Occupational Illness Compensation Fund.

“(c) APPEARANCE OF EMPLOYEE.—For the purposes of this subtitle, the part of section 8131 of title 5, United States Code, that provides that an employee required to appear as a party or witness in the prosecution of an action described in that section is in an active duty status while so engaged applies only to a Federal employee.

**“SEC. 3145. TIME LIMITATION ON FILING A CLAIM.**

“(a) IN GENERAL.—A claim under this title must be filed within the later of seven years after the effective date of this title; or—

“(1) for claims under section 3112, seven years after the date the claimant first becomes aware of—

“(A) a diagnosis of a beryllium illness or a beryllium-related pulmonary condition; and

“(B) the causal connection of the claimant’s illness or condition to exposure to beryllium in the performance of duty; and

“(2) for claims under other provisions of this title, seven years after the date the claimant first becomes aware of—

“(A) a diagnosis of the illness that is the subject of the claim; and

“(B) the causal connection of the claimant’s illness to exposure at a Department of Energy facility or at an atomic weapons employer facility.

“(b) NEW PERIOD.—A new limitations period commences with each later diagnosis of an illness or condition mentioned in subsection (a) different from that previously diagnosed.

“(c) DEATH CLAIM.—If a claim filed for disability under this title meets the requirements of this section, the claim meets the requirements of this section regarding death benefits under this title.

**“SEC. 3146. ASSIGNMENT OF CLAIM.**

“An assignment of a claim for compensation under this title is void. Compensation and claims for compensation under this title are exempt from claims of creditors.

**“SEC. 3147. REVIEW OF AWARD.**

“The action of the Director or of the Panel under section 3148 in allowing or denying a payment under this title is not subject to judicial review by mandamus or otherwise.

**“SEC. 3148. OCCUPATIONAL ILLNESS COMPENSATION APPEALS PANEL.**

“(a) Regulations issued by the Director under this title shall provide for an Occupational Illness Compensation Appeals Panel of three individuals with authority to hear and, subject to applicable law and the regulations of the Director, make final decisions on appeals taken from determinations and awards with respect to claims of employees. Under an agreement between the Director and another Federal agency, a panel appointed by the other Federal agency may provide these appellate decision-making services.

“(b) An individual may appeal to the panel a negative determination of the Director made under section 3114, 3115, 3123, 3131, or 3132.

**“SEC. 3149. RECONSIDERATION.**

“(a) NEW GUIDELINES.—An employee or employee’s survivor may obtain reconsideration of a decision denying coverage under this title if the Director issues new criteria for a beryllium illness or silicosis under section 3112(e), new guidelines for radiation-related cancer under section 3113(a)(1)(C), or new guidelines for other occupational illnesses under section 3131(d)(3). In order to obtain reconsideration, an employee or employee’s survivor must submit evidence that is directly relevant to the change in the new criteria or guidelines.

“(b) NEW EVIDENCE.—An employee or employee’s survivor may obtain reconsideration of a decision denying an application for benefits or assistance under this title if the employee or employee’s survivor has additional medical or other information relevant to the claim that was not reasonably available at the time of the decision and that likely would lead to the reversal of the decision.

“(c) ACTION ON RECONSIDERATION.—The Director, in accordance with the facts found on reconsideration, may—

“(1) end, decrease, or increase the compensation previously awarded; or

“(2) award compensation or assistance previously refused or discontinued.

**“SEC. 3150. ATTORNEY FEES.**

“Notwithstanding any contract, the representative of an employee or employee’s survivor may not receive, for services rendered in connection with the claim of the employee or employee’s survivor under this title, more than 10 per centum of a payment made under this title on the claim. A representative who violates this section shall be fined not more than \$5,000.

**“SEC. 3151. CERTAIN CLAIMS OR PAYMENTS NOT AFFECTED BY AWARDS OF DAMAGES OR FILING A CLAIM.**

“A payment made under this title shall not be considered as any form of compensation or reimbursement for a loss for purposes of imposing liability on the individual receiving the payment, on the basis of this receipt, to repay any insurance carrier for insurance payments. A payment under this title does not affect a claim against an insurance carrier with respect to insurance. Filing a claim for benefits under this title shall not be considered grounds for termination of insurance payments.

**“SEC. 3152. TREATMENT OF PAYMENTS UNDER OTHER LAWS.**

“An amount paid to an individual under this title—

“(1) shall not be subject to Federal income tax under the internal revenue laws of the United States;

“(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code or the amount of those benefits; and

“(3) shall not be subject to offset under section 3701 et seq. of title 31, United States Code.

**“SEC. 3153. FORFEITURE OF BENEFITS BY CONVICTED FELONS.**

“(a) FORFEIT COMPENSATION.—An individual convicted of a violation of section 1920 of title 18, or any other Federal or State criminal statute relating to fraud in the application for or receipt of any benefit under this title or under any other Federal or State workers compensation law, shall forfeit (as of the date of the conviction) any compensation under this title that individual would otherwise be awarded for any illness for which the time of injury was on or before the date of the conviction. This forfeiture shall be in addition to any action the Director takes under sections 8106 or 8129 of title 5, United States Code.

“(b) DEPENDENTS.—

“(1) Notwithstanding any other law, except as provided under paragraph (2), compensation under this title shall not be paid or provided to an individual while the individual is confined in a jail, prison, or other penal institution or correctional facility, pursuant to conviction of a felony. After this period of incarceration ends, the individual shall not receive compensation forfeited during the period of incarceration.

“(2) If an individual has one or more dependents as defined under section 8110(a) of title 5, United States Code, the Director may, during the period of incarceration, pay to these dependents a percentage of the compensation under section 3114 that would have been payable to the individual computed according to the percentages set forth in section 8133(a)(1) through (5) of title 5, United States Code.

“(c) INFORMATION.—Notwithstanding section 552a of title 5, United States Code, or any other Federal or State law, an agency of the United States, a State, or a political subdivision of a State shall make available to the Director, upon written request from the Director and if the Director requires the information to carry out this section, the names and Social Security account numbers of individuals confined, for conviction of a felony, in a jail, prison, or other penal institution or correctional facility under the jurisdiction of that agency.

**“SEC. 3154. CIVIL SERVICE RETENTION RIGHTS.**

“If a Federal employee found to be disabled under subtitle B resumes employment with the Federal Government, the employee shall be entitled to the rights set forth in section 8151 of title 5, United States Code.

**“SEC. 3155. CONSTRUCTION.**

“(a) AUTHORITY OF THE DIRECTOR UNDER OTHER LAWS.—For purposes of this title, the Director has the same authority or obligation, if any, under a law referenced in this title as the Secretary of Labor has under that law.

“(b) REGULATIONS.—After the Director issues regulations to implement this title, a regulation under a law referenced in this title applies to the Office and the Director as it applies to the Department of Labor and the Secretary of Labor, unless in the implementing regulations the Director modifies or disavows that regulation for the purposes of this title.

**“SEC. 3156. ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND.**

“(a) FUND.—To carry out this title, there is hereby created in the Treasury of the United States the Energy Employees Occupational Illness Compensation Fund, which shall consist of—

“(1) sums that are appropriated for it;

“(2) amounts that are transferred to it from other Department of Energy accounts pursuant to section 3157(a); and

“(3) amounts that would otherwise accrue to it under this title.

“(b) USE OF FUND.—Amounts in the Fund may be used for the payment of compensation under this title and other benefits and expenses authorized by this title and for payment of all expenses incurred in administering this title. These funds may be appropriated to remain available until expended.

“(c) COST DETERMINATIONS.—

“(1) Within 45 days of the end of every quarter of every fiscal year, the Director shall determine the total costs of compensation, benefits, administrative expenses, and other payments made from the Fund during the quarter just ended; the end-of-quarter balance in the Fund; and the amount anticipated to be needed during the immediately succeeding two quarters for the payment of compensation, benefits, and administrative expenses under this title.

“(2) Each cost determination made in the last quarter of the fiscal year under paragraph (1) shall show, in addition, the total costs of compensation, benefits, administrative expenses, and other payments from the Fund during the preceding twelve-month expense period and an estimate of the expenditures from the Fund for the payment of compensation, benefits, administrative expenses, and other payments for each of the immediately succeeding two fiscal years.

**“SEC. 3157. AUTHORIZATION OF APPROPRIATIONS.**

“(a) AUTHORIZATION.—There is hereby authorized to be appropriated to the Department of Energy for deposit into the Fund such sums as are necessary to carry out the purposes of this title. In addition, the Secretary of Energy may, to the extent provided in advance in appropriations Acts, transfer amounts to the Fund from other Department of Energy appropriations accounts, to be merged with amounts in the Fund and available for the same purposes.

“(b) LIMITS ON COMPENSATION.—In any fiscal year, the Director shall limit the amount of the compensation under this title, benefits payments, and payment of administrative expenses to an amount not in excess of the sum of the appropriations to the Fund and amounts made available by transfer to the Fund.

“(c) TIME FOR REGULATIONS.—The Director shall promulgate regulations to implement subsection (b) within 180 days of the date of the enactment of this title.

**“SEC. 3158. EFFECTIVE DATE.**

“This title is effective upon enactment, and applies to all claims, civil actions, and proceedings pending on, or filed on or after, the date of the enactment of this title.”

(b) WHISTLEBLOWERS.—Section 211(a)(1) of the Energy Reorganization Act of 1974 (42 U.S.C. 5851(a)(1)) is amended—

(1) in subparagraph (E), by striking “or;” and inserting a semicolon;

(2) in subparagraph (F), by striking the period and inserting “; or”; and

(3) after subparagraph (F), by inserting the following new subparagraph:

“(G) filed an application for benefits or assistance under title XXXI of the Energy Policy Act of 1992.”

(c) FALSE STATEMENT OR FRAUD.—(1) Section 1920 of title 18, United States Code, is amended by inserting after “title 5” the following: “or title XXXI of the Energy Policy Act of 1992”.

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

**“§ 1920. False statement or fraud to obtain Federal employee's or Energy employee's compensation”.**

(3) The item relating to such section in the table of sections at the beginning of chapter 93 of such title is amended to read as follows:

“1920. False statement or fraud to obtain Federal employee's or Energy employee's compensation.”

(d) RECEIVING COMPENSATION AFTER MARRIAGE.—(1) Section 1921 of title 18, United States Code, is amended by inserting after “title 5” the following: “or title XXXI of the Energy Policy Act of 1992”.

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

**“§ 1921. Receiving Federal employees' or Energy employees' compensation after marriage”.**

(3) The item relating to such section in the table of sections at the beginning of chapter 93 of such title is amended to read as follows:

“1921. Receiving Federal employees' or Energy employees' compensation after marriage.”

(e) TABLE OF CONTENTS.—The Table of Contents in section 1(b) of the Energy Policy Act of 1992 is amended by inserting after the items related to title XXX the following new items:

**“TITLE XXXI—ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM**

**“Subtitle A—General Definitions and Administrative Office**

“Sec. 3101. Definitions.

