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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. STEARNS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 14, 1999.

I hereby appoint the Honorable CLIFF STEARNS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

QUALITY OF LIFE IN PORTLAND, OREGON, IS KEY TO GOOD JOBS THAT STAY

Mr. BLUMENAUER. Mr. Speaker, I came to Congress with a goal to help the Federal Government be a better partner working with State and local governments, the private sector and individual citizens to promote livable communities. In that capacity I am used to people who are confused or are perhaps even hostile to looking at doing things differently. Change is not easy. Some have difficulty imagining different patterns of development in our community.

The latest example of either confusion or hostility was an article that appeared in the New York Times this weekend entitled The Scourge of New Jobs. It was taking my community, Portland, Oregon, to task for supposedly discouraging new jobs by having a modest surcharge on potential increase in jobs as a result of an agreement with the high tech company Intel. The article was replete with errors.

First and foremost, Portland does not limit building permits, although it does, I think very logically, focus on where building and development should take place. In fact, we have seen over the better part of this decade dramatic increase in building and development in our community. Our area does not limit jobs; in fact, to the contrary. We have had rapid growth in employment in the Portland metropolitan area; over 180,000 jobs since 1990. But what we have found is that the quality of life is the key to attracting good jobs and keeping them in our community.

Mr. Speaker, the sad fact is that development seldom entirely pays for itself through increased sales or property taxes. Indeed, in our community, as in many, when you have industrial expansion like Intel, the strains potentially on schools, public safety, roads and the environment far exceed a modest increase in the property tax. In this case, the local government had agreed to place a limit on the amount of property that could be collected for the new development. In exchange for this limitation there was a thousand-dollar surcharge that was going to be assessed against Intel if it exceeded an additional thousand jobs.

But put that in perspective. We are talking about $12.5 billion of new investment. We are talking about a $200 million tax break. If somehow the company increased employment by more than a thousand, that would only be a million dollars to help the local community defer the increased costs. It was clearly a good deal for the company, which is why they jumped at it, and it reflects the fact that we want to have balanced growth, not deteriorate the quality of life for the businesses and the individuals who already live there.

At a time when suburban dwellers are increasingly concerned about the erosion of their quality of life, at a time when small towns across America are struggling to be economically viable and retain their unique identities, when central cities are struggling to come back from years of economic decline and decay, when a town like Atlanta wakes up one day and looks at the price of its unplanned growth, losing job opportunities, for example, in high tech, it makes what we are doing in the Portland metropolitan area worthwhile not just to look at, but to carefully examine.

Mr. Speaker, I would be the last to suggest that this ought to be a cookie-cutter approach that everybody ought to apply, but at a time when the American people demand and deserve more livable communities, we ought not to ignore any good examples.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 37 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. REGULA) at 2 p.m.

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PRAYER

The Chaplain, the Reverend James David Ford, D.D., offered the following prayer:

Let us pray using the words of Psalm 65.

O God, it is right for us to praise you in Zion and keep our promise to you because you answer prayers. People everywhere will come to you on account of their sins. Our faults defeat us, but you forgive them. Happy are those whom you choose, whom you bring to live in your sanctuary. We shall be satisfied with the good thing of your house, the blessings of your sacred temple. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 11, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 11, 1999 at 12:40 p.m.: That the Senate Passed without amendment H. Con. Res. 127.

Appointment: Congressional Award Board.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk.

TRIBUTE TO ''OLD GLORY''

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today, along with my constituents of the Second Congressional District of Nevada, I want to pay tribute to our Nation's great flag.

Since the day Betsy Ross became the most famous seamstress in American history, ''Old Glory'' has changed about 27 different times, but changing only in its glorious appearance.

While our Nation has progressed and even grown over the past 2½ centuries, our flag continues to represent the same ideals, freedoms, and liberties we all cherish. But even further, the American flag represents the hopes and dreams of millions of people around the world.

Our flag greets us when we arrive at our place of business. It greets our children when they arrive at school. Even out in the ballpark on a warm summer afternoon, ''Old Glory'' waives gallantly before us.

Today, like any other day in Congress, we pledge our allegiance to the flag before addressing the issues that affect the very freedoms and liberty for which our flag stands.

So as we settle in on this week of work, let us each take an extra moment today to recognize ''Old Glory,'' for we are all blessed to live under the freedoms and liberties for which the stars and stripes stands.

NO FIVE-DAY WAITING PERIOD ON CHINESE NUKES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, China spies and buys our secrets. Then China points their missiles at American cities. Now if that is not enough to put trigger locks on Chinese missiles, a White House spokesman said, and I quote, ''We will grant China swift admission to the World Trade Organization.'' Swift admission no less. Beam me up here. I am firmly convinced those experts at the White House are smoking dope.

I yield back the fact that there is no 5-day waiting period on Chinese nukes. Think about that.

SUPPORT DOLLARS TO THE CLASSROOM ACT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, it has been called the Mozart effect, the scientific study showing that early music training shapes children's growing brains and boosts their learning power.

Not only does early music training and exposure aid in development of logic and abstract thinking, it also helps children with memory retention and creativity. That is why, Mr. Speaker, although local educators have recognized this fact for years, they often find their local budget so burdened with strings and regulations, that music and art education loses out.

This is unfortunate and shortsighted. It is why more local control is necessary so that parents, teachers, and local schools have the freedom to invest their elementary dollars into the classes that teach students tiny bits of music theory and expose them to the basics of music and art education.

With the Dollars to the Classroom Act, local educators would have the freedom to make decisions for their school if they identified such a need. More flexibility, more local control, more dollars to the classroom.

I urge my colleague to cosponsor and support the Dollars to the Classroom Act.

TAXES KEEP GETTING RAISED AND BURDEN ON TAXPAYERS IS GREATER AND GREATER

(Mr. COOKSEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOKSEY. Mr. Speaker, in the last 40 years we have almost never heard a politician run on a pledge to raise taxes. Yet, somehow taxes keep getting raised, and the tax burden on the middle income just gets greater and greater.

Middle income families send between one-fourth and one-third of everything they earn to the government, and the government in turn is not very careful with what it takes.

Even worse, the arrogance of government and of the tax-and-spenders who keep on expanding government is such that the liberal Democrats routinely imply that they are doing people a favor by letting them keep more of what already belongs to them.

They talk about giving people tax breaks as if the government is giving them something. How truly revealing. A government that cuts taxes is not giving anybody anything. It is merely not taking as much from what already belongs to the taxpayer.

Liberals hate tax cuts. The New York Times and the Washington Post constantly editorialize against them. Why is it so terrible to give Americans more freedom and government less?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Such roll call votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

BOND PRICE COMPETITION IMPROVEMENT ACT OF 1999

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1400) to amend the Securities Exchange Act of 1934 to improve collection and dissemination of information

concerning bond prices and to improve price competition in bond markets, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1400

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bond Price Competition Improvement Act of 1999''.

SEC. 2. EXTENSION OF TRANSACTION REPORTING TO DEBT SECURITIES.

(a) AMENDMENT.—Subsection (d) of section 11A of the Securities Exchange Act of 1934 (15 U.S.C. 78k–1(d)) is amended to read as follows:

''(d) MINIMUM REQUIREMENTS FOR TRANSACTION INFORMATION ON DEBT SECURITIES.—

''(1) ACTION REQUIRED.—The Commission shall adopt such rules and take such other actions under this section as may be necessary or appropriate, having due regard for the public interest, the protection of investors, and the maintenance of fair and orderly markets to assure the prompt, accurate, reliable, and fair collection, processing, distribution, and publication of transaction information, including last sale data, with respect to covered debt securities so that such information is available to all exchange members, brokers, dealers, securities information processors, and all other persons. In determining the rules or other actions to take under this subsection, the Commission shall take into consideration, among other factors, private sector systems for the collection and distribution of transaction information on corporate debt securities.

''(2) EFFECT ON OTHER AUTHORITY.—Nothing in this subsection limits or otherwise alters the Commission's authority under the other provisions of this section or any other provision of this title.

''(3) DEFINITIONS.—For purposes of this subsection:

''(A) COVERED DEBT SECURITIES.—The term 'covered debt securities' means bonds, debentures, or other debt instruments of an issuer, other than—

''(i) exempted securities; and

''(ii) securities that the Commission determines by rule to except from the requirements of this subsection.

''(B) TRANSACTION INFORMATION.—The term 'transaction information' means information concerning such price, volume, and yield information associated with a transaction involving the purchase or sale of a covered debt security as may be prescribed by the Commission by rule for purposes of this subsection.

''(C) FACTORS IN DEFINITIONAL RULES.—In prescribing rules pursuant to this paragraph, the Commission shall take into consideration the extent to which a security is actively traded, market liquidity, competition, the protection of investors and the public interest, and other relevant factors.''.

(b) CONFORMING AMENDMENT.—Section 11A(a)(3)(A) of such Act is amended by striking ''(which shall be in addition to the National Market Advisory Board established pursuant to subsection (d) of this section)''.

(c) DEADLINE FOR ACTION.—The Securities and Exchange Commission shall take action to implement the requirements of section 11A(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78k–1(d)), as amended by subsection (a) of this section, within 12 months after the date of enactment of this Act.

SEC. 3. EXCHANGE LISTING OF DEBT SECURITIES.

Section 12(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*(a)) is amended by striking the period at the end thereof and inserting the following: '', except that a registration is not required to be effective for trading on an exchange of a class of debt securities of an issuer that has another class of securities for which a registration is effective for such exchange. Such a class of debt securities shall, for purposes of any provision of this title or the rules or regulations thereunder, be treated as a class of securities registered under this section upon approval of the listing of such class of debt securities by the exchange.''.

SEC. 4. TECHNICAL AMENDMENT.

Section 3(a)(12)(B) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)(B)) is amended by adding at the end the following new clause:

''(iii) Notwithstanding subparagraph (A)(i) of this paragraph, securities, other than equity securities, that are described in subparagraphs (B) and (C) of paragraph (42) of this subsection shall not be deemed to be exempted securities for purposes of section 11A of this title.''.

SEC. 5. STUDIES.

(a) STUDIES REQUIRED.—The Comptroller General shall conduct a study of measures needed in the public interest and for the protection of investors to improve the prompt, accurate, reliable, and fair collection, processing, distribution, and publication of information concerning transactions—

(1) in debt securities as to which transaction information is collected but not disseminated pursuant to section 11A(d) of the Securities Exchange Act of 1934, as amended by this Act (15 U.S.C. 78k–1(d)); and

(2) in municipal securities (as such term is defined in section 3(a)(29) of such Act (15 U.S.C. 78c(a)(29)).

(b) COMMISSION AND MSRB PARTICIPATION.—The Comptroller General shall conduct the study required by subsection (a)(1) in consultation with the Securities and Exchange Commission, and the study required by subsection (a)(2) in consultation with the Securities and Exchange Commission and the Municipal Securities Rulemaking Board.

(c) SUBMISSION OF REPORTS.—The Comptroller General shall submit to the Congress a report on the studies required by subsection (a) within one year after the date of enactment of this Act. Such reports shall include an identification of the measures needed to improve the prompt, accurate, reliable, and fair collection, processing, distribution, and publication of information concerning transactions in the debt securities and municipal securities described in such subsection, including measures requiring legislative or regulatory action.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. DINGELL) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. BLILEY).

GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1400.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLILEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in strong support of H.R. 1400, the Bond Price Competition Improvement Act of 1999. This is a bill designed to accomplish a simple but very important goal, to make investors' dollars go farther in the bond markets.

How will this legislation accomplish that goal? By improving the way our country's bond markets work. Today, investors simply do not have the same access to bond price information that they do to price information about stocks or, for that matter, cars or bananas or plane tickets. In fact, investors have practically no information about the prevailing market prices of bonds when they seek to invest in the bond market.

As we learned in our hearings before the Subcommittee on Finance and Hazardous Materials, two investors buying the same bond at the same time from the same dealer can be given very different prices, prices differing by as much as 6 percent. That can amount to a full year's worth of interest.

The reason for this is that there exists no mechanism to provide investors with bond prices, like the ticker that investors see every day for stock prices. Without price information, investors do not have the tools they need to comparison shop. So competition cannot influence the market to bring investors the best prices.

This legislation will fix this deficiency in our securities markets. I believe that the forces of competition should bring investors the best prices, not only in the stock market, but also in the bond market. H.R. 1400 ensures that the Securities and Exchange Commission will adopt rules to unleash those competitive forces.

Although the Commission has had authority to adopt transparency rules for the bond market since 1975, this legislation is necessary to guarantee that those rules will be adopted. The legislation also ensures that bond price information will be provided to the public on their trades.

I am pleased that H.R. 1400 enjoys the support of the Bond Market Association, the National Association of Securities Dealers, and the Securities and Exchange Commission, each of whom worked closely with the committee throughout the development of this legislation.

In particular, I commend the Bond Market Association for taking steps to develop a system that will improve competition in the bond market for investors. I note that H.R. 1400 contemplates the development of such a private sector initiative in achieving its goal, and it is my hope that the marketplace will embrace that goal and develop a system that precludes the need for any additional transparency requirements. The legislation also ensures that the SEC will take such private sector initiatives into consideration in promulgating rules under the bill.

In addition, the legislation includes a technical provision dealing with the treatment of exchange-listed debt securities. This provision eliminates needless regulatory requirements relating

to these instruments, to reduce costs and streamline the provision of information to the marketplace.

I commend the gentleman from Ohio (Mr. OXLEY), chairman of the Subcommittee on Finance and Hazardous Material, for his leadership on this issue, from his initial hearings in the 105th Congress to today's vote. I also commend the gentleman from Michigan (Mr. DINGELL), the ranking member of the committee on Commerce, who has worked hard to ensure our markets are the fairest and most transparent possible for investors.

I thank and commend the gentleman from New York (Mr. TOWNS), ranking member of the Subcommittee on Finance and Hazardous Material, as well as the gentleman from Massachussetts (Mr. MARKEY), the ranking member of the Subcommittee on Telecommunications, Trade, and Consumer Protection for their leadership and constructive input at every stage of this legislation's develop.

This legislation continues the tradition we have had in the committee during my chairmanship of quietly modernizing the laws governing financial markets. We enacted litigation reform to diminish securities strike suits brought against public companies.

In the National Securities Markets Improvement Act, we eliminated State regulation of securities offerings. We provided for cost-benefit analysis of SEC rules. We reduced the fees assessed by the SEC on securities offerings. We extended the protections of litigation reform to the States and the Uniform Standards legislation.

□ 1415

And we worked to bring decimal pricing to the exchanges.

The corporate bond market covered by this legislation is significant. Every day investors trade over $15 billion worth of corporate bonds. Every Member of this body has constituents who are relying on that market for their retirement, their children's education, and their financial future. It is our obligation to make that market the fairest, most competitive and most efficient it can be. H.R. 1400 will help us fulfill that obligation.

The purpose of H.R. 1400, the Bond Price Competition Improvement Act of 1999, is to improve the collection and dissemination of information concerning prices for debt securities to enable all investors to make more informed investment choices by providing a means by which they can more readily compare prices of debt securities. Recognizing the important role the nation's debt markets play in capital formation, consideration of the effects transparency may have on market liquidity is also included under the scope of this bill. Improved transparency will likely lead to increased competition among dealers, and will also serve to foster investor confidence in the bond markets. Regulators will also benefit by gaining access to an increased amount of transactions data for use in market surveillance.

On September 29, 1998, the Subcommittee on Finance and Hazardous Materials held a hearing, ''Improving Price Competition for Mutual Funds and Bonds.'' At that hearing, the Subcommittee heard testimony regarding bond market transparency from the SEC, The Bond Market Association, The Vanguard Group, and Clover Capital Management, among others. In their testimony, the SEC described the results of a recently completed review of the U.S. debt markets. Overall, the report found that ''the debt markets are functioning well.'' The U.S. Treasury market was found to be ''highly transparent,'' and the federal agency securities market was characterized as having ''a very good level of pricing information.'' The SEC found that for mortgage- and asset-backed securities, including collateralized mortgage obligations, the ''quality of pricing information and interpretive tools available to the market is good.'' The quality of pricing information for high-yield corporate bonds was found to be ''relatively poor,'' yet the SEC found that dealers ''do not appear to enjoy a great advantage over their institutional clients.'' For investment grade bonds, the SEC reported that the quality of pricing information available ranges from ''fairly good to fair.'' Witnesses from The Vanguard Group and Clover Capital Management echoed the SEC's comments about price transparency in the high yield and investment grade corporate bond markets. The Bond Market Association testified in support of the goal of providing investors with more meaningful price information, and reaffirmed their commitment to improving price transparency in the corporate bond market. Testimony indicated that improvements in corporate bond price transparency were needed.

Price transparency in the Treasury, municipal, and high yield bond market has received much attention from regulators and Congress in recent years. For each of these markets, a different, market-specific approach to price transparency was developed in coordination with regulators, legislators, and industry participants. The Committee heard testimony that detailed the existing price transparency systems in these markets, and was told that experience gained in developing these systems will assist in the development of relevant systems for the corporate bond market. According to a joint report by the SEC, the Treasury Department, and the Federal Reserve Board, private sector systems in the Treasury market have been credited with contributing to ''significant advances in price transparency for government securities.'' Recognizing the importance of private sector initiatives, H.R. 1400 contains a provision requiring the SEC to consider ''private sector systems for the collection and distribution of transaction information on corporate debt securities.''

In the municipal and high yield bond markets, dealers are already required to report their transactions in these securities. All transactions in municipal bonds are reported to the Municipal Securities Rulemaking Board, and have been reported to the MSRB for several years. Since 1995, dealer market transactions have been reported, and since 1998, dealer to customer transactions have also been reported. Regulators have access to this data, and The Bond Market Association provides the MSRB's data on its investor web site—www.investinginbonds.com—to the public free of charge. For high yield corporate bonds, the Nasdaq's Fixed Income Pricing System (FIPS) collects data for regulatory purposes, provides it to participants, and to vendors who then transmit it to their subscribers. There are NASD rules that require the reporting of all high yield transactions in FIPS. For exchange-listed bonds, prices are reported in many newspapers each day, and NYSE bond trades are available throughout the day on the high speed bond quote line and also on the Internet.