“Sec. 3102. Occupational Illness Compensation Office.

**“Subtitle B—Beryllium, Silicosis, and Radiation**

“Sec. 3111. Definitions.

“Sec. 3112. Eligibility of workers exposed to beryllium or silica.

“Sec. 3113. Eligibility of workers exposed to radiation.

“Sec. 3114. Compensation for disability or death, medical services, and vocational rehabilitation.

“Sec. 3115. Lump sum compensation.

“Sec. 3116. Adjudication.

**“Subtitle C—Gaseous Diffusion Employees Exposure Compensation**

“Sec. 3121. Definitions.

“Sec. 3122. Eligible employees.

“Sec. 3123. Determination and payment of claims.

**“Subtitle D—Energy Workers Exposed to Other Hazardous Materials**

“Sec. 3131. Workers exposed to other hazardous materials.

“Sec. 3132. Panel-examined Oak Ridge workers.

**“Subtitle E—General Provisions**

“Sec. 3141. Dual benefits.

“Sec. 3142. Exclusive remedy under subtitle B against the United States, contractors, and subcontractors.

“Sec. 3143. Election of remedy.

“Sec. 3144. Subrogation of the United States.

“Sec. 3145. Time limitation on filing a claim.

“Sec. 3146. Assignment of claim.

“Sec. 3147. Review of award.

“Sec. 3148. Occupational Illness Compensation Appeals Panel.

“Sec. 3149. Reconsideration.

“Sec. 3150. Attorney fees.

“Sec. 3151. Certain claims not affected by awards of damages or filing a claim.

“Sec. 3152. Treatment of payments under other laws.

“Sec. 3153. Forfeiture of benefits by convicted felons.

“Sec. 3154. Civil Service retention rights.

“Sec. 3155. Construction.

“Sec. 3156. Occupational Illness Compensation Fund.

“Sec. 3157. Authorization of appropriations.

“Sec. 3158. Effective date.”.

AMENDMENT TO H.R. 4205, AS REPORTED  
OFFERED BY MR. HILL OF INDIANA

At the end of title XXVIII (page \_\_\_\_, after line \_\_\_\_), insert the following new section:

**SEC. \_\_\_\_ ECONOMIC DEVELOPMENT CONVEYANCES OF BASE CLOSURE PROPERTY AVAILABLE OUTSIDE OF BASE CLOSURE PROCESS.**

(a) **AUTHORITY TO MAKE CONVEYANCES.**—Section 2391 of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

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

“(c) **ECONOMIC DEVELOPMENT CONVEYANCES.**—(1) In the case of a military installation to be closed or realigned pursuant to a law or authority other than a base closure law, the Secretary of Defense may transfer real property and personal property located at the military installation to the recognized redevelopment or reuse authority for the installation for purposes of job generation on the installation.

“(2) The transfer of property of a military installation under paragraph (1) shall be without consideration if the redevelopment or reuse authority with respect to the installation—

“(A) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment or reuse authority during at least the first seven years after the date of the transfer under paragraph (1) shall be used to support the economic redevelopment of, or related to, the installation; and

“(B) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the date of the property disposal record of decision or finding of no significant impact under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(3) For purposes of paragraph (2), the use of proceeds from a sale or lease described in such paragraph to pay for, or offset the costs of, public investment on or related to the installation for any of the following purposes shall be considered a use to support the economic redevelopment of, or related to, the installation:

“(A) Road construction.

“(B) Transportation management facilities.

“(C) Storm and sanitary sewer construction.

“(D) Police and fire protection facilities and other public facilities.

“(E) Utility construction.

“(F) Building rehabilitation.

“(G) Historic property preservation.

“(H) Pollution prevention equipment or facilities.

“(I) Demolition.

“(J) Disposal of hazardous materials generated by demolition.

“(K) Landscaping, grading, and other site or public improvements.

“(L) Planning for or the marketing of the development and reuse of the installation.

“(4) The Secretary may recoup from a redevelopment or reuse authority such portion of the proceeds from a sale or lease described in paragraph (2) as the Secretary determines appropriate if the redevelopment authority does not use the proceeds to support economic redevelopment of, or related to, the installation for the period specified in paragraph (2).”

(b) **BASE CLOSURE LAWS.**—Subsection (e) of section 2391 of title 10, United States Code, as redesignated by subsection (a)(1), is amended by adding at the end the following new paragraph:

“(4) The term ‘base closure law’ means—

“(A) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note); or

“(B) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).”

(c) **RETROACTIVE APPLICATION.**—Notwithstanding section 2843 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 2216), the authority provided in section 2391(c) of title 10, United States Code, as added by subsection (a)(2), shall apply with respect to the conveyance of the Indiana Army Ammunition Plant in Charlestown, Indiana, authorized by such section 2843.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. HOEFFEL OF PENNSYLVANIA

At the end of title II (page \_\_\_\_, after line \_\_\_\_), insert the following new section:

**SEC. \_\_\_\_ DARPA STUDY AND REPORT ON FEASIBILITY OF ADAPTING DEFENSE TECHNOLOGIES TO IMPROVE THE MOBILITY AND QUALITY OF LIFE OF ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES.**

(a) **STUDY REQUIRED.**—The Secretary of Defense, acting through the Director of the Defense Advanced Research Projects Agency, shall conduct a study on the feasibility of adapting defense technologies to improve the mobility and quality of life of elderly individuals and individuals of all ages with disabilities. In carrying out the study, the Secretary, acting through the Director, shall draw upon and build upon the existing knowledge base, including public and private reports and expertise.

(b) **REPORT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary, acting through the Director, shall submit to the congressional committees specified in subsection (d) a report containing the results of the study.

(c) **CONTENTS OF REPORT.**—The report submitted under subsection (b) shall—

(1) identify each defense technology that could, with appropriate adaptations, be transferred to the private sector and incorporated into commercially available products for use by the individuals referred to in subsection (a) to improve their quality of life; and

(2) include, for each technology identified under paragraph (1)—

(A) a description of the capabilities of the technology to improve the quality of life of such individuals;

(B) an estimate of the costs of the adaptation, transfer, and incorporation referred to in paragraph (1);

(C) information identifying the Federal officer responsible for responding to inquiries about any such adaptation, transfer, and incorporation; and

(D) an assessment of the various alternatives available to provide for such adaptation, transfer, and incorporation, including alternatives such as cooperative research and development agreements, aid to startup companies, and Small Business Innovation Research programs.

(d) **SPECIFIED CONGRESSIONAL COMMITTEES.**—The congressional committees referred to in subsection (b) are—

(1) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Armed Services and the Committee on Science of the House of Representatives.

(e) **DEFENSE TECHNOLOGY DEFINED.**—For purposes of this section, the term “defense technology” means a technology the research and development of which is funded

by the Department of Defense and carried out, in whole or in part, by—

(1) the Department of Defense;

(2) any other Federal department or agency; or

(3) a laboratory (as that term is defined in section 12(d) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))).

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. RODRIGUEZ OF TEXAS

At the end of subtitle E of title III (page 66, after line 23), insert the following new section:

**SEC. 343. ASSISTANCE FOR MAINTENANCE, REPAIR, AND RENOVATION OF SCHOOL FACILITIES THAT SERVE DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.**

(a) **GRANTS AUTHORIZED.**—Chapter 111 of title 10, United States Code, is amended—

(1) by redesignating section 2199 as section 2199a; and

(2) by inserting after section 2198 the following new section:

**“§2199. Quality of life education facilities grants**

“(a) **REPAIR AND RENOVATION ASSISTANCE.**—(1) The Secretary of Defense may make a grant to an eligible local educational agency to assist the agency to repair and renovate—

“(A) an impacted school facility that is used by significant numbers of military dependent students; or

“(B) a school facility that was a former Department of Defense domestic dependent elementary or secondary school.

“(2) Authorized repair and renovation projects may include repairs and improvements to an impacted school facility (including the grounds of the facility) designed to ensure compliance with the requirements of the Americans with Disabilities Act or local health and safety ordinances, to meet classroom size requirements, or to accommodate school population increases.

“(3) The total amount of assistance provided under this subsection to an eligible local educational agency may not exceed \$5,000,000 during any period of two fiscal years.

“(b) **MAINTENANCE ASSISTANCE.**—(1) The Secretary of Defense may make a grant to an eligible local educational agency whose boundaries are the same as a military installation to assist the agency to maintain an impacted school facility, including the grounds of such a facility.

“(2) The total amount of assistance provided under this subsection to an eligible local educational agency may not exceed \$250,000 during any fiscal year.

“(c) **DETERMINATION OF ELIGIBLE LOCAL EDUCATIONAL AGENCIES.**—(1) A local educational agency is an eligible local educational agency under this section only if the Secretary of Defense determines that the local educational agency has—

“(A) one or more federally impacted school facilities and satisfies at least one of the additional eligibility requirements specified in paragraph (2); or

“(B) a school facility that was a former Department of Defense domestic dependent elementary or secondary school, but assistance provided under this subparagraph may only be used to repair and renovate that facility.

“(2) The additional eligibility requirements referred to in paragraph (1) are the following:

“(A) The local educational agency is eligible to receive assistance under subsection (f) of section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) and at least 10 percent of the students who

were in average daily attendance in the schools of such agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

“(B) At least 35 percent of the students who were in average daily attendance in the schools of the local educational agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

“(C) The State education system and the local educational agency are one and the same.

“(d) NOTIFICATION OF ELIGIBILITY.—Not later than June 30 of each fiscal year, the Secretary of Defense shall notify each local educational agency identified under subsection (c) that the local educational agency is eligible during that fiscal year to apply for a grant under subsection (a), subsection (b), or both subsections.

“(e) RELATION TO IMPACT AID CONSTRUCTION ASSISTANCE.—A local education agency that receives a grant under subsection (a) to repair and renovate a school facility may not also receive a payment for school construction under section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) for the same fiscal year.

“(f) GRANT CONSIDERATIONS.—In determining which eligible local educational agencies will receive a grant under this section for a fiscal year, the Secretary of Defense shall take into consideration the following conditions and needs at impacted school facilities of eligible local educational agencies:

“(1) The repair or renovation of facilities is needed to meet State mandated class size requirements, including student-teacher ratios and instructional space size requirements.

“(2) There is an increase in the number of military dependent students in facilities of the agency due to increases in unit strength as part of military readiness.

“(3) There are unhoused students on a military installation due to other strength adjustments at military installations.

“(4) The repair or renovation of facilities is needed to address any of the following conditions:

“(A) The condition of the facility poses a threat to the safety and well-being of students.

“(B) The requirements of the Americans with Disabilities Act.

“(C) The cost associated with asbestos removal, energy conservation, or technology upgrades.

“(D) Overcrowding conditions as evidenced by the use of trailers and portable buildings and the potential for future overcrowding because of increased enrollment.