The Subcommittee heard testimony on March 18, 1999 that highlighted the fact that regulators have recognized the difference between liquid and illiquid securities when developing regulations for equities and also for high yield bonds. While the equities market is considered by many to represent an exemplary approach to price transparency, it was noted that vast differences in the level of price transparency between liquid and illiquid equities exist. Real-time reporting and immediate dissemination of price and quantity characterize the level of transparency for listed equities—which are for the most part, liquid securities. However, in the market for unlisted ''pink sheet'' or ''bulletin board'' equities—which are not very liquid securities—prices are not reported in real-time nor are prices publicly disseminated. In fact, there are no real-time transaction reporting systems that require or provide immediate public dissemination of every trade in a given class of illiquid securities. In testimony from The Bond Market Association, the Subcommittee heard that the industry has undertaken a private sector initiative that is designed to cover inter-dealer broker trades in investment grade corporate bonds, and that the data will be made available to regulators. The NASD also testified that they are currently developing a comprehensive system that will include an historical database that can be used for market surveillance.

The nature of the bond markets raises some difficult challenges in crafting price transparency solutions. There are numerous corporate bond issues outstanding at any given time—estimates range from 300,000 to 400,000 for corporate bonds—in contrast to only approximately 11,000 listed equities. Testimony indicated that only 4 percent of corporate bonds trade at least once in any given year. Bond markets are not continuous trading markets—i.e., most bonds do not trade every day—and as such, the market structure of the bond market is necessarily different from the structure of the equities market. Corporate bond trades occur as a result of negotiations between trading parties, and most trades are conducted over-the-counter, as opposed to on the New York Stock Exchange or American Stock Exchange. Corporate bonds trade in relation not only to one another, but more importantly in relation to a benchmark Treasury security (spread to Treasury). The Committee recognizes that the high level of transparency in the government securities markets therefore provides a critically important relative evaluation benchmark for corporate bonds. The market is largely institutional, with retail investors holding less than five percent of corporate bonds outstanding. Additionally, most institutional investors have access to numerous sources of benchmark securities prices and other related price information from commercial vendors. These sources enable investors to make price comparisons between similar corporate bonds—even if a particular bond did not trade—which is a very likely scenario. Since corporate bonds trade in relation to one

another, specific bonds of like credit quality and maturity may be fungible with one another, which facilitates the ability of investors to comparison shop among dealers.

Currently, the bond markets provide a vital source of capital for the U.S. Government, federal agencies, states and localities, and America's corporations. In 1998 alone, over $10 trillion of new debt was issued in the United States debt markets. The Subcommittee heard testimony that advised regulatory authorities to proceed carefully when developing systems to improve price transparency so that market liquidity will not be harmed. Testimony highlighted the concerns of large institutional investors and market participants who hold large blocks of bonds. Testimony suggested that these investors and participants are concerned that the immediate dissemination of price and trading volume could make it harder for them to unwind positions, and subsequently, the amount of capital supplied to the market may be reduced. Although the Committee made no determination as to whether or not liquidity would be affected by increased price transparency, the Committee recognizes the importance of these concerns, and a provision in H.R. 1400 requires the SEC to take market liquidity, as well as other factors, into account before prescribing rules.

The CBO Cost Estimate included in the Committee Report identifies the NASD as the statutorily mandated private sector collector and disseminator of bond price information and ignores all costs to other market participants—including dealers and investors. However, H.R. 1400 specifically and purposefully omits the identity and character of the entity responsible for the collection and dissemination of prices for ''covered debt securities.'' Although only the SEC, or a self-regulatory organization like the NYSE or NASD, can impose rules and conduct market surveillance, the exact method of collecting pricing data and disseminating pricing data is left to the discretion of the SEC subject to the guiding factors identified in the bill. One important factor, that ''the Commission shall take into consideration . . . private sector systems for the collection and distribution of transaction information on corporate debt securities,'' was in fact specifically added to H.R. 1400 to ensure maximum competition in the marketplace for those functions not required to be undertaken by regulators or self-regulatory organizations. The CBO cost estimate misstates the statutory language of H.R. 1400 in identifying the NASD as the sole entity required to ''collect, process, distribute and publish'' pricing information. Moreover, the CBO estimate ignores true private sector costs—i.e., the cost (both hard and soft) to the dealer community associated with H.R. 1400.

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

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

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

Mr. DINGELL. Mr. Speaker, I rise in support of the bill H.R. 1400, the Bond Price Competition Improvement Act of 1999, and urge its adoption by the House.

I filed a comprehensive additional set of views which appear at page 11 through 13 of the Committee Report.

Mr. Speaker, I would like to first commend my good friend, the gentleman from Virginia (Mr. BLILEY), chairman of the Committee on Commerce, and the gentleman from Ohio (Mr. OXLEY) chairman of the Subcommittee on Finance and Hazardous Materials, for their strong leadership in this legislation. This is an issue that has been boiling around for a long time and the committee has been telling the industry that this is a matter which has to be corrected.

In 1993 in the fall, Mr. MARKEY, then chairman of the Subcommittee on Finance and Hazardous Materials, warned, ''I have little sympathy for those who keep information about quotes, trades, prices, and markups in the dark away from investors. Markets are more efficient, more fair, and more liquid when investors can readily determine how much a security costs.''

At the September 29, 1999, hearing on price competition for bonds, my good friend, the gentleman from Virginia (Chairman BLILEY) issued a challenge to the SEC and the bond market to get going and clean this market up and promised to introduce legislation in the next Congress. The gentleman from Virginia was true to his word and I commend him for working with those of us on this side of the aisle, the Federal regulators, and the bond industry to fashion this targeted and bipartisan bill that is cosponsored by a large numbers of Members on the Subcommittee on Finance and Hazardous Materials, including myself.

Mr. Speaker, in this bill we tell the markets to stop treating investors like mushrooms. We require that the investing public no longer be kept in the dark, away from the world of prompt, accurate, and reliable transaction information; in other words, keeping them away from the sunlight. And we require them to include the last sale reported.

Bond markets are an important function in the U.S. economy. Their complexity will raise more difficult challenges to crafting transparent solutions. This is why we have charged the SEC, the Federal securities regulator, with the responsibility for overseeing this initiative.

The private market has raised concerns that this effort will hurt market liquidity. We are aware of those concerns, but I must confess that personally I have small regard for the concerns and some doubts about those who have raised them. They also were raised in conjunction with earlier initiatives to facilitate transparency in the market for government securities. These markets were totally unharmed, and investors were significantly benefited. They remain the most liquid and efficient in the world.

Mr. Speaker, in closing, I commend the ongoing private sector and NASD responses to the challenge. I believe that the bond markets and the investors both will reap significant benefits from the actions we take today. I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. OXLEY), chairman of the Subcommittee on Finance and Hazardous Materials, who so ably steered this legislation through.

Mr. OXLEY. Mr. Speaker, I thank the gentleman from Virginia (Mr. BLILEY) for yielding me this time.

Mr. Speaker, I rise today in support of H.R. 1400, the Bond Price Competition Improvement Act. Although bond trading may not be the most exciting topic in the world, there are $15 billion of corporate bonds traded each day in the United States. It is our obligation to see that those who are relying on bonds for their retirement and their children's education can buy bonds in a fair and open market.

The Subcommittee on Finance and Hazardous Materials began examining the bond market in the 105th Congress. In September, we heard testimony that two investors buying the same bond at the same time from the same dealer can be given very different prices, prices differing as much as 6 percent, amounting to a full year's worth of interest.

In the equity markets there is a mechanism for distributing price information to the public. All one has to do is turn on CNBC and see the ticker at the bottom of the screen which lists the price of stocks traded during the day. No such system currently exists in the bond markets, and that needs to be corrected.

H.R. 1400 was reported unanimously by the Committee on Commerce. This bipartisan bill was originally cosponsored by 27 of the 28 members of the subcommittee and enjoys the support of the Securities and Exchange Commission and the National Association of Securities Dealers.

H.R. 1400 directs the Securities and Exchange Commission to use authority it has had since 1975 to adopt rules facilitating transparency in the bond market with certain minimum standards. By enacting this legislation we will guarantee that these important changes take place. We also make clear that information should be provided to the public for their trades.

Additionally, the legislation provides some regulatory relief to exchange listed bonds. It also includes a provision indicating that the legislation does not affect the exemption from registration requirements for securities of government-sponsored enterprises.

When the committee first raised concerns regarding transparency in the corporate bond markets, market participants responded quickly by developing and implementing a voluntary trade reporting system. The industry has responded positively to transparency challenge in other markets as well. These actions demonstrate a genuine commitment to improving bond market transparency. This commitment should form the basis of a productive partnership between industry and the SEC to improve price transparency.

The SEC should consider this progress as it moves forward under this legislation.

Mr. Speaker, I understand that the gentleman from Virginia (Chairman BLILEY) has included in the RECORD some additional legislative history of H.R. 1400. I understand this legislative history will amplify the record on private sector initiatives in the bond market. I would like to ask the distinguished gentleman if that is correct.

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

Mr. OXLEY. I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, the gentleman is absolutely correct.

Mr. OXLEY. Mr. Speaker, reclaiming my time, and I would like to indicate that I join the gentleman in that additional legislative history, and I would like to commend the Bond Market Association for their very constructive participation during the consideration of this legislation. The Bond Market Association is developing a voluntary system to display bond prices publicly. This system will improve the availability of bond prices to investors, and, Mr. Speaker, that just began last week, and we expect a great amount of progress in bringing that price information to the public.

Mr. Speaker, I would like to commend the gentleman from Virginia (Mr. BLILEY) for his leadership on this issue. This is his legislation that he introduced. And I thank him for helping to bring meaningful legislation to the floor for the benefit of all Americans. I also commend our good friend the gentleman from Michigan (Mr. DINGELL); the gentleman from New York (Mr. TOWNS), the ranking member of our subcommittee; and the gentleman from Massachusetts (Mr. MARKEY) for their assistance on this project. Without their help, we would not be here today.

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

Mr. Speaker, I have a couple of brief comments that I think will be helpful to the RECORD. The first is to again express my great affection and respect for the gentleman from Virginia (Mr. BLILEY), distinguished chairman of the Committee on Commerce, and for the distinguished gentleman from Ohio (Mr. OXLEY), chairman of the Subcommittee on Finance and Hazardous Materials.

Mr. Speaker, I have not seen these ''additional remarks'' which are being used to constitute legislative history. Could my two good friends enlighten me as to what they are, where they come from, and what they say?

Mr. BLILEY. Mr. Speaker, if the gentleman would yield, he will have a chance to peruse them before they become a part of the RECORD.

Mr. DINGELL. Mr. Speaker, reclaiming my time, I am comforted to hear that. Am I to assume that they are not part of the legislative history or they are a part of the legislative history?

Mr. BLILEY. Mr. Speaker, if the gentleman would continue to yield, they are not part of the legislative history at the moment.

Mr. DINGELL. Mr. Speaker, again reclaiming my time, I am much comforted to know that. I am comforted because I have always been told in this place that the legislative history is a history of the legislation, and it involves discussion amongst all the people who are handling the legislation so that they all know what it is. I assume that I will have a chance to look at these and perhaps approve them before they become legislative history.

Mr. BLILEY. The gentleman is absolutely correct.

Mr. DINGELL. Very good. Then I thank my good friend.

Mr. MARKEY. Mr. Speaker, I rise in strong support of H.R. 1400, the Bond Price Competition Improvement Act of 1999.

I would like to begin by commending Chairman BLILEY, Subcommittee Chairman OXLEY, the Ranking Democratic Member of the Committee, the gentleman from Michigan (Mr. DINGELL), and the Ranking Democrat on the Subcommittee, the gentleman from New York (Mr. TOWNS) for their leadership in bringing this bill forward for today's Subcommittee markup. I am pleased to be an original cosponsor of this legislation, which is aimed at improving price competition in the nation's bond markets.

On Wall Street, the term ''Price Transparency'' refers to the dissemination of market quotation and transaction information. Such transparency is of critical importance to all participants in our nation's securities markets. Experience has shown that price transparency produces several important benefits. It can help improve the liquidity and efficiency of a market by assuring that comprehensive price and trading information is disseminated to as many market participants as possible, so that the market price of securities will move more quickly to reflect the underlying economic value of the security. In addition, price transparency provides investors with greater protection from abuses by reducing the disparity of information that may exist between market ''insides'' and ''outsiders'' and providing public investors with more equal access to information that is available to primary and other dealers.

With equal access to pricing information, investors in stocks or bonds can better evaluate the quality of execution and the value of their securities. This information is particularly useful for investors evaluating prices for less actively traded securities, where bid-asked spreads may be wider. Such data also can encourage competition among dealers and assist regulators in discovering possible manipulation, fraudulent mark-ups, or other wrongful conduct, or in determining the state of the market at any point in time.

In 1975, the Congress directed the SEC to facilitate the creation of a National Market System for qualified securities. When the Congress enacted that legislation, it did not limit its application merely to stocks, but also included corporate debt securities. At the time, there were many in the broker-dealer community who vigorously opposed it. But some 24 years later the Dow Jones Industrial Average has been routinely topping the 10,000 mark, and all observers agree that the stock markets is much more efficient and more liquid in large part due to their increased transparency.

In the 1980s, under the Subcommittee on Telecommunications and Finance, which I then chaired, Congress passed landmark government securities legislation that, in part, addressed the lack of transparency in that segment of the bond market. In 1991, the industry responded with GovPX, a 24-hour, global electronic reporting system for U.S. Treasury and other government securities.

In the fall of 1993, the Subcommittee held comprehensive hearings on the municipal securities market. I observed at the close of those hearings that I have little sympathy for those who would keep information about quotes, trades, prices, and markups in the dark, away from investors, and that markets are more efficient, more fair and more liquid when investors can readily determined how much a security costs. The Subcommittee challenged the SEC and the market to respond to this need, and promised carefully targeted and bipartisan legislative reforms if they failed to do so.

In response the industry in 1995, the Municipal Securities Rulemaking Board (MSRB) started collecting data on dealer-to-dealer transactions in the municipal bond market as well as disseminating daily summary reports. In 1998, the MSRB added coverage of customer trades to this system.

I should note that in 1994 the National Association of Securities Dealers (NASD) established the Fixed Income Pricing System which covers some but not all high-yield corporate bonds. Aside from this action, over the years the SEC has not made much use of the powers Congress granted it in this area to bring transparency to the corporate bond market. The legislation we are taking up today would help change that. H.R. 1400 would direct the SEC, within the next 12 months, to use the authorities Congress granted it back in 1975 to issue rules or take other actions to improve price transparency in the corporate bond market. Specifically, the bill would mandate that the SEC assure the prompt collection, processing, distribution, and publication of transaction information in the corporate debt market. This would specifically include, but not be limited to, last sale information. Under the bill, the SEC would be directed to assure that such information is made available to all exchange members, broker-dealers, securities information processors, and all other person. In determining the rules or other actions to take under the subsection, the SEC is also directed to take into consideration, among other factors, private sector systems for the collection and distribution of transaction information on corporate debt securities. Finally, the bill provides for a study by the General Accounting Office of measures needed to further improve price transparency.

I support this initiative because I believe that bond investors deserve to get full access to the type of market information that will better enable them to determine whether they are getting the best price for their buy and sell orders. We recognize that Chairman Levitt has already taken some preliminary steps to move the industry forward in this area, and that as a result of his leadership, the NASD is currently considering rule changes which would create transparency and audit trail systems for the corporate bond market. In addition, we also understand that the bond dealers have also stepped in with a plan to make certain market information available, and we welcome that action.

I would like to focus on the relationship on that initiative and this legislation, to ensure that the legislative history of this bill properly reflects the factors that went into consideration of its provisions. During the Subcommittee of Finance and Hazardous Materials hearing on H.R. 1400, I had an opportunity to ask SEC Chairman Levitt about several aspects of the bond dealers' initiative. His responses indicated that while the private sector initiative might be useful to investors, it also had some very significant limitations. For example, Chairman Levitt indicated that the scope of the private sector initiative was limited to investment grade debt, so that all the non-investment grade wouldn't even be covered. Chairman Levitt further indicated that the industry initiative relies entirely on voluntary participation. As a result, he indicated, if an interdealer broker doesn't volunteer to join the system, its trades wouldn't be displayed. In addition, Chairman Levitt testified that direct dealer-to-dealer or dealer-to-customer trades that don't use an interdealer broker wouldn't be recorded through the voluntary initiative. Moreover, the initiative would provide only for hourly dissemination of data, which Chairman Levitt agreed could prove pretty stale in today's fast moving markets. Finally, Chairman Levitt indicated that the SEC and the NASD need additional information about what is going on in the corporate bond market to perform their surveillance missions ''comprehensively and accurately.''

I mention this testimony because I believe that it is essential that the SEC and the NASD, as they consider how to implement the Congressional direction contained in H.R. 1400, must never lose sight of the fact that the current voluntary industry initiatives, while useful and welcome, have their limitations. That is precisely why we gave the SEC the authority to act in a comprehensive fashion, consistent with the public interest and the protection of investors. And while we in Congress recognize these private sector initiatives and welcome them, we nonetheless are passing this legislation today because we are also aware of the gaps in those initiatives and the need to assure that appropriate action is taken by the SEC and to NASD to assure that any transparency system established for the corporate bond market is comprehensive in scope, is not riddled with loopholes, appropriately serves the needs of investors, and allows the SEC and the NASD to carry out their important market surveillance and enforcement missions.

I believe the legislation we are considering today does this. It will underscore the determination of the Congress that effective and comprehensive action will be taken in this area. I urge passage of the legislation.

I urge my colleagues to support this bill as it moves through the legislative process.

Mr. DINGELL. Mr. Speaker, earlier today during floor debate on H.R. 1400, the Bond Price Competition Improvement Act of 1999, I became aware of the intention of the Majority to insert in the RECORD as an extension of remarks ''legislative history'' that the Minority had not been afforded an opportunity to review. We were subsequently informed by Majority staff off the Floor that they had agreed to insert in the RECORD verbatim language that had been submitted by representatives of the Bond Market Association (BMA). I have serious problems with this sneaky attempt to affect the carefully-crafted bipartisan agreement on this bill. I have been supplied a copy of the BMA language and will review it carefully. After an initial reading, I have concluded that parts of it contain factual errors and I will be putting a statement in the RECORD over the next day or so to point out and correct these problems. In the meantime, I wish to express the well-established legal norm that the Courts, in interpreting this statute, should be governed by the plain meaning of the legislative language and the intent expressed in the Committee's report and not on late-crafted statements presented by lobby groups to only the majority and not cleared by the minority or discussed with the minority in proper fashion.

Legislative history is the work of the Congress, in its official pronouncements or sometimes the remarks of its Members in debate. It is not the unscreened remarks of lobbyists submitted in self-serving and irregular fashion.