“(5) The repair or renovation of facilities is needed to meet any other Federal or State mandate.

“(6) The number of military dependent students as a percentage of the total student population in the particular school facility.

“(7) The age of facility to be repaired or renovated.

“(g) DEFINITIONS.—In this section:

“(1) LOCAL EDUCATIONAL AGENCY.—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)).

“(2) IMPACTED SCHOOL FACILITY.—The term ‘impacted school facility’ means a facility of a local educational agency—

“(A) that is used to provide elementary or secondary education at or near a military installation; and

“(B) at which the average annual enrollment of military dependent students is a high percentage of the total student enrollment at the facility, as determined by the Secretary of Defense.

“(3) MILITARY DEPENDENT STUDENTS.—The term ‘military dependent students’ means students who are dependents of members of the armed forces or Department of Defense civilian employees.

“(4) MILITARY INSTALLATION.—The term ‘military installation’ has the meaning given that term in section 2687(e) of this title.

“(h) FUNDING SOURCE.—Grants under this section shall be made using funds made available to carry out this section.”

(b) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 111 of title 10, United States Code, is amended by striking the item relating to section 2199 and inserting the following new items:

“2199. Quality of life education facilities grants.  
“2199a. Definitions.”.

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part III of subtitle A, of such title are amended by striking the item relating to chapter 111 and inserting the following:

“111. Support of Education ..... 2191”.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. GONZALEZ OF TEXAS

At the end of subtitle E of title III (page 66, after line 23), insert the following new section:

**SEC. 343. LOAN GUARANTEE PROGRAM FOR MAINTENANCE, REPAIR, AND RENOVATION OF SCHOOL FACILITIES THAT SERVE DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.**

(a) LOAN GUARANTEE PROGRAM.—Chapter 111 of title 10, United States Code, is amended—

(1) by redesignating section 2199 as section 2199a; and

(2) by inserting after section 2198 the following new section:

“§ 2199. Quality of life education facilities loan guarantees

“(a) MAINTENANCE, REPAIR AND RENOVATION.—(1) The Secretary of Defense may carry out a loan guarantee program to assist an eligible local educational agency to maintain, repair, and renovate—

“(A) an impacted school facility that is used by significant numbers of military dependent students; or

“(B) a school facility that was a former Department of Defense domestic dependent elementary or secondary school.

“(2) Authorized purposes for which loans guaranteed under the program may be used include repairs and improvements to an impacted school facility (including the grounds of the facility) designed to ensure compliance with the requirements of the Americans with Disabilities Act or local health and safety ordinances, to meet classroom size requirements, or to accommodate school population increases.

“(b) LOAN GUARANTEES.—Under the loan guarantee program, the Secretary may guarantee the repayment of any loan made to an eligible local educational agency to fund, in whole or in part, activities described in subsection (a).

“(2) Loan guarantees under this section may not be committed except to the extent that appropriations of budget authority to cover their costs are made in advance, as required by section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

“(3) The total loan amount guaranteed under subsection (a) for an eligible local educational agency may not exceed \$5,000,000 during any period of two fiscal years.

“(c) DETERMINATION OF ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—(1) A local educational agency is an eligible local educational agency under this section only if the Secretary of Defense determines that the local educational agency has—

“(A) one or more federally impacted school facilities and satisfies at least one of the ad-

ditional eligibility requirements specified in paragraph (2); or

“(B) a school facility that was a former Department of Defense domestic dependent elementary or secondary school, but assistance provided under this subparagraph may only be used to repair and renovate that facility.

“(2) The additional eligibility requirements referred to in paragraph (1) are the following:

“(A) The local educational agency is eligible to receive assistance under subsection (f) of section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) and at least 10 percent of the students who were in average daily attendance in the schools of such agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

“(B) At least 35 percent of the students who were in average daily attendance in the schools of the local educational agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

“(C) The State education system and the local educational agency are one and the same.

“(d) NOTIFICATION OF ELIGIBILITY.—Not later than June 30 of each fiscal year, the Secretary of Defense shall notify each local educational agency identified under subsection (c) that the local educational agency is eligible during that fiscal year to apply for loan guarantees under subsection (a).

“(e) RELATION TO IMPACT AID CONSTRUCTION ASSISTANCE.—A local education agency that receives a loan guarantee under subsection (a) to repair and renovate a school facility may not also receive a payment for school construction under section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) for the same fiscal year.

“(f) CONSIDERATIONS.—In determining which eligible local educational agencies will receive a loan guarantee under this section for a fiscal year, the Secretary of Defense shall take into consideration the following conditions and needs at impacted school facilities of eligible local educational agencies:

“(1) The repair or renovation of facilities is needed to meet State mandated class size requirements, including student-teacher ratios and instructional space size requirements.

“(2) There is an increase in the number of military dependent students in facilities of the agency due to increases in unit strength as part of military readiness.

“(3) There are unhoused students on a military installation due to other strength adjustments at military installations.

“(4) The repair or renovation of facilities is needed to address any of the following conditions:

“(A) The condition of the facility poses a threat to the safety and well-being of students.

“(B) The requirements of the Americans with Disabilities Act.

“(C) The cost associated with asbestos removal, energy conservation, or technology upgrades.

“(D) Overcrowding conditions as evidenced by the use of trailers and portable buildings and the potential for future overcrowding because of increased enrollment.

“(5) The repair or renovation of facilities is needed to meet any other Federal or State mandate.

“(6) The number of military dependent students as a percentage of the total student population in the particular school facility.

“(7) The age of facility to be repaired or renovated.

(g) DEFINITIONS.—In this section:
“(1) LOCAL EDUCATIONAL AGENCY.—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)).”

“(2) IMPACTED SCHOOL FACILITY.—The term ‘impacted school facility’ means a facility of a local educational agency—

“(A) that is used to provide elementary or secondary education at or near a military installation; and

“(B) at which the average annual enrollment of military dependent students is a high percentage of the total student enrollment at the facility, as determined by the Secretary of Defense.

“(3) MILITARY DEPENDENT STUDENTS.—The term ‘military dependent students’ means students who are dependents of members of the armed forces or Department of Defense civilian employees.

“(4) MILITARY INSTALLATION.—The term ‘military installation’ has the meaning given that term in section 2687(e) of this title.”

(b) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 111 of title 10, United States Code, is amended by striking the item relating to section 2199 and inserting the following new items:

“2199. Quality of life education facilities loan guarantees.

“2199a. Definitions.”

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part III of subtitle A, of such title are amended by striking the item relating to chapter 111 and inserting the following:

“111. Support of Education ..... 2191”.

(c) REPORT REQUIRED.—The Secretary of Defense and the Secretary of Education shall jointly submit to Congress a report evaluating the need for a loan guarantee program of the type established by section 2199 of title 10, United States Code, as added by subsection (a), for all federally impacted school districts.

AMENDMENT TO H.R. 4205, AS REPORTED OFFERED BY MR. BERMAN OF CALIFORNIA

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

SEC. 1205. SUPPORT FOR PROGRAMS TO PROMOTE INFORMAL REGION-WIDE DIALOGUES ON ARMS CONTROL AND REGIONAL SECURITY ISSUES FOR ARAB, ISRAELI, AND UNITED STATES OFFICIALS AND EXPERTS.

(a) SUPPORT FOR REGIONAL DIALOGUES.—The amount provided in section 301(5) for Defense-wide activities is hereby increased by \$1,000,000, to be available, through the Office of the Assistant Secretary of Defense for International Security Affairs, only to support current and established programs, conducted since 1993, to promote informal region-wide dialogues on arms control and regional security issues for Arab, Israeli, and United States officials and experts.

(b) OFFSET.—The amount provided in section 301(19) for Overseas Humanitarian, Disaster, and Civic Aid programs is hereby reduced by \$1,000,000.

AMENDMENT TO H.R. 4205, AS REPORTED OFFERED BY MR. ANDREWS OF NEW JERSEY OR MR. WELDON OF PENNSYLVANIA

At the end of division A (page \_\_\_\_, after line \_\_\_\_), insert the following new title:

TITLE XVI—PROVISIONS RELATING TO CYBERTERRORISM PREVENTION

SEC. 1601. MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) GENERAL LIMITATION ON USE BY GOVERNMENTAL AGENCIES.—Section 3121(c) of title 18, United States Code, is amended—

(1) by inserting “or trap and trace device” after “pen register”;

(2) by inserting “, routing, addressing,” after “dialing”; and

(3) by striking “call processing” and inserting “the processing and transmitting of wire and electronic communications”.

(b) ISSUANCE OF ORDERS.—

(1) IN GENERAL.—Subsection (a) of section 3123 of that title is amended to read as follows:

“(a) IN GENERAL.—(1) Upon an application made under section 3122(a)(1) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order shall, upon service of the order, apply to any entity providing wire or electronic communication service in the United States whose assistance is required to effectuate the order.

“(2) Upon an application made under section 3122(a)(2) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court if the court finds that the State law enforcement or investigative officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.”

(2) CONTENTS OF ORDER.—Subsection (b)(1) of that section is amended—

(A) in subparagraph (A)—

(i) by inserting “or other facility” after “telephone line”; and

(ii) by inserting before the semicolon at the end “or applied”; and

(B) by striking subparagraph (C) and inserting the following new subparagraph (C):

“(C) a description of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and”.

(3) NONDISCLOSURE REQUIREMENTS.—Subsection (d)(2) of that section is amended—

(A) by inserting “or other facility” after “the line”; and

(B) by striking “or who has been ordered by the court” and inserting “or applied or who is obligated by the order”.

(c) EMERGENCY INSTALLATION.—Section 3125(a)(1) of that title is amended—

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

(2) in subparagraph (B), by striking the comma at the end and inserting a semicolon; and

(3) by inserting after subparagraph (B) the following new subparagraphs:

“(C) immediate threat to the national security interests of the United States;

“(D) immediate threat to public health or safety; or

“(E) an attack on the integrity or availability of a protected computer which attack would be an offense punishable under section 1030(c)(2)(C) of this title.”

(d) DEFINITIONS.—

(1) COURT OF COMPETENT JURISDICTION.—Paragraph (2) of section 3127 of that title is amended by striking subparagraph (A) and inserting the following new subparagraph (A):

“(A) any district court of the United States (including a magistrate judge of such a court) or any United States Court of Ap-

peals having jurisdiction over the offense being investigated; or”.

(2) PEN REGISTER.—Paragraph (3) of that section is amended—

(A) by striking “electronic or other impulses” and all that follows through “is attached” and inserting “dialing, routing, addressing, or signalling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted”; and

(B) by inserting “or process” after “device” each place it appears.

(3) TRAP AND TRACE DEVICE.—Paragraph (4) of that section is amended—

(A) by inserting “or process” after “a device”; and

(B) by striking “of an instrument” and all that follows through the end and inserting “or other dialing, routing, addressing, and signalling information relevant to identifying the source of a wire or electronic communication;”.