Mr. TOWNS. Mr. Speaker, I rise in support of the bill, HR 1400, the Bond Price Competition Improvement Act of 1999, and I urge its adoption by the members of the whole House.

I would like to thank Chairman BLILEY of the full Committee on Commerce and Ranking member of the full Committee, Congressman JOHN DINGELL of Michigan, Subcommittee on Finance and Hazardous Materials Chairman OXLEY for their work and leadership on this legislation.

Chairman BLILEY issued a ''challenge to the bond industry to clean up their act on the importance of the right to know'', or expect the Congress to introduce legislation in the 106th Congress as he promised. I want to point out that Chairman BLILEY was true to his word. I want to commend the Committee leadership for all of the effort and work done with the Democrats of the committee to make this bill a bipartisan success.

The H.R. 1400, requires the industry to inform the investing public of the needed information to make sound judgement, while investing in the Bond Market with reliable, accurate transaction information and sale reporting.

The bond markets plays an important role in my home state of New York and the entire U.S. economy. I am aware of the concerns of the industry with regards to the issue of transparency. However, the SEC will do a great job for the industry and U.S. economy.

In closing, I wish to thank Chairman BLILEY and the Ranking Member of the full Committee on Commerce Mr. DINGELL and Chairman OXLEY and the members of the subcommittee for their support.

Mr. DINGELL. Mr. Speaker, I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the bill, H.R. 1400, as amended.

The question was taken.

Mr. BLILEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZING USE OF CAPITOL GROUNDS FOR CLINIC CONDUCTED BY UNITED STATES LUGE ASSOCIATION

Mr. COOKSEY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res 91) authorizing the use of the Capitol Grounds for a clinic to be conducted by the United States Luge Association, as amended.

The Clerk read as follows:

H. CON. RES. 91

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF UNITED STATES LUGE ASSOCIATION CLINIC ON CAPITOL GROUNDS.

The United States Luge Association (in this resolution referred to as the ''sponsor'') shall be permitted to sponsor a clinic (in this resolution referred to as the ''event'') on the Capitol Grounds on August 14, 1999, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event authorized by section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the sponsor may erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event authorized by section 1.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out the event, including arrangements to limit access to a portion of Constitution Avenue as required for the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, advertisements, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event authorized by section 1.

SEC. 5. LIMITATIONS ON REPRESENTATIONS.

(a) IN GENERAL.—No person may represent, either directly or indirectly, that this resolution or any activity carried out under this resolution in any way constitutes approval or endorsement by the Federal Government of any person or any product or service.

(b) ENFORCEMENT.—The Architect of the Capitol and the Capitol Police Board shall enter into an agreement with the sponsor, and such other persons participating in the event authorized by section 1 as the Architect of the Capitol and the Capitol Police Board consider appropriate, under which such persons shall agree to comply with the requirements of subsection (a). The agreement shall specifically prohibit the use of any photograph taken at the event for a commercial purpose and shall provide for the imposition of financial penalties if any violations of the agreement occur.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Louisiana (Mr. COOKSEY) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. COOKSEY).

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

Mr. Speaker, House Concurrent Resolution 91 as amended, will authorize the use of the Capitol grounds for the United States Luge Association's Junior Luge Series clinic scheduled for August 14, 1999.

The United States Luge Association conducts clinics throughout the United States during the summer months to introduce the sport of luge to youngsters who otherwise would not have the opportunity to learn the fundamentals of riding a luge sled. This is the first time Washington, D.C., will be a host city. Participants of the event will ride a luge sled equipped with wheels down Constitution Avenue between Delaware and Louisiana Avenues Northwest.

The event will be carried out in complete compliance with the rules and regulations governing the use of the Capitol grounds and is open to the public and free of admission charge.

Mr. Speaker, the amended text is noncontroversial. It simply enhances the prohibitions with regard to sales, displays, advertisements and solicitations.

Mr. Speaker, I support the resolution, and I urge my colleagues to support it as well.

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

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

Mr. Speaker, H. Con. Res. 91, as amended, authorizes use of the Capitol grounds for a sporting recruitment event to be held in August, sponsored by the U.S. Luge Association. The association, based in Lake Placid, New York, is the national governing body of the Olympic sledding event. The association conducts a summer recruiting program to introduce the sport to youngsters. The most promising athletes receive a further invitation to attend a 1-week training session.

This year's recruiting program involves visiting 10 cities, including Washington, DC. The program is over 10 years old has been highly successful, with several athletes being selected for the U.S. Olympic team. This event will provide a new and different use of the Capitol grounds here in the Nation's Capital. I join the gentleman from Louisiana (Mr. COOKSEY), my colleague, in supporting this resolution.

Mr. Speaker, I have no additional requests for time, and I reserve the balance of my time.

Mr. COOKSEY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Speaker, House Concurrent Resolution 91 authorizes the use of the Capitol grounds for a summer recruitment clinic to be conducted by the United States Luge Association on August 14 of this year. The clinic, to be held in the north side of the Capitol, will allow youngsters from Washington, D.C., ages 10 to 14, to ride an actual luge sled equipped with wheels down Constitution Avenue.

The United States Luge Association, proudly based at the winter Olympic training facilities in my district in Lake Placid, New York, has been conducting clinics throughout the country for the last 12 years. Last year, the Bell Atlantic Junior Luge Series brought the luge experience to 618 youngsters during the summer and fall covering both sides of the country with clinics in eight cities.

Mr. Speaker, I am proud to be offering this resolution today so that the winter Olympic sport of luge may be brought out to our Nation's Capitol.

□ 1430

Mr. Speaker, one of the most treasured memories I hold of Lake Placid was the 1980 Winter Olympics when the Nation celebrated the U.S. Hockey Team's famous ''Miracle on Ice'' gold medal victory. That was a defining moment for our Nation, a time that made Americans proud.

U.S. luge is carrying on that Olympic tradition and is spreading that spirit around the country through this innovative recruitment program.

Mr. Speaker, we also should remember that 1998 marked the breakout year from U.S. luge from a 34-year absence at the Olympic medal stand when two American duos captured the silver and bronze medals at the Winter Olympics in Nagano, Japan.

Cris Thorpe of Marquette, Michigan; Gordy Sheer of Croton, New York; Mark Grimmette of Muskegon, Michigan; and Brian Martin of Palo Alto, California, propelled the United States into the limelight as a leader in the international sport of luge with their medal victories.

Lake Placid, New York, nestled in the heartland of the Adirondack Mountains has been chosen to host this year's 2000 Goodwill Games, Mr. Speaker. The Goodwill Games will unveil a new state-of-the-art luge run now under construction and, in doing so, will further establish the United States as the international leader in the sport of luge.

The games will also bring renewed attention to New York's dramatic comeback, particularly the State's economic turnaround in Upstate. Working with the Olympic Regional Development Authority in Lake Placid to make the new bobsled and luge runs a reality, those agendas and those organizations have made that a top priority, as have I.

International sporting events provide a tremendous boost to the local economy and to New York's North Country, attracting hundreds of thousands of visitors, tourists, and athletes.

The summer luge program, Mr. Speaker, incorporating sleds on wheels, is the U.S. National Luge Team's primary recruitment tool. Currently, 90 percent of the USA Luge Junior National Team has been identified via this off-season tour and three have competed in the Winter Olympics.

In fact, Nagano bronze medalist Brian Martin was discovered at a 1988 clinic in Palo Alto, California. Who knows, this very clinic could yield a future Olympian right here from Washington.

Mr. Speaker, the Olympic movement is entirely dependent on successful grassroots programs like the Junior Luge series.

I urge my colleagues to support H. Con. Res. 91 so that the Olympic spirit of the U.S. luge movement may be brought to our Nation's Capitol this summer.

Mr. COOKSEY. Mr. Speaker, I yield back the balance of my time.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. REGULA). The question is on the motion offered by the gentleman from Louisiana (Mr. COOKSEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 91, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING LAW ENFORCEMENT TORCH RUN THROUGH CAPITOL GROUNDS FOR 1999 SPECIAL OLYMPICS WORLD GAMES

Mr. COOKSEY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res 105) authorizing the Law Enforcement Torch Run for the 1999 Special Olympics World Games to be run through the Capitol Grounds, as amended.

The Clerk read as follows:

H. CON. RES. 105

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZATION OF TORCH RUN THROUGH CAPITOL GROUNDS.

Special Olympics (in this resolution referred to as the ''sponsor'') shall be permitted to sponsor a public event, the Law Enforcement Torch Run for the 1999 Special Olympics World Games (in this resolution referred to as the ''event''), on the Capitol Grounds on June 18, 1999, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

SEC. 2. TERMS AND CONDITIONS.

(a) IN GENERAL.—The event shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURES AND EQUIPMENT.

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, the sponsor may erect upon the Capitol Grounds such stage, sound amplification devices, and other related structures and equipment as may be required for the event.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out the event.

SEC. 4. ENFORCEMENT OF RESTRICTIONS.

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, displays, advertisements, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event.

SEC. 5. LIMITATIONS ON REPRESENTATIONS.

(a) IN GENERAL.—No person may represent, either directly or indirectly, that this resolution or any activity carried out under this resolution in any way constitutes approval or endorsement by the Federal Government of any person or any product or service.