SEC. 1602. MODIFICATION OF PROVISIONS RELATING TO FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

(a) PENALTIES.—Subsection (c) of section 1030 of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by inserting “except as provided in subparagraphs (B) and (C),” before “a fine”;

(ii) by striking “(a)(5)(C),” and inserting “(a)(5).”; and

(iii) by striking “and” at the end;

(B) in subparagraph (B)—

(i) by inserting “or an attempt to commit an offense punishable under this subparagraph,” after “subsection (a)(2),” in the matter preceding clause (i); and

(ii) by adding “and” at the end; and

(C) by striking subparagraph (C) and inserting the following new subparagraph (C):

“(C) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(5)(A) or (a)(5)(B), or an attempt to commit an offense punishable under this subparagraph, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused)—

“(i) loss to one or more persons during any one-year period (including loss resulting from a related course of conduct affecting one or more other protected computers) aggregating at least \$5,000 in value;

“(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of one or more individuals;

“(iii) physical injury to any person;

“(iv) a threat to public health or safety; or

“(v) damage affecting a computer system used by or for a government entity in furtherance of the administration of justice, national defense, or national security; and”;

(2) by redesignating subparagraph (B) of paragraph (3) as paragraph (4);

(3) in paragraph (3)—

(A) by striking “(A)” at the beginning; and

(B) by striking “, (a)(5)(A), (a)(5)(B),”; and

(4) in paragraph (4), as designated by paragraph (2) of this subsection, by striking “(a)(4), (a)(5)(A), (a)(5)(B), (a)(5)(C),” and inserting “(a)(2), (a)(3), (a)(4), (a)(6).”.

(b) DEFINITIONS.—Subsection (e) of that section is amended—

(1) in paragraph (2)(B), by inserting “, including a computer located outside the United States” before the semicolon;

(2) in paragraph (7), by striking “and” at the end;

(3) by striking paragraph (8) and inserting the following new paragraph (8):

“(8) the term ‘damage’ means any impairment to the integrity, availability, or confidentiality of data, a program, a system, or information;”;

(4) in paragraph (9), by striking the period at the end and inserting “; and”;

(5) by adding at the end the following new paragraphs:

“(10) the term ‘conviction’ shall include an adjudication of juvenile delinquency for a violation of this section; and

“(11) the term ‘loss’ means any reasonable cost to any victim, including the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost or cost incurred because of interruption of service.”.

(c) DAMAGES IN CIVIL ACTIONS.—Subsection (g) of that section is amended in the second sentence by striking “involving damage” and all that follows through the period and inserting “of subsection (a)(5) shall be limited to loss unless such action includes one of the elements set forth in clauses (ii) through (v) of subsection (c)(2)(C).”.

(d) CRIMINAL FORFEITURE.—That section is further amended by adding at the end the following new subsection:

“(i)(1) The court, in imposing sentence on any person convicted of a violation of this section, may order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

“(A) the interest of such person in any property, whether real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

“(B) any property, whether real or personal, constituting or derived from any proceeds that such person obtained, whether directly or indirectly, as a result of such violation.

“(2) The criminal forfeiture of property under this subsection, any seizure and disposition thereof, and any administrative or judicial proceeding relating thereto, shall be governed by the provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853), except subsection (d) of that section.”.

(e) CIVIL FORFEITURE.—That section, as amended by subsection (d) of this section, is further amended by adding at the end the following new subsection:

“(j)(1) The following shall be subject to forfeiture to the United States, and no property right shall exist in them:

“(A) Any property, whether real or personal, that is used or intended to be used to commit or to facilitate the commission of any violation of this section.

“(B) Any property, whether real or personal, that constitutes or is derived from proceeds traceable to any violation of this section.

“(2) The provisions of chapter 46 of this title relating to civil forfeiture shall apply to any seizure or civil forfeiture under this subsection.”.

#### SEC. 1603. JUVENILE DELINQUENCY.

Clause (3) of the first paragraph of section 5032 of title 18, United States Code, is amended—

(1) by striking “or” before “section 1002(a)”;

(2) by striking “or” before “section 924(b)”;

(3) by inserting after “or (h) of this title,” the following: “or section 1030(a)(1), (a)(2)(B), or (a)(3) of this title, or is a felony violation of section 1030(a)(5) of this title where such violation of such section 1030(a)(5) is punishable under clauses (ii) through (v) of section 1030(c)(2)(C) of this title.”.

#### SEC. 1604. AMENDMENT TO SENTENCING GUIDELINES.

Section 805(c) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132; 28 U.S.C. 994 note) is amended by striking “paragraph (4) or (5)” and inserting “paragraph (4) or a felony violation of paragraph (5)(A)”.

AMENDMENT TO H.R. 4205, AS REPORTED.

OFFERED BY MR. BACA OF CALIFORNIA

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

#### SEC. 1038. GOLD CONTENT FOR MEDAL OF HONOR.

(a) REQUIREMENT FOR GOLD CONTENT.—Sections 3741, 6241, and 8741 of title 10, United States Code, and section 491 of title 14, United States Code, are each amended by inserting “the metal content of which is 90 percent gold and 10 percent alloy and” after “appropriate design.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any award of the Medal of Honor after the date of the enactment of this Act.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. FRANK OF MASSACHUSETTS

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

#### SEC. 1205. SENSE OF CONGRESS CONCERNING BURDEN SHARING BY EUROPEAN ALLIES OF THE UNITED STATES.

It is the sense of Congress that—

(1) the United States continues to carry a disproportionate share of military responsibilities in Europe and worldwide;

(2) Congress welcomes the initiative of the European allies of the United States to create an integrated military force that would be capable of responding to threats within Europe in cases in which the North Atlantic Treaty Organization as such is not engaged; and

(3) whenever there is a military operation in Europe involving those allies and the United States, those allies should have primary responsibility for providing the ground forces for the operation.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. ABERCROMBIE OF HAWAII

At the end of title X (page 324, after line 11), insert the following new section:

#### SEC. 1038. UNUSED PORTION OF LOW-INCOME HOUSING CREDIT FINANCED WITH TAX EXEMPT BONDS USED FOR CONSTRUCTION OF MILITARY HOUSING.

(a) IN GENERAL.—Section 42 of the Internal Revenue Code of 1986 (relating to low-income housing credit) is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

“(n) QUALIFIED MILITARY HOUSING BUILDING.—For purposes of this section—

“(1) IN GENERAL.—A qualified military housing building shall be treated as a new qualified low-income housing building.

“(2) APPLICABLE PERCENTAGE AND QUALIFIED BASIS.—The applicable percentage for the qualified military housing building shall be determined under subsection (b)(2) in a manner to yield the credit amount described in subsection (b)(2)(B)(ii). The qualified basis of such building shall be the basis determined under subsection (d)(1).

“(3) QUALIFIED MILITARY HOUSING BUILDING.—The term ‘qualified military housing building’ means military family housing or military unaccompanied housing located in the United States which is constructed and used exclusively as military housing (within the meaning of chapter 169 of title 10, United States Code) at all times during the compliance period.

“(4) MILITARY FAMILY HOUSING AND MILITARY UNACCOMPANIED HOUSING.—The terms

‘military family housing’ and ‘military unaccompanied housing’ have the same meanings as when used in subchapter IV of chapter 169 of title 10, United States Code.”.

(b) USE OF TAX EXEMPT BONDS FOR MILITARY HOUSING PROJECTS.—

(1) IN GENERAL.—Subsection (d) of section 142 of such Code (relating to exempt facility bonds) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

“(7) SPECIAL RULE FOR QUALIFIED MILITARY HOUSING PROJECTS.—For purposes of paragraph (1)—

“(A) IN GENERAL.—A qualified military housing project shall be treated as a qualified residential rental project.

“(B) QUALIFIED MILITARY HOUSING PROJECT DEFINED.—The term ‘qualified military housing project’ means a project for military family housing or military unaccompanied housing located in the United States which is constructed and used exclusively as military housing (within the meaning of chapter 169 of title 10, United States Code) at all times during the qualified project period.”.

(2) PRIORITY AMONG RESIDENTIAL RENTAL HOUSING PROJECTS.—Section 146 of such Code (relating to the volume cap) is amended by adding at the end the following new subsection:

“(n) PRIORITY AMONG RESIDENTIAL RENTAL HOUSING PROJECTS.—An issuer shall not allocate an amount for a qualified military housing project (within the meaning of section 142(d)(7)) for a year unless the issuer certifies that such amount is not needed for residential rental projects that are not qualified military housing projects for that year.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to buildings placed in service and bonds issued after December 31, 1999.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. BLAGOJEVICH OF ILLINOIS

Strike title XV and insert the following:

#### SEC. 1501. CONVEYANCE OF FEDERAL LAND IN AND AROUND VIEQUES ISLAND, PUERTO RICO, TO THE COMMONWEALTH OF PUERTO RICO.

Section 8 of the Puerto Rican Federal Relations Act (48 U.S.C. 749) is amended by adding at the end the following: “In addition, 60 days after the Governor submits to the President, the Senate, and the House of Representatives a plan for the use for public purposes of all Federal property that is on or within one mile surrounding Vieques Island and not transferred to the control of the Government of Puerto Rico before the date of the enactment of this sentence, all such property shall be conveyed to the Government of Puerto Rico to be maintained and administered in accordance with such plan without consideration. For the purposes of such plan, public purpose shall include public benefit uses applicable to Guam under the Guam Excess Lands Act (Public Law 103-339; 108 Stat. 3116). Any Federal agency using or exercising control over any lands or facilities so conveyed shall be responsible for the removal and cleanup of any toxic or hazard material related to such lands or facilities.”.

#### SEC. 1502. ECONOMIC ASSISTANCE FOR RESIDENTS OF VIEQUES ISLAND.

(a) ASSISTANCE AUTHORIZED.—Of the amounts appropriated pursuant to the 2000 Emergency Supplemental Appropriations Act referred to in section 1003, \$40,000,000 shall be available to the Secretary of Defense to provide assistance to the residents of Vieques Island, Puerto Rico, in such manner and for such purposes as the Secretary considers appropriate.

(b) TRANSFER AUTHORITY.—The Secretary of Defense may expend amounts available

under subsection (a) directly or by appropriate transfer for the provision of assistance to the residents of Vieques Island. The transfer authority provided under this subsection is in addition to any other transfer authority available to the Department of Defense.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. CONDIT OF CALIFORNIA

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

**SEC. \_\_\_\_. ENTITLEMENT OF MILITARY RETIREES TO BENEFITS PROMISED UPON ACCESSION.**

(a) IN GENERAL.—Chapter 34 of title 10, United States Code, is amended by inserting after section 1031 the following new section:

**“§ 1031a. Entitlement to retirement benefits: persons first becoming members of the armed forces on or after date of enactment of section**

“(a) EXPLANATION OF RETIREMENT BENEFITS.—In the case of any person who first becomes a member of the armed forces on or after the date of the enactment of this section, the Secretary concerned shall ensure that the person, upon first becoming a member of the armed forces, is provided a written statement describing the benefits that, under then-current laws and regulations, will be provided to that person if that person is subsequently retired from the armed forces. Such statement shall be in clear and concise language and shall explain any limitation or qualification on the receipt of those benefits (such as, in the case of medical and dental care, the availability of staff and facilities). However, any such limitation or qualification may not include a statement of reservation of the right to change any such benefit (either by law or regulation).

“(b) ENTITLEMENT TO RETIREMENT BENEFITS.—Any person who receives a statement of retirement benefits under subsection (a) and who subsequently retires from the armed forces shall be entitled, upon that retirement, to the benefits as described in that statement.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1031 the following new item:

“1031a. Entitlement to retirement benefits: persons first becoming members of the armed forces on or after date of enactment of section.”.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. COX OF CALIFORNIA OR MR. DICKS OF WASHINGTON

At the end of title XII (page 338, after line 13), insert the following new section:

**SEC. 1205. END-USE VERIFICATION FOR USE BY CERTAIN COUNTRIES OF HIGH-PERFORMANCE COMPUTERS.**

(a) REVISED HPC VERIFICATION SYSTEM.—The President shall seek to enter into an agreement with each country described in subsection (c) to revise the existing verification system with that country with respect to end-use verification for high-performance computers exported or to be exported to that country so as to provide for an open and transparent system providing for effective end-use verification for such computers and, at a minimum, providing for on-site inspection of the end-use and end-user of such computers, without notice, by United States nationals designated by the United States Government. The President shall transmit a copy of the agreement to Congress.

(b) CONSEQUENCE OF FAILURE TO ESTABLISH REVISED VERIFICATION SYSTEM.—If a revised verification system described in subsection (a) is not agreed to by a country described in

subsection (c) by September 1, 2001, then until such a system is agreed to by that country—

(1) each license for the export of a high-performance computer to that country shall include a requirement for on-site inspection of the end-use and the end-user, without notice, by United States nationals designated by the United States Government and, in the absence of this requirement, the license shall be denied; or

(2) the President may certify to the congressional committees designated in section 1215 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) that other appropriate measures, similar to and of equal or greater effectiveness as the system described in subsection (a), have been taken to establish an open and transparent system for effective end-use verification for high-performance computers exported to that country, or to protect the national security in the absence of such a system.

(c) COUNTRIES DESCRIBED.—A country referred to in subsections (a) and (b) is a country—

(1) to which exports of high-performance computers are subject to section 1211(a) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note); and

(2) that has denied more than 50 percent of the requests for post-shipment verifications under section 1213 of that Act.

(d) DEFINITION.—As used in this section, the term “high-performance computer” means a computer which, by virtue of its composite theoretical performance level, would be subject to section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note).

(e) ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS.—Section 1211(d) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended in the second sentence by inserting before the period the following: “, with reference both to the utility of computers of particular performance levels for nuclear weapons, other weapons of mass destruction, and other military applications, and to the commercial availability of computers and components from sources outside the jurisdiction of the United States”.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. DEFAZIO OF OREGON

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

**SEC. 1205. PERSIAN GULF SECURITY COST FAIRNESS.**

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

(1) the several key oil-producing countries that relied on the United States for their military protection in 1990 and 1991, including during the Persian Gulf conflict, and continue to depend on the United States for their security and stability, should share in the responsibility for that stability and security commensurate with their national capabilities; and

(2) the countries of the Gulf Cooperation Council (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates) have the economic capability to contribute more toward their own security and stability and therefore these countries should contribute commensurate with that capability.

(b) EFFORTS TO INCREASE BURDENSARING BY COUNTRIES IN THE PERSIAN GULF REGION BENEFITTING FROM UNITED STATES MILITARY PRESENCE.—The President shall seek to have each country in the Persian Gulf region to which the United States extends military protection (either through security agreements, basing arrangements, or mutual par-

ticipation in multinational military organizations or operations) take one or more of the following actions:

(1) For any country in which United States military personnel are assigned to permanent duty ashore, increase its financial contributions to the payment of the nonpersonnel costs incurred by the United States for stationing United States military personnel in that country, with the goal of achieving by September 30, 2003, 75 percent of such costs. An increase in financial contributions by any country under this paragraph may include the elimination of taxes, fees, or other charges levied on the United States military personnel, equipment, or facilities stationed in that country.

(2) Increase its annual budgetary outlays for national defense as a percentage of its gross domestic product by 10 percent or at least to a level commensurate to that of the United States by September 30, 2001.

(3) Increase its annual budgetary outlays for foreign assistance (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights) by 10 percent or at least to a level commensurate to that of the United States by September 30, 2001.

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

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

(1) Reduce the end strength level of members of the Armed Forces assigned to permanent or part-time duty in the Persian Gulf region.

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

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

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

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

(d) REPORT ON PROGRESS IN INCREASING ALLIED BURDENSARING.—Not later than March 1, 2001, the Secretary of Defense shall submit to Congress a report on—

(1) steps taken by other countries to complete the actions described in subsection (b);

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

(3) the difference between the amount allocated by other countries for each of the actions described in subsection (b) during the period beginning on October 1, 2000, and ending on September 30, 2001, and during the period beginning on October 1, 2001, and ending on September 30, 2002; and

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

(e) REVIEW AND REPORT ON NATIONAL SECURITY BASES FOR FORWARD DEPLOYMENT AND BURDENSARING RELATIONSHIPS.—

(1) REVIEW.—In order to ensure the best allocation of budgetary resources, the President shall undertake a review of the status of elements of the Armed Forces that are permanently stationed outside the United States. The review shall include an assessment of the following:

(A) The requirements that are to be found in agreements between the United States and the allies of the United States in the Persian Gulf region.

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

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

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

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

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

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

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

(2) REPORT.—The President shall submit to Congress a report on the review under paragraph (1). The report shall be submitted not later than March 1, 2001, in classified and unclassified form.

AMENDMENT TO H.R. 4205, AS REPORTED  
OFFERED BY MR. DEFazio OF OREGON

At the end of subtitle D of title I (page \_\_\_\_\_, after line \_\_\_\_\_), insert the following new section:

**SEC. 132. REDUCTION IN FUNDS FOR F-22 PROGRAM.**

The amount provided in section 103(1) for procurement of aircraft for the Air Force is hereby reduced by \$1,038,050,000, to be derived from the F-22 aircraft program, of which—

- (1) \$840,000,000 shall be derived from amounts for low-rate initial production; and
- (2) \$198,050,000 shall be derived from amounts for advance procurement.

AMENDMENT TO H.R. 4205, AS REPORTED  
OFFERED BY MR. DEFazio OF OREGON

Page 470, beginning at line 12, strike section 3402 and insert the following:

**SEC. . ESTABLISHMENT OF NATIONAL DEFENSE RESERVE FLEET VESSEL SCRAPPING PILOT PROGRAM.**

(a) IN GENERAL.—The Secretary of Transportation shall carry out a National Defense Reserve Fleet vessel scrapping and processing pilot program in the United States during fiscal years 2001 through 2003. The scope of the program shall be that which the Secretary determines is sufficient to—

(1) gather data on the cost of scrapping and scrap processing, in the United States, of National Defense Reserve Fleet vessels; and

(2) demonstrate cost effective technologies and techniques to scrap and process such vessels in a manner that is protective of worker safety and health and the environment.

(b) CONTRACT AWARD.—(1) The Secretary, subject to the availability of appropriations—

(A) shall award a contract under subsection (a) for scrapping service to any person that the Secretary determines will provide the best value to the United States Government, taking into account any factors that the Secretary considers appropriate; and

(B) may award, as appropriate, a contract to manage the monitoring, inspection, and reporting process of any scrapping facility that will perform a contract under subparagraph (A).

(2) In making a best value determination under paragraph (1)(A), the Secretary shall give a greater weight to technical and performance-related factors than to cost and price-related factors.

(3) In selecting any contractor under this subsection, the Secretary shall give significant consideration to the technical and management qualifications and past performance of the contractor and the major subcontractors or team members of the contractor in complying with applicable Federal, State, and local laws and regulations for environmental and worker protection. In accordance with the requirements of the Federal Acquisition Regulation, in the case of an offeror without a record of relevant past performance or for whom information on past performance is not available, the offeror may not be evaluated favorably or unfavorably on past performance.

(4) The Secretary shall ensure regional diversity in awarding contracts under this section.

(c) CONTRACT TERMS AND CONDITIONS.—Each contract awarded by the Secretary pursuant to subsection (b) shall, at a minimum, provide for—

(1) the sharing, by any appropriate contracting method, of the costs of scrapping the vessel or vessels between the Government and the contractor;

(2) a performance incentive for a successful record of environmental and worker protection in performance of the contract;

(3) Government rights for access to facilities, inspection of work, and monitoring of facilities by Government personnel or an authorized representative to determine compliance with this Act and the laws of the United States; and

(4) any other terms that the Secretary considers appropriate.

(d) REPORTS.—(1) Not later than June 30, 2001, the Secretary of Transportation shall submit an interim report on the pilot program to the Committee on Armed Services of the House of Representatives and of the Senate. The report shall contain the following:

(A) The procedures used for the solicitation and award of a contract or contracts under the pilot program.

(B) The contract or contracts awarded under the pilot program.

(2) Not later than September 30, 2004, the Secretary shall submit a final report on the pilot program to the committees specified in paragraph (1). The report shall contain the following:

(A) The results of the pilot program and the performance of the contractors under such program.

(B) The Secretary's recommended strategy to carry out future ship scrapping activities, including funding and personnel requirements.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary \$40,000,000 for each of fiscal years 2001, 2002, and 2003 to carry out this section.

AMENDMENT TO H.R. 4205, AS REPORTED  
OFFERED BY MR. DEFazio OF OREGON

Page 471, after line 17, insert the following:

(d) REQUIREMENTS APPLICABLE TO FOREIGN SCRAPPING.—Section 6 of such Act (16 U.S.C. 5405) is amended by adding at the end the following:

“(e) APPLICATION TO FOREIGN SCRAPPING OF LAWS RELATING TO ENVIRONMENTAL PROTECTION, LABOR, AND SAFETY.—The Secretary of Transportation may scrap a vessel in a foreign country under subsection (c) only if—

“(1) such Secretary removes all transformers and large and low voltage capacitors that contain dielectric fluids with PCBs in any concentrations and all hydraulic and heat transfer fluids containing PCBs;

“(2) such Secretary removes all solid items containing PCBs, to the extent that the solid items are readily removable and their removal does not jeopardize the structural integrity of the ship or the ability of the vessel to be operated in a seaworthy manner for delivery to the location where it will be scrapped;

“(3) such Secretary or the purchaser of the vessel notifies the Administrator of the Environmental Protection Agency at least 45 days before the vessel is exported for scrapping, stating—

“(A) the name and contact information for the person arranging for the export of the vessel;

“(B) the country to which the vessel is being exported;

“(C) the name and contact information of the person conducting any PCB removal activities;

“(D) the vessel name and official number; and

“(E) the estimated date of export;

“(4) such Secretary certifies that the place in which the vessel is scrapped has adequate measures to ensure that the environment is not degraded and the health and livelihood of nearby communities are not put at risk;

“(5) such Secretary certifies that shipbreaking workers are given adequate workplace protections and the conditions of work minimize the risk of occupational injury and disease to the workers; and

“(6) such Secretary certifies that shipbreaking workers' living facilities are hygienic and not contaminated by the shipbreaking activities; and

“(7) such Secretary certifies that removal and disposal of all hazardous materials from the vessel in the foreign country are done in a safe and environmentally sound manner.”.