(b) ENFORCEMENT.—The Architect of the Capitol and the Capitol Police Board shall enter into an agreement with the sponsor, and such other persons participating in the event authorized by section 1 as the Architect of the Capitol and the Capitol Police Board consider appropriate, under which such persons shall agree to comply with the requirements of subsection (a). The agreement shall specifically prohibit the use of any photograph taken at the event for a commercial purpose and shall provide for the imposition of financial penalties if any violations of the agreement occur.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. COOKSEY) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. COOKSEY).

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

House Concurrent Resolution 105, as amended, will authorize the use of the Capitol Grounds for the Law Enforcement Torch Run for the the 1999 Special Olympics World Games.

The torch run through the Capitol Grounds, scheduled for June 18, is part of the journey of the Special Olympics World Games torch, which was originally lighted in Greece. The torch will travel through the District of Columbia on its way down to the Special Olympics World Games in Raleigh, North Carolina. More than 80 law enforcement officers and Special Olympians will carry the torch.

The World Games is an event that showcases the abilities and courage of over 7,000 special athletes with mental disabilities from 150 nations. The event will be carried out in complete compliance with the rules and regulations governing the use of the Capitol grounds and is open to the public and free of admission charge.

The amended text is noncontroversial. It simply enhances the problems with regard to sales, displays, advertisements, and solicitations.

I support the resolution and I urge my colleagues to support it, as well.

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

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

Mr. Speaker, H. Con. Res. 105, as amended, authorizes use of the Capitol grounds for the Law Enforcement Torch Run in support of the Special Olympics World Games. In 1999, the World Games will be held in Raleigh-Durham, North Carolina, from June 26 through July 4.

Mr. Speaker, law enforcement departments have adopted the Special Olympics as the event of choice for their nationwide support, and all law enforcement officers support the games. For this event, one law enforcement officer from each State will carry the torch from Washington, D.C., to Raleigh-Durham, North Carolina.

The World Games are held every 4 years. The flame of this year's games was lit on Mt. Olympus and will arrive on June 18 at the District of Columbia police dock and will be carried through the District to Capitol Hill for a ceremony.

This Special Olympic Games are a worthy endeavor, and I join in supporting this resolution. We are very happy to welcome these Games in the District of Columbia.

Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. COOKSEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. COOKSEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 105, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. COOKSEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 91, as amended, and H. Con. Res. 105, as amended, the measures just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 2 o'clock and 37 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1802

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 6 o'clock and 2 minutes p.m.

BOND PRICE COMPETITION IMPROVEMENT ACT OF 1999

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1400, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. BLILEY) that the House suspend the rules and pass the bill, H.R. 1400, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 332, nays 1, not voting 101, as follows:

[Roll No. 204]

YEAS—332

Abercrombie	Crowley	Hefley
Ackerman	Cubin	Herger
Aderholt	Cummings	Hill (IN)
Allen	Cunningham	Hill (MT)
Andrews	Davis (FL)	Hilliard
Archer	Davis (VA)	Hinchey
Armey	DeFazio	Hinojosa
Bachus	DeGette	Hoeffel
Baird	Delahunt	Hoekstra
Baldacci	DeLauro	Holden
Baldwin	DeMint	Holt
Ballenger	Deutsch	Hooley
Barcia	Diaz-Balart	Horn
Barr	Dickey	Hostettler
Barrett (NE)	Dicks	Hoyer
Bartlett	Dingell	Hunter
Barton	Dixon	Hutchinson
Bateman	Doggett	Hyde
Becerra	Dooley	Inslee
Bentsen	Doolittle	Isakson
Bereuter	Doyle	Istook
Berkley	Dreier	Jackson (IL)
Berman	Duncan	Jackson-Lee (TX)
Berry	Dunn	Jenkins
Biggert	Edwards	John
Bilbray	Ehlers	Johnson (CT)
Bilirakis	Ehrlich	Johnson, E.B.
Bishop	English	Johnson, Sam
Bliley	Eshoo	Jones (NC)
Blumenauer	Etheridge	Jones (OH)
Blunt	Evans	Kanjorski
Boehlert	Everett	Kelly
Bonilla	Ewing	Kennedy
Borski	Farr	Kildee
Boyd	Fattah	Kilpatrick
Brady (PA)	Filner	Knollenberg
Brown (OH)	Fletcher	Kolbe
Bryant	Ford	Kucinich
Burr	Fowler	LaFalce
Burton	Frank (MA)	LaHood
Callahan	Franks (NJ)	Lampson
Camp	Frelinghuysen	Largent
Campbell	Frost	Larson
Canady	Ganske	Latham
Cannon	Gejdenson	LaTourette
Capps	Gekas	Lazio
Cardin	Gephardt	Leach
Carson	Gibbons	Levin
Castle	Gilchrest	Lewis (GA)
Chabot	Gonzalez	Lewis (KY)
Chambliss	Goodlatte	Linder
Clement	Goodling	LoBiondo
Clyburn	Gordon	Lofgren
Coble	Goss	Lowey
Collins	Graham	Lucas (KY)
Combest	Greenwood	Lucas (OK)
Conyers	Gutknecht	Luther
Cook	Hall (OH)	Maloney (NY)
Cooksey	Hall (TX)	Manzullo
Cox	Hastings (FL)	Markey
Cramer	Hastings (WA)	Martinez
Crane	Hayes	

Mascara
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Morella
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Vitter
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)

NAYS—1

Paul

NOT VOTING—101

Baker
Barrett (WI)
Bass
Blagojevich
Boehner
Bonior
Bono
Boswell
Boucher
Brady (TX)
Brown (CA)
Brown (FL)
Buyer
Calvert
Capuano
Chenoweth
Clay
Clayton
Coburn
Condit
Costello
Coyne
Danner
Davis (IL)
Deal
DeLay
Emerson
Engel
Foley
Forbes
Fossella
Gallegly
Gillmor
Gilman
Goode
Granger
Green (TX)
Green (WI)
Gutierrez
Hansen
Hayworth
Hilleary
Hobson
Houghton
Hulshof
Jefferson
Kaptur
Kasich
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Kuykendall
Lantos
Lee
Lewis (CA)
Lipinski
Maloney (CT)
Matsui
McCarthy (MO)
McIntosh
McKinney
Metcalf
Miller, Gary
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Neal
Oberstar
Packard
Pelosi
Phelps
Pryce (OH)
Rahall
Ramstad
Rangel
Rogers
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Schakowsky
Shimkus
Shows
Smith (MI)
Souder
Stenholm
Stupak
Taylor (NC)
Thompson (MS)
Tiahrt
Toomey
Visclosky
Walden
Weldon (PA)
Woolsey
Young (FL)

□ 1831

Mrs. CUBIN changed her vote from ''nay'' to ''yea.''

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MALONEY of Connecticut. Mr. Speaker, I was unavoidably detained during rollcall vote No. 204.

Had I been present I would have voted ''yes.''

Mr. KUYKENDALL. Mr. Speaker, I was detained at the airport due to the storm and missed the rollcall vote on H.R. 1400, the Bond Price Competition Improvement Act of 1999. Had I been present, I would have voted ''yes'' on the measure.

Mr. PACKARD. Mr. Speaker, I was unavoidably detained for rollcall 204. Had I been present, I would have voted ''yea.''

Mr. BRADY of Texas. Mr. Speaker, on rollcall No. 204, I was inadvertently detained. Had I been present, I would have voted ''yes.''

Mr. RAMSTAD. Mr. Speaker, due to inclement weather, which caused the diversion of my flight, I was not present for rollcall vote No. 204. If I had been present, I would have voted ''aye.''

Mr. RYAN of Wisconsin. Mr. Speaker, I was unavoidably detained and, as a result, missed roll No. 204. Had I been present, I would have voted in favor of H.R. 1400.

Mr. CALVERT. Mr. Speaker, due to a scheduling conflict of official congressional business, I was unable to register my vote on H.R. 1400, the Bond Price Competition Improvement Act of 1999. Had I been present, I would have voted ''yea'' on the bill.

Ms. McCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 204, H.R. 1400—Bond Price Competition Improvement Act of 1999, I was unavoidably detained. Had I been present, I would have voted ''yes.''

Ms. LEE. Mr. Speaker, on rollcall, No. 204, H.R. 1400, the Bond Price Competition Improvement Act of 1999, I was unavoidably detained due to a late flight and poor weather conditions. Had I been present, I would have voted ''yes.''

Mr. KIND. Mr. Speaker, on rollcall No. 204, unfortunately, due to an unavoidable weather travel delay. I missed today's rollcall votes. Had I been present, I would have voted ''yea''.

Mr. GILMAN. Mr. Speaker, I was unavoidably detained on rollroll 204. Had I been present, I would have voted ''yes.''

□ 1830

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1604

Mr. OWENS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1604.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from New York?

There was no objection.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

Mr. SPENCE. Mr. Speaker, pursuant to the provisions of section 7 of House Resolution 200, I call up the Senate bill (S. 1059) to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SPENCE moves to strike all after the enacting clause of the bill S. 1059 and to insert in lieu thereof the provisions of H.R. 1401 as passed by the House, as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2000''.

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

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

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Reserve components.
Sec. 106. Defense Inspector General.
Sec. 107. Chemical demilitarization program.
Sec. 108. Defense health programs.
Sec. 109. Defense Export Loan Guarantee program.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for Army programs.
Sec. 112. Extension of pilot program on sales of manufactured articles and services of certain Army industrial facilities without regard to availability from domestic sources.
Sec. 113. Revision to conditions for award of a second-source procurement contract for the Family of Medium Tactical Vehicles.