AMENDMENT TO H.R. 4205, AS REPORTED  
OFFERED BY MR. DEFazio OF OREGON

Page 470, beginning at line 12, strike section 3402 and insert the following (and redesignate accordingly):

**SEC. . ESTABLISHMENT OF NATIONAL DEFENSE RESERVE FLEET VESSEL SCRAPPING PILOT PROGRAM.**

(a) IN GENERAL.—The Secretary of Transportation shall carry out a National Defense Reserve Fleet vessel scrapping and processing pilot program in the United States during fiscal years 2001 through 2003. The scope of the program shall be that which the Secretary determines is sufficient to—

(1) gather data on the cost of scrapping and scrap processing, in the United States, of National Defense Reserve Fleet vessels; and

(2) demonstrate cost effective technologies and techniques to scrap and process such vessels in a manner that is protective of worker safety and health and the environment.

(b) CONTRACT AWARD.—(1) The Secretary, subject to the availability of appropriations—

(A) shall award a contract under subsection (a) for scrapping service to any person that the Secretary determines will provide the best value to the United States Government, taking into account any factors that the Secretary considers appropriate; and

(B) may award, as appropriate, a contract to manage the monitoring, inspection, and reporting process of any scrapping facility that will perform a contract under subparagraph (A).

(2) In making a best value determination under paragraph (1)(A), the Secretary shall give a greater weight to technical and performance-related factors than to cost and price-related factors.

(3) In selecting any contractor under this subsection, the Secretary shall give significant consideration to the technical and management qualifications and past performance of the contractor and the major subcontractors or team members of the contractor in complying with applicable Federal, State, and local laws and regulations for environmental and worker protection. In accordance with the requirements of the Federal Acquisition Regulation, in the case of an offeror without a record of relevant past performance or for whom information on past performance is not available, the offeror may not be evaluated favorably or unfavorably on past performance.

(4) The Secretary shall ensure regional diversity in awarding contracts under this section.

(c) **CONTRACT TERMS AND CONDITIONS.**—Each contract awarded by the Secretary pursuant to subsection (b) shall, at a minimum, provide for—

(1) the sharing, by any appropriate contracting method, of the costs of scrapping the vessel or vessels between the Government and the contractor;

(2) a performance incentive for a successful record of environmental and worker protection in performance of the contract;

(3) Government rights for access to facilities, inspection of work, and monitoring of facilities by Government personnel or an authorized representative to determine compliance with this Act and the laws of the United States; and

(4) any other terms that the Secretary considers appropriate.

(d) **REPORTS.**—(1) Not later than June 30, 2001, the Secretary of Transportation shall submit an interim report on the pilot program to the Committee on Armed Services of the House of Representatives and of the Senate. The report shall contain the following:

(A) The procedures used for the solicitation and award of a contract or contracts under the pilot program.

(B) The contract or contracts awarded under the pilot program.

(2) Not later than September 30, 2004, the Secretary shall submit a final report on the pilot program to the committees specified in paragraph (1). The report shall contain the following:

(A) The results of the pilot program and the performance of the contractors under such program.

(B) The Secretary's recommended strategy to carry out future ship scrapping activities, including funding and personnel requirements.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary \$40,000,000 for each of fiscal years 2001, 2002, and 2003 to carry out this section.

**SEC. . REPEAL OF NATIONAL DEFENSE RESERVE FLEET SCRAPPING RETURN REQUIREMENT.**

Section 6(c)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)) is amended—

(1) in subparagraph (A) by adding “and” after the semicolon;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

**AMENDMENT TO H.R. 4205, AS REPORTED OFFERED BY MR. DEFAZIO OF OREGON**

Page 471, after line 17, insert the following:  
(d) **REQUIREMENTS APPLICABLE TO FOREIGN SCRAPPING.**—Section 6 of such Act (16 U.S.C. 5405) is amended by adding at the end the following:

“(e) **APPLICATION TO FOREIGN SCRAPPING OF LAWS RELATING TO ENVIRONMENTAL PROTECTION, LABOR, AND SAFETY.**—The Secretary of Transportation may not scrap a vessel outside of the United States under subsection (c) except in compliance with all Federal laws relating to environmental protection, labor, and safety that would apply to scrapping of the vessel inside the United States.”.

**AMENDMENT TO H.R. 4205, 1AS REPORTED OFFERED BY MR. DEFAZIO OF OREGON**

Page 470, beginning at line 12, strike section 3402.

**AMENDMENT TO H.R. 4205, AS REPORTED OFFERED BY MS. DEGETTE OF COLORADO**

At the end of title II (page \_\_\_\_, after line \_\_\_\_), insert the following new section:

**SEC. \_\_. AMOUNTS FOR ENVIRONMENTAL TECHNOLOGY.**

Of amounts made available pursuant to an authorization of appropriations in section 201, amounts shall be available for environmental technology projects as follows:

(1) Of the amount for the Army pursuant to section 201(1), not less than \$25,000,000 and not more than \$94,000,000.

(2) Of the amount for the Navy pursuant to section 201(2), not less than \$86,000,000 and not more than \$105,800,000.

(3) Of the amount for the Air Force pursuant to section 201(3), not less than \$6,000,000 and not more than \$8,200,000.

(4) Of the amount for Defense-wide activities pursuant to section 201(4), not less than \$77,000,000 and not more than \$80,400,000.

**AMENDMENT TO H.R. 4205, AS REPORTED OFFERED BY MR. KUCINICH OF OHIO**

At the end of title XII (page 338, after line 13), insert the following new section:

**SEC. 1205. REPORT ON USE OF CLUSTER MUNITIONS DURING KOSOVO CONFLICT.**

(a) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to Congress a report on the use by the United States Armed Forces of cluster munitions during the Kosovo conflict beginning on March 26, 1999.

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

(1) An inventory of all kinds of cluster munitions that were used and expended throughout the Kosovo conflict.

(2) Specific criteria for targets selected.

(3) A time line of the use of those munitions.

(4) An assessment of the effectiveness of different types of targets.

(5) Any reported incidents of cluster munitions malfunctions.

(6) A list of incidents reported involving unexploded munitions.

(7) An estimate of the number of civilians maimed or killed by such munitions.

(8) Specific deficiencies in cluster munitions.

(9) Specific advantages of cluster munitions.

(10) An estimate of the effectiveness of different munitions.

(11) The dud rate for each munition used, shown both for the usage of that munition in

Kosovo and for the general usage of that munition.

(12) A comparison of the use of cluster munitions by the United States with the use of such munitions by forces of the United Kingdom.

(13) A cost-benefit analysis of reducing the dud rate of cluster munitions.

(c) **DEFINITIONS.**—For purposes of this section:

(1) The term “cluster munition” means an air-launched submunition dispensing system.

(2) The term “dud rate” means the rate of failure.

**AMENDMENT TO H.R. 4205, AS REPORTED OFFERED BY REPRESENTATIVE ZOE LOFGREN**

At the end of title X (page 324, after line 11), insert the following new section:

**SEC. 1038. SATELLITE CONTROLS UNDER THE UNITED STATES MUNITIONS LIST.**

Section 1513(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 22 U.S.C. 2778 note) is amended—

(1) by inserting “(1)” before “Notwithstanding”; and

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

“(2) Paragraph (1) does not apply to a satellite or related item if the Secretary of Commerce determines that—

“(A) the satellite or related item is intended for basic or applied research in science and engineering; and

“(B) the resulting information is ordinarily published and shared broadly within the scientific community.”.

**AMENDMENT TO H.R. 4205, AS REPORTED**

**OFFERED BY MR. MARKEY OF MASSACHUSETTS**

At the end of section 232 (page 40, after line 2), insert the following new subsection:

(d) **STRATEGIC STABILITY WITH TRADING PARTNERS.**—It is the policy of the United States that a national missile defense system should not be deployed against ballistic missiles from any nation that is a member of the World Trade Organization or that has permanent normal trade relations with the United States.

**AMENDMENT TO H.R. 4205, AS REPORTED**

**OFFERED BY MR. PETERSON OF MINNESOTA**

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

**SEC. 557. SEPARATION AND RETIREMENT OF NATIONAL GUARD MILITARY TECHNICIANS ON SAME BASIS ON RESERVE TECHNICIANS.**

(a) **IN GENERAL.**—(1) Chapter 1007 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 10219. National Guard technicians: conditions for retention; mandatory retirement under civil service laws**

“(a) **SEPARATION AND RETIREMENT OF MILITARY TECHNICIANS (DUAL STATUS).**—(1) An individual employed by the Department of the Army or the Department of the Air Force under section 709 of title 32 as a military technician (dual status) who after the date of the enactment of this section loses dual status is subject to paragraph (2) or (3), as the case may be.

“(2) If a technician described in paragraph (1) is eligible at the time dual status is lost for an unreduced annuity, the technician shall be separated not later than 30 days after the date on which dual status is lost.

“(3)(A) If a technician described in paragraph (1) is not eligible at the time dual status is lost for an unreduced annuity, the technician shall be offered the opportunity to—

“(i) reapply for, and if qualified be appointed to, a position as a military technician (dual status); or

“(ii) apply for a civil service position that is not a technician position.

“(B) If such a technician continues employment with the Department of the Army or the Department of the Air Force as a non-dual status technician, the technician—

“(i) shall not be permitted, after the end of the one-year period beginning on the date of the enactment of this section, to apply for any voluntary personnel action; and

“(ii) shall be separated or retired—

“(I) in the case of a technician first hired as a military technician (dual status) on or before February 10, 1996, not later than 30 days after becoming eligible for an unreduced annuity; and

“(II) in the case of a technician first hired as a military technician (dual status) after February 10, 1996, not later than one year after the date on which dual status is lost.

“(4) For purposes of this subsection, a military technician is considered to lose dual status upon—

“(A) being separated from the Selected Reserve; or

“(B) ceasing to hold the military grade specified by the Secretary concerned for the position held by the technician.