Subtitle C—Navy Programs

Sec. 121. F/A–18E/F Super Hornet aircraft program.

Subtitle D—Chemical Stockpile Destruction Program

Sec. 141. Destruction of existing stockpile of lethal chemical agents and munitions.
Sec. 142. Alternative technologies for destruction of assembled chemical weapons.

Subtitle E—Other Matters

Sec. 151. Limitation on expenditures for satellite communications.

Sec. 152. Procurement of firefighting equipment for the Air National Guard and the Air Force Reserve.
Sec. 153. Cooperative engagement capability program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic and applied research.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Collaborative program to evaluate and demonstrate advanced technologies for advanced capability combat vehicles.
Sec. 212. Revisions in manufacturing technology program.
Sec. 213. Sense of Congress regarding defense science and technology program.

Subtitle C—Ballistic Missile Defense

Sec. 231. Additional program elements for ballistic missile defense programs.

Subtitle D—Other Matters

Sec. 241. Designation of Secretary of the Army as executive agent for high energy laser technologies.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.
Sec. 305. Transfer to Defense Working Capital Funds to support Defense Commissary Agency.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 311. Reimbursement of Navy Exchange Service Command for relocation expenses.
Sec. 312. Replacement of nonsecure tactical radios of the 82nd Airborne Division.
Sec. 313. Operation and maintenance of Air Force space launch facilities.

Subtitle C—Environmental Provisions

Sec. 321. Remediation of asbestos and lead-based paint.

Subtitle D—Performance of Functions by Private-Sector Sources

Sec. 331. Expansion of annual report on contracting for commercial and industrial type functions.
Sec. 332. Congressional notification of A–76 cost comparison waivers.
Sec. 333. Improved evaluation of local economic effect of changing defense functions to private sector performance.
Sec. 334. Annual reports on expenditures for performance of depot-level maintenance and repair workloads by public and private sectors.
Sec. 335. Applicability of competition requirement in contracting out workloads performed by depot-level activities of Department of Defense.
Sec. 336. Treatment of public sector winning bidders for contracts for performance of depot-level maintenance and repair workloads formerly performed at certain military installations.
Sec. 337. Process for modernization of computer systems at Army computer centers.
Sec. 338. Evaluation of total system performance responsibility program.
Sec. 339. Identification of core logistics capability requirements for maintenance and repair of C–17 aircraft.

Subtitle E—Defense Dependents Education

Sec. 341. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 342. Continuation of enrollment at Department of Defense domestic dependent elementary and secondary schools.
Sec. 343. Technical amendments to Defense Dependents' Education Act of 1978.

Subtitle F—Military Readiness Issues

Sec. 351. Independent study of Department of Defense secondary inventory and parts shortages.
Sec. 352. Independent study of adequacy of department restructured sustainment and reengineered logistics product support practices.
Sec. 353. Independent study of military readiness reporting system.
Sec. 354. Review of real property maintenance and its effect on readiness.
Sec. 355. Establishment of logistics standards for sustained military operations.

Subtitle G—Other Matters

Sec. 361. Discretionary authority to install telecommunication equipment for persons performing voluntary services.
Sec. 362. Contracting authority for defense working capital funded industrial facilities.
Sec. 363. Clarification of condition on sale of articles and services of industrial facilities to persons outside Department of Defense.
Sec. 364. Special authority of disbursing officials regarding automated teller machines on naval vessels.
Sec. 365. Preservation of historic buildings and grounds at United States Soldiers' and Airmen's Home, District of Columbia.
Sec. 366. Clarification of land conveyance authority, United States Soldiers' and Airmen's Home.
Sec. 367. Treatment of Alaska, Hawaii, and Guam in defense household goods moving programs.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent end strength minimum levels.
Sec. 403. Appointments to certain senior joint officer positions.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Increase in number of Army and Air Force members in certain grades authorized to serve on active duty in support of the Reserves.
Sec. 415. Selected Reserve end strength flexibility.

Subtitle C—Authorization of Appropriations

Sec. 421. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Recommendations for promotion by selection boards.
Sec. 502. Technical amendments relating to joint duty assignments.

Subtitle B—Matters Relating to Reserve Components

Sec. 511. Continuation on Reserve active status list to complete disciplinary action.
Sec. 512. Authority to order reserve component members to active duty to complete a medical evaluation.
Sec. 513. Eligibility for consideration for promotion.
Sec. 514. Retention until completion of 20 years of service for reserve component majors and lieutenant commanders who twice fail of selection for promotion.
Sec. 515. Computation of years of service exclusion.
Sec. 516. Authority to retain reserve component chaplains until age 67.
Sec. 517. Expansion and codification of authority for space-required travel for Reserves.
Sec. 518. Financial assistance program for specially selected members of the Marine Corps Reserve.
Sec. 519. Options to improve recruiting for the Army Reserve.

Subtitle C—Military Technicians

Sec. 521. Revision to military technician (dual status) law.
Sec. 522. Civil service retirement of technicians.
Sec. 523. Revision to non-dual status technicians statute.
Sec. 524. Revision to authorities relating to National Guard technicians.
Sec. 525. Effective date.
Sec. 526. Secretary of Defense review of Army technician costing process.
Sec. 527. Fiscal year 2000 limitation on number of non-dual status technicians.

Subtitle D—Service Academies

Sec. 531. Waiver of reimbursement of expenses for instruction at service academies of persons from foreign countries.
Sec. 532. Compliance by United States Military Academy with statutory limit on size of Corps of Cadets.
Sec. 533. Dean of Academic Board, United States Military Academy and Dean of the Faculty, United States Air Force Academy.
Sec. 534. Exclusion from certain general and flag officer grade strength limitations for the superintendents of the service academies.

Subtitle E—Education and Training

Sec. 541. Establishment of a Department of Defense international student program at the senior military colleges.
Sec. 542. Authority for Army War College to award degree of master of strategic studies.
Sec. 543. Authority for air university to award graduate-level degrees.
Sec. 544. Correction of Reserve credit for participation in health professional scholarship and financial assistance program.

Sec. 545. Permanent expansion of ROTC program to include graduate students.
Sec. 546. Increase in monthly subsistence allowance for senior ROTC cadets selected for advanced training.
Sec. 547. Contingent funding increase for Junior ROTC program.
Sec. 548. Change from annual to biennial reporting under the Reserve component Montgomery GI Bill.
Sec. 549. Recodification and consolidation of statutes denying Federal grants and contracts by certain departments and agencies to institutions of higher education that prohibit Senior ROTC units or military recruiting on campus.

Subtitle F—Decorations and Awards

Sec. 551. Waiver of time limitations for award of certain decorations to certain persons.
Sec. 552 Sense of Congress concerning Presidential Unit Citation for crew of the U.S.S. INDIANAPOLIS.
Sec. 553. Authority for award of Medal of Honor to Alfred Rascon for valor during the Vietnam conflict.

Subtitle G—Other Matters

Sec. 561. Revision in authority to order retired members to active duty.
Sec. 562. Temporary authority for recall of retired aviators.
Sec. 563. Service review agencies covered by professional staffing requirement.
Sec. 564. Conforming amendment to authorize Reserve officers and retired regular officers to hold a civil office while serving on active duty for not more than 270 days.
Sec. 565. Revision to requirement for honor guard details at funerals of veterans.
Sec. 566. Purpose and funding limitations for National Guard Challenge Program.
Sec. 567. Access to secondary school students for military recruiting purposes.
Sec. 568. Survey of members leaving military service on attitudes toward military service.
Sec. 569. Improvement in system for assigning personnel to warfighting units.
Sec. 570. Requirement for Department of Defense regulations to protect the confidentiality of communications between dependents and professionals providing therapeutic or related services regarding sexual or domestic abuse.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2000 increase in military basic pay and reform of basic pay rates.
Sec. 602. Pay increases for fiscal years after fiscal year 2000.
Sec. 603. Additional amount available for fiscal year 2000 increase in basic allowance for housing inside the United States.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonuses and special pay authorities for reserve forces.
Sec. 612. Extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
Sec. 613. Extension of authorities relating to payment of other bonuses and special pays.
Sec. 614. Aviation career incentive pay for air battle managers.
Sec. 615. Expansion of authority to provide special pay to aviation career officers extending period of active duty.
Sec. 616. Diving duty special pay.
Sec. 617. Reenlistment bonus.
Sec. 618. Enlistment bonus.
Sec. 619. Revised eligibility requirements for reserve component prior service enlistment bonus.
Sec. 620. Increase in special pay and bonuses for nuclear-qualified officers.
Sec. 621. Increase in authorized monthly rate of foreign language proficiency pay.
Sec. 622. Authorization of retention bonus for special warfare officers extending period of active duty.
Sec. 623. Authorization of surface warfare officer continuation pay.
Sec. 624. Authorization of career enlisted flyer incentive pay.
Sec. 625. Authorization of judge advocate continuation pay.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Provision of lodging in kind for Reservists performing training duty and not otherwise entitled to travel and transportation allowances.
Sec. 632. Payment of temporary lodging expenses for members making their first permanent change of station.
Sec. 633. Emergency leave travel cost limitations.

Subtitle D—Retired Pay Reform

Sec. 641. Redux retired pay system applicable only to members electing new 15-year career status bonus.
Sec. 642. Authorization of 15-year career status bonus.
Sec. 643. Conforming amendments.
Sec. 644. Effective date.