“(b) NON-DUAL STATUS TECHNICIANS.—(1) An individual who on the date of the enactment of this section is employed by the Department of the Army or the Department of the Air Force under section 709 of title 32 as a non-dual status technician and who on that date is eligible for an unreduced annuity shall be separated not later than six months after the date of the enactment of this section.

“(2)(A) An individual who on the date of the enactment of this section is employed by the Department of the Army or the Department of the Air Force under section 709 of title 32 as a non-dual status technician and who on that date is not eligible for an unreduced annuity shall be offered the opportunity to—

“(i) reapply for, and if qualified be appointed to, a position as a military technician (dual status); or

“(ii) apply for a civil service position that is not a technician position.

“(B) If such a technician continues employment with the Department of the Army or the Department of the Air Force under section 709 of title 32 as a non-dual status technician, the technician—

“(i) shall not be permitted, after the end of the one-year period beginning on the date of the enactment of this section, to apply for any voluntary personnel action; and

“(ii) shall be separated or retired—

“(I) in the case of a technician first hired as a technician on or before February 10, 1996, and who on the date of the enactment of this section is a non-dual status technician, not later than 30 days after becoming eligible for an unreduced annuity; and

“(II) in the case of a technician first hired as a technician after February 10, 1996, and who on the date of the enactment of this section is a non-dual status technician, not later than one year after the date on which dual status is lost.

“(3) An individual employed by the Department of the Army or the Department of the Air Force under section 709 of title 32 as a non-dual status technician who is ineligible for appointment to a military technician (dual status) position, or who decides not to apply for appointment to such a position, or who, within six months of the date of the enactment of this section is not appointed to such a position, shall for reduction-in-force purposes be in a separate competitive category from employees who are military technicians (dual status).

“(c) UNREDUCED ANNUITY DEFINED.—For purposes of this section, a technician shall

be considered to be eligible for an unreduced annuity if the technician is eligible for an annuity under section 8336, 8412, or 8414 of title 5 that is not subject to a reduction by reason of the age or years of service of the technician.

“(d) VOLUNTARY PERSONNEL ACTION DEFINED.—In this section, the term ‘voluntary personnel action’, with respect to a non-dual status technician, means any of the following:

“(1) The hiring, entry, appointment, reassignment, promotion, or transfer of the technician into a position for which the Secretary concerned has established a requirement that the person occupying the position be a military technician (dual status).

“(2) Promotion to a higher grade if the technician is in a position for which the Secretary concerned has established a requirement that the person occupying the position be a military technician (dual status).”.

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

“10219. National Guard technicians: conditions for retention; mandatory retirement under civil service laws.”.

(3) During the six-month period beginning on the date of the enactment of this Act, the provisions of subsections (a)(3)(B)(ii)(I) and (b)(2)(B)(ii)(I) of section 10219 of title 10, United States Code, as added by paragraph (1), shall be applied by substituting “six months” for “30 days”.

(b) EARLY RETIREMENT.—Section 8414(c)(1) of title 5, United States Code, is amended by striking “reserve” after “as a military”.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MS. SCHAKOWSKY OF ILLINOIS

At the end of subtitle C of title II (page 42, after line 19), insert the following new section:

**SEC. 236. DIPLOMATIC INITIATIVE WITH NORTH KOREA FOR NEGOTIATION OF END TO ITS BALLISTIC MISSILE PROGRAM.**

Of the amount available for the Ballistic Missile Defense Organization pursuant to the authorization of appropriations in section 201(4), not less than \$1,000,000 shall be available for the development of a diplomatic initiative with North Korea for negotiation of end to its ballistic missile program.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MS. SCHAKOWSKY OF ILLINOIS

At the end of title III (page 82, after line 14), insert the following new section:

**SEC. 366. DEPARTMENT OF DEFENSE SUPPORT FOR COMBATING AIDS IN AFRICA AND AROUND THE WORLD.**

(a) AIDS PROGRAM.—The Secretary of Defense shall carry out a program to support activities to combat the acquired immune deficiency syndrome (AIDS) in Africa and around the world. Such support may include the purchase of medicines, provision of transportation, furnishing personnel to dispense medications, and assistance in the development of public health infrastructure.

(b) FUNDS.—The amount provided in section 301(19) for Overseas Humanitarian, Disaster, and Civic Aid programs is hereby increased by \$283,000,000.

(c) OFFSET.—The amount provided in section 201(4), and the amount provided in section 231, are each reduced by \$283,000,000.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MS. SCHAKOWSKY OF ILLINOIS

At the end of section 231 (page 39, after line 10), insert the following new sentence: “The amount provided in section 201(4), and the amount provided in the preceding sentence, are each reduced by \$283,000,000.”.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. SKELTON OF MISSOURI

At the end of title XII (page 338, after line 13), add the following:

**SEC. 1205. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS.**

(a) LAYOVER PERIOD FOR NEW PERFORMANCE LEVELS.—Section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. app. 2404 note) is amended—

(1) in the second sentence of subsection (d), by striking “180” and inserting “45”; and

(2) by adding at the end the following:

“(g) CALCULATION OF 45-DAY PERIOD.—The 45-day period referred to in subsection (d) shall be calculated by excluding the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any new composite theoretical performance level established for purposes of section 1211(a) of the National Defense Authorization Act for Fiscal Year 1998 that is submitted by the President pursuant to section 1211(d) of that Act on or after the date of the enactment of this Act.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. STARK OF CALIFORNIA

At the end of title X (page 324, after line 11), insert the following new section:

**SEC. 10. CODIFICATION AND EXTENSION OF LIMITATIONS ON DEPARTMENT OF DEFENSE PARTICIPATION IN AND SUPPORT FOR OVERSEAS AIR SHOWS AND TRADE EXHIBITIONS.**

(a) CODIFICATION AND STRENGTHENING OF LIMITATIONS.—(1) Chapter 152 of title 10, United States Code, is amended by adding at the end the following new section:

“§2555. Overseas airshows and trade exhibitions: participation prohibited; limitations on support for contractors

“(a) PROHIBITION ON MILITARY PARTICIPATION.—The Secretary of Defense and the Secretary of a military department may not—

“(1) authorize the participation by the armed forces in an airshow or trade exhibition held outside the United States (other than the support authorized in subsection (b)); or

“(2) use the training or readiness requirements of the armed forces in order to provide support indirectly for any such airshow or trade exhibition.

“(b) LIMITATION ON SUPPORT FOR CONTRACTOR PARTICIPATION.—The Secretary of Defense, and the Secretaries of the military departments with respect to their respective departments, may, upon the request of a business firm or industrial association, provide support to that firm or association at an airshow or trade exhibition to be held outside the United States in the form of the display or demonstration of military equipment if the firm or association agrees to reimburse the United States for all incremental costs of the Department of Defense for that support.

“(c) INCREMENTAL COSTS.—Incremental costs for purposes of subsection (b) are the following:

“(1) All incremental costs of military personnel accompanying the equipment or assisting the firm or association in the display or demonstration of the equipment, including costs of food, lodging, and local transportation.

“(2) All incremental transportation costs incurred in moving the equipment from its normally assigned location to the airshow or trade exhibition and return.

“(3) Any other miscellaneous incremental cost (such as insurance costs or ramp fees)

not covered by paragraph (1) or (2) that is incurred by the United States but would not have been incurred had the Department of Defense not provided support to the firm or industrial association under subsection (b)."

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

"2555. Overseas airshows and trade exhibitions: participation prohibited; limitations on support for contractors."

(b) REPEAL OF EXISTING LIMITATIONS.—Section 1082 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 113 note) is repealed.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MRS. TAUSCHER OF CALIFORNIA

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

**SEC. \_\_\_\_. ADJUSTMENT OF CONGRESSIONAL REVIEW PERIOD FOR CHANGE IN COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS SUBJECT TO EXPORT CONTROLS.**

(a) REDUCTION IN CONGRESSIONAL REVIEW PERIOD.—Section 1211(d) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. app. 2404 note) is amended in the second sentence by striking "180" and inserting "30".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any new composite theoretical performance level established for purposes of section 1211(a) of the National Defense Authorization Act for Fiscal Year 1998 that is submitted by the President pursuant to section 1211(d) of that Act on or after January 1, 2000.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. VITTER OF LOUISIANA, MR. TAUZIN OF LOUISIANA, OR MR. JEFFERSON OF LOUISIANA

At the end of title II (page \_\_\_\_, after line \_\_\_\_), insert the following new section:

**SEC. \_\_\_\_. NAVY SINGLE INTEGRATED HUMAN RESOURCE STRATEGY.**

Notwithstanding any other provision of this Act, of the funds provided for Research, Development, Test, and Evaluation, Navy, \$10,792,000 shall be made available for the Navy Single Integrated Human Resource Strategy, business process re-engineering of Navy and Navy Reserve legacy systems and software and technology interoperability and reliability. These funds shall be made available by a reduction of \$10,792,000 in Program Element 0604231N, Tactical Command System, Research, Development, Test, and Evaluation, Navy.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. DICKS OF WASHINGTON

At the end of subtitle C of title I (page 27, after line 24), insert the following new section:

**SEC. \_\_\_\_. WAIVER AUTHORITY FOR DISCONTINUATION OF PRODUCTION OF D-5 MISSILE.**

(a) WAIVER AUTHORITY FOR D-5 PROGRAM TERMINATION.—The Secretary of Defense may waive the provisions of this Act specified in subsection (b) upon submitting to the congressional defense committees a certification in writing that such a waiver is in the national security interests of the United States.

(b) PROVISIONS SUBJECT TO WAIVER.—Subsection (a) applies to provisions of this Act providing the following:

(1) That funds appropriated for the Department of Defense for fiscal years after fiscal year 2001 may not be obligated or expended to commence production of additional Trident II (D-5) missiles.

(2) That amounts appropriated for the Department of Defense may be expended for the Trident II (D-5) missile program only for the completion of production of those Trident II (D-5) missiles which were commenced with funds appropriated for a fiscal year before fiscal year 2002.

(c) FUNDING.—The amount provided in section 102 for weapons procurement for the Navy is hereby increased by \$472,900,000, to be available for procurement of Trident II (D-5) missile only upon submission of a certification under subsection (a).

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 226, nays 200, not voting 8, as follows:

[Roll No. 200]

YEAS—226

- |                |               |              |
|----------------|---------------|--------------|
| Aderholt       | Crane         | Harger       |
| Archer         | Cubin         | Hill (MT)    |
| Army           | Cunningham    | Hilleary     |
| Bachus         | Davis (VA)    | Hobson       |
| Baker          | Deal          | Hoeckstra    |
| Ballenger      | DeLay         | Horn         |
| Barcia         | DeMint        | Hostettler   |
| Barr           | Diaz-Balart   | Houghton     |
| Barrett (NE)   | Dickey        | Hulshof      |
| Bartlett       | Doolittle     | Hunter       |
| Barton         | Dreier        | Hutchinson   |
| Bass           | Duncan        | Hyde         |
| Bateman        | Dunn          | Isakson      |
| Bereuter       | Ehlers        | Istook       |
| Biggett        | Ehrlich       | Jenkins      |
| Bilbray        | Emerson       | Johnson (CT) |
| Bilirakis      | English       | Johnson, Sam |
| Bishop         | Everett       | Jones (NC)   |
| Bliley         | Ewing         | Kasich       |
| Blunt          | Fletcher      | Kelly        |
| Boehkert       | Foley         | King (NY)    |
| Boehner        | Fossella      | Kingston     |
| Bonilla        | Fowler        | Knollenberg  |
| Bono           | Franks (NJ)   | Kolbe        |
| Boyd           | Frelinghuysen | Kuykendall   |
| Brady (TX)     | Gallely       | LaHood       |
| Bryant         | Ganske        | Largent      |
| Burr           | Gekas         | Latham       |
| Burton         | Gibbons       | LaTourette   |
| Buyer          | Gilchrest     | Lazio        |
| Callahan       | Gillmor       | Leach        |
| Calvert        | Gilman        | Lewis (CA)   |
| Camp           | Goode         | Lewis (KY)   |
| Canady         | Goodlatte     | Linder       |
| Cannon         | Goodling      | LoBiondo     |
| Castle         | Goss          | Lucas (OK)   |
| Chabot         | Graham        | Manzullo     |
| Chambliss      | Granger       | Martinez     |
| Chenoweth-Hage | Green (WI)    | McCollum     |
| Coble          | Greenwood     | McCrery      |
| Coburn         | Gutknecht     | McHugh       |
| Collins        | Hansen        | McInnis      |
| Combest        | Hastings (WA) | McIntosh     |
| Cook           | Hayes         | McKeon       |
| Cooksey        | Hayworth      | Metcalf      |
| Cox            | Hefley        | Mica         |

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|---------------|---------------|-------------|
| Miller (FL)   | Rogers        | Talent      |
| Miller, Gary  | Rohrabacher   | Tancredo    |
| Moran (KS)    | Ros-Lehtinen  | Tauzin      |
| Morella       | Roukema       | Taylor (MS) |
| Myrick        | Royce         | Taylor (NC) |
| Nethercutt    | Ryan (WI)     | Terry       |
| Ney           | Ryun (KS)     | Thomas      |
| Northup       | Sanford       | Thornberry  |
| Norwood       | Saxton        | Thune       |
| Nussle        | Scarborough   | Tiahrt      |
| Ose           | Schaffer      | Toomey      |
| Oxley         | Sensenbrenner | Traficant   |
| Packard       | Sessions      | Upton       |
| Paul          | Shadegg       | Vitter      |
| Pease         | Shaw          | Walden      |
| Peterson (PA) | Shays         | Walsh       |
| Petri         | Sherwood      | Wamp        |
| Pickering     | Shimkus       | Watkins     |
| Pitts         | Shuster       | Watts (OK)  |
| Pombo         | Simpson       | Weldon (FL) |
| Porter        | Skeen         | Weldon (PA) |
| Portman       | Smith (MI)    | Weller      |
| Pryce (OH)    | Smith (NJ)    | Whitfield   |
| Quinn         | Smith (TX)    | Wicker      |
| Radanovich    | Souder        | Wilson      |
| Ramstad       | Spence        | Wolf        |
| Regula        | Stearns       | Young (AK)  |
| Reynolds      | Stump         | Young (FL)  |
| Riley         | Sununu        |             |
| Rogan         | Sweeney       |             |

NAYS—200

- |              |                |               |
|--------------|----------------|---------------|
| Abercrombie  | Gordon         | Mollohan      |
| Ackerman     | Green (TX)     | Moore         |
| Allen        | Gutierrez      | Moran (VA)    |
| Andrews      | Hall (OH)      | Murtha        |
| Baca         | Hall (TX)      | Nadler        |
| Baird        | Hastings (FL)  | Napolitano    |
| Baldacci     | Hill (IN)      | Neal          |
| Baldwin      | Hilliard       | Obey          |
| Barrett (WI) | Hinchee        | Olver         |
| Becerra      | Hinojosa       | Ortiz         |
| Bentsen      | Hoefel         | Pallone       |
| Berkley      | Holden         | Pascarell     |
| Berman       | Holt           | Pastor        |
| Berry        | Hooley         | Payne         |
| Blagojevich  | Hoyer          | Pelosi        |
| Blumenauer   | Inslee         | Peterson (MN) |
| Bonior       | Jackson (IL)   | Phelps        |
| Borski       | Jackson-Lee    | Pickett       |
| Boswell      | (TX)           | Price (NC)    |
| Boucher      | Jefferson      | Rahall        |
| Brady (PA)   | John           | Rangel        |
| Brown (FL)   | Johnson, E. B. | Reyes         |
| Brown (OH)   | Jones (OH)     | Rivers        |
| Capps        | Kanjorski      | Rodriguez     |
| Capuano      | Kaptur         | Roemer        |
| Cardin       | Kennedy        | Rothman       |
| Carson       | Kildee         | Roybal-Allard |
| Clay         | Kilpatrick     | Rush          |
| Clayton      | Kind (WI)      | Sabo          |
| Clement      | Kleczka        | Sanchez       |
| Clyburn      | Klink          | Sanders       |
| Condit       | Kucinich       | Sandlin       |
| Conyers      | LaFalce        | Sawyer        |
| Costello     | Lampson        | Schakowsky    |
| Coyne        | Lantos         | Scott         |
| Cramer       | Larson         | Serrano       |
| Crowley      | Lee            | Sherman       |
| Cummings     | Levin          | Shows         |
| Danner       | Lewis (GA)     | Sisisky       |
| Davis (FL)   | Lipinski       | Skelton       |
| Davis (IL)   | Lofgren        | Slaughter     |
| DeFazio      | Lowe           | Smith (WA)    |
| DeGette      | Lucas (KY)     | Snyder        |
| Delahunt     | Luther         | Spratt        |
| DeLauro      | Maloney (CT)   | Stabenow      |
| Deutsch      | Maloney (NY)   | Stark         |
| Dicks        | Markey         | Stenholm      |
| Dingell      | Mascara        | Strickland    |
| Doggett      | Matsui         | Tanner        |
| Dooley       | McCarthy (MO)  | Tauscher      |
| Doyle        | McCarthy (NY)  | Thompson (CA) |
| Edwards      | McDermott      | Thompson (MS) |
| Engel        | McGovern       | Thurman       |
| Eshoo        | McIntyre       | Tierney       |
| Etheridge    | McKinney       | Towns         |
| Evans        | McNulty        | Turner        |
| Farr         | Meehan         | Udall (CO)    |
| Fattah       | Meek (FL)      | Velazquez     |
| Filner       | Meeks (NY)     | Vento         |
| Forbes       | Menendez       | Visclosky     |
| Ford         | Millender      | Waters        |
| Frank (MA)   | McDonald       | Watt (NC)     |
| Frost        | Miller, George | Waxman        |
| Gejdenson    | Minge          | Weiner        |
| Gephardt     | Mink           |               |
| Gonzalez     | Moakley        |               |

Wexler	Wise	Wu
Weygand	Woolsey	Wynn

NOT VOTING—8

Campbell	Owens	Stupak
Dixon	Pomeroy	Udall (NM)
Oberstar	Salmon	

□ 1310

Mrs. CLAYTON changed her vote from "aye" to "no."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 254, noes 169, not voting 11, as follows:

[Roll No. 201]

AYES—254

Aderholt	Dickey	Kasich
Archer	Doolittle	Kelly
Army	Dreier	King (NY)
Baca	Duncan	Kingston
Bachus	Dunn	Knollenberg
Baker	Ehlers	Kolbe
Ballenger	Ehrlich	Kuykendall
Barcia	Emerson	LaHood
Barr	English	Lampson
Barrett (NE)	Everett	Largent
Bartlett	Ewing	Larson
Barton	Fletcher	Latham
Bass	Foley	LaTourette
Bateman	Fossella	Lazio
Bereuter	Fowler	Leach
Biggert	Frelinghuysen	Lewis (CA)
Bilbray	Frost	Lewis (KY)
Bilirakis	Galleghy	Linder
Bishop	Ganske	Lipinski
Bliley	Gekas	LoBiondo
Blunt	Gibbons	Lucas (OK)
Boehlert	Gilchrist	Maloney (CT)
Boehner	Gillmor	Manzullo
Bonilla	Gilman	Martinez
Bono	Goode	Mascara
Boyd	Goodlatte	McCollum
Brady (TX)	Goodling	McCreery
Brown (FL)	Gordon	McHugh
Bryant	Goss	McInnis
Burr	Graham	McIntosh
Burton	Granger	McKeon
Buyer	Green (TX)	Metcalfe
Callahan	Green (WI)	Mica
Calvert	Greenwood	Miller (FL)
Camp	Gutknecht	Miller, Gary
Canady	Hansen	Mink
Cannon	Hastings (WA)	Moore
Castle	Hayes	Moran (KS)
Chabot	Hayworth	Moran (VA)
Chambliss	Hefley	Morella
Chenoweth-Hage	Hergert	Murtha
Clayton	Hill (MT)	Myrick
Clement	Hilleary	Nethercutt
Clyburn	Hobson	Ney
Coble	Hoekstra	Northup
Coburn	Holden	Norwood
Collins	Horn	Nussle
Combest	Hostettler	Ose
Cook	Houghton	Oxley
Cooksey	Hulshof	Packard
Costello	Hunter	Pascrell
Cox	Hutchinson	Pastor
Crane	Hyde	Paul
Cubin	Isakson	Pease
Cunningham	Istook	Peterson (PA)
Davis (VA)	Jenkins	Petri
Deal	Johnson (CT)	Phelps
DeLay	Johnson, Sam	Pickering
DeMint	Jones (NC)	Pickett
Diaz-Balart	Kanjorski	Pitts

Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner

Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)

NOES—169

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Gejdenson

NOT VOTING—11

Campbell
Dixon
Franks (NJ)
Jefferson

□ 1320

Mr. ORTIZ and Mr. HALL of Texas changed their vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

A motion to reconsider was laid on the table.

## MESSAGES FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

## FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 504 and rule XVIII, 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. 4205.

□ 1322

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. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, with Mr. BURR of North Carolina (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, proceedings pursuant to House Resolution 503 had been completed.

Pursuant to House Resolution 504, no further amendment to the committee amendment in the nature of a substitute is in order except amendments printed in House Report 106-624 and pro forma amendments offered by the chairman and ranking minority member.

Except as specified in section 4 of the resolution, each amendment printed in the report shall be considered only in the order printed, 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.

Each amendment shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, and shall not be subject to amendment, except as specified in the report and except that the chairman and ranking minority member each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

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.