Subtitle E—Other Retired Pay and Survivor Benefit Matters

Sec. 651. Effective date of disability retirement for members dying in civilian medical facilities.
Sec. 652. Extension of annuity eligibility for surviving spouses of certain retirement eligible reserve members.
Sec. 653. Presentation of United States flag to retiring members of the uniformed services not previously covered.
Sec. 654. Accrual funding for retirement system for commissioned corps of National Oceanic and Atmospheric Administration.
Sec. 655. Disability retirement or separation for certain members with preexisting conditions.

Subtitle F—Eligibility to Participate in the Thrift Savings Plan

Sec. 661. Authority for members of the uniformed services to contribute to the thrift savings fund.
Sec. 662. Contributions to thrift savings fund.
Sec. 663. Regulations.
Sec. 664. Effective date.

Subtitle G—Other Matters

Sec. 671. Payments for unused accrued leave as part of reenlistment.
Sec. 672. Clarification of per diem eligibility for military technicians serving on active duty without pay outside the United States.
Sec. 673. Overseas special supplemental food program.
Sec. 674. Special compensation for severely disabled uniformed services retirees.
Sec. 675. Tuition assistance for members deployed in a contingency operation.

TITLE VII—HEALTH CARE MATTERS

Subtitle A—Health Care Services

Sec. 701. Provision of health care to members on active duty at certain remote locations.
Sec. 702. Provision of chiropractic health care.
Sec. 703. Continuation of provision of domiciliary and custodial care for certain CHAMPUS beneficiaries.
Sec. 704. Removal of restrictions on use of funds for abortions in certain cases of rape or incest.

Subtitle B—TRICARE Program

Sec. 711. Improvements to claims processing under the TRICARE program.
Sec. 712. Authority to waive certain TRICARE deductibles.
Sec. 713. Electronic processing of claims under the TRICARE program.
Sec. 714. Study of rates for provision of medical services; proposal for certain rate increases.
Sec. 715. Requirements for provision of care in geographically separated units.
Sec. 716. Improvement of access to health care under the TRICARE program.
Sec. 717. Reimbursement of certain costs incurred by covered beneficiaries when referred for care outside local catchment area.
Sec. 718. Improvement of referral process under TRICARE.

Subtitle C—Other Matters

Sec. 721. Pharmacy benefits program.
Sec. 722. Improvements to third-party payer collection program.
Sec. 723. Authority of Armed Forces medical examiner to conduct forensic pathology investigations.
Sec. 724. Trauma training center.
Sec. 725. Study on joint operations for the Defense Health Program.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Sec. 801. Sale, exchange, and waiver authority for coal and coke.
Sec. 802. Extension of authority to issue solicitations for purchases of commercial items in excess of simplified acquisition threshold.
Sec. 803. Expansion of applicability of requirement to make certain procurements from small arms production industrial base.
Sec. 804. Repeal of termination of provision of credit towards subcontracting goals for purchases benefiting severely handicapped persons.
Sec. 805. Extension of test program for negotiation of comprehensive small business subcontracting plans.
Sec. 806. Facilitation of national missile defense system.
Sec. 807. Options for accelerated acquisition of precision munitions.
Sec. 808. Program to increase opportunity for small business innovation in defense acquisition programs.

Sec. 809. Compliance with Buy American Act.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Sec. 901. Limitation on amount available for contracted advisory and assistance services.
Sec. 902. Responsibility for logistics and sustainment functions of the Department of Defense.
Sec. 903. Management headquarters and headquarters support activities.
Sec. 904. Further reductions in defense acquisition and support workforce.
Sec. 905. Center for the Study of Chinese Military Affairs.
Sec. 906. Responsibility within Office of the Secretary of Defense for monitoring OPTEMPO and PERSTEMPO.
Sec. 907. Report on military space issues.
Sec. 908. Employment and compensation of civilian faculty members of Department of Defense African Center for Strategic Studies.
Sec. 909. Additional matters for annual report on joint warfighting experimentation.
Sec. 910. Defense technology security enhancement.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. Transfer authority.
Sec. 1002. Incorporation of classified annex.
Sec. 1003. Authorization of prior emergency military personnel appropriations.
Sec. 1004. Repeal of requirement for two-year budget cycle for the Department of Defense.
Sec. 1005. Consolidation of various Department of the Navy trust and gift funds.
Sec. 1006. Supplemental appropriations request for operations in Yugoslavia.

Subtitle B—Naval Vessels and Shipyards

Sec. 1011. Revision to congressional notice-and-wait period required before transfer of a vessel stricken from the Naval Vessel Register.
Sec. 1012. Authority to consent to retransfer of former naval vessel.
Sec. 1013. Report on naval vessel force structure requirements.
Sec. 1014. Auxiliary vessels acquisition program for the Department of Defense.
Sec. 1015. Authority to provide advance payments for the National Defense Features program.

Subtitle C—Matters Relating to Counter Drug Activities

Sec. 1021. Support for detection and monitoring activities in the eastern Pacific Ocean.
Sec. 1022. Condition on development of forward operating locations for United States Southern Command counter-drug detection and monitoring flights.
Sec. 1023. United States military activities in Colombia.
Sec. 1024. Assignment of members to assist Immigration and Naturalization Service and Customs Service.

Subtitle D—Other Matters

Sec. 1031. Identification in budget materials of amounts for declassification activities and limitation on expenditures for such activities.
Sec. 1032. Notice to congressional committees of compromise of classified information within defense programs of the United States.
Sec. 1033. Revision to limitation on retirement or dismantlement of strategic nuclear delivery systems.
Sec. 1034. Annual report by Chairman of Joint Chiefs of Staff on the risks in executing the missions called for under the National Military Strategy.
Sec. 1035. Requirement to address unit operations tempo and personnel tempo in Department of Defense annual report.
Sec. 1036. Preservation of certain defense reporting requirements.
Sec. 1037. Technical and clerical amendments.
Sec. 1038. Contributions for Spirit of Hope endowment fund of United Service Organizations, Incorporated.
Sec. 1039. Chemical defense training facility.
Sec. 1040. Asia-Pacific Center for security studies.
Sec. 1041. Report on effect of continued Balkan operations on ability of United States to successfully meet other regional contingencies.
Sec. 1042. Report on space launch failures.
Sec. 1043. Report on airlift requirements to support national military strategy.
Sec. 1044. Operations of Naval Academy dairy farm.
Sec. 1045. Inspector General investigation of compliance with Buy American Act in purchases of free weight strength training equipment.
Sec. 1046. Performance of threat and risk assessments.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

Sec. 1101. Increase of pay cap for non-appropriated fund senior executive employees.
Sec. 1102. Restoration of leave for certain Department of Defense employees who deploy to a combat zone outside the United States.
Sec. 1103. Expansion of Guard-and-Reserve purposes for which leave under section 6323 of title 5, United States Code, may be used.
Sec. 1104. Temporary authority to provide early retirement and separation incentives for certain civilian employees.
Sec. 1105. Extension of authority to continue health insurance coverage for certain Department of Defense employees.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

Sec. 1201. Report on strategic stability under START III.
Sec. 1202. One-year extension of counterproliferation authorities for support of United Nations weapons inspection regime in Iraq.
Sec. 1203. Limitation on military-to-military exchanges with China's People's Liberation Army.
Sec. 1204. Report on allied capabilities to contribute to major theater wars.
Sec. 1205. Limitation on funds for Bosnia peacekeeping operations for fiscal year 2000.
Sec. 1206. Limitation on deployment of United States Armed Forces in Haiti.
Sec. 1207. Goals for the conflict with the Federal Republic of Yugoslavia.
Sec. 1208. Report on the security situation on the Korean Peninsula.
Sec. 1209. Annual report on military power of the People's Republic of China.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Prohibition on use of funds for specified purposes.
Sec. 1304. Limitations on use of funds for fissile material storage facility.
Sec. 1305. Limitation on use of funds for chemical weapons destruction.
Sec. 1306. Limitation on use of funds for biological weapons proliferation prevention activities.
Sec. 1307. Limitation on use of funds until submission of report and multiyear plan.
Sec. 1308. Requirement to submit report.
Sec. 1309. Report on Expanded Threat Reduction Initiative.

TITLE XIV—PROLIFERATION AND EXPORT CONTROL MATTERS

Sec. 1401. Report on compliance by the People's Republic of China and other countries with the missile technology control regime.
Sec. 1402. Annual report on technology transfers to the People's Republic of China.
Sec. 1403. Report on implementation of transfer of satellite export control authority.
Sec. 1404. Security in connection with satellite export licensing.
Sec. 1405. Reporting of technology passed to People's Republic of China and of foreign launch security violations.
Sec. 1406. Report on national security implications of exporting high-performance computers to the People's Republic of China.
Sec. 1407. End-use verification for use by People's Republic of China of high-performance computers.
Sec. 1408. Procedures for review of export of controlled technologies and items.
Sec. 1409. Notice of foreign acquisition of United States firms in national security industries.
Sec. 1410. Five-agency inspectors general examination of countermeasures against acquisition by the People's Republic of China of militarily sensitive technology.
Sec. 1411. Office of technology security in Department of Defense.
Sec. 1412. Annual audit of Department of Defense and Department of Energy policies with respect to technology transfers to the People's Republic of China.
Sec. 1413. Resources for export license functions.
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DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
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Sec. 2104. Authorization of appropriations, Army.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.

Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Authorization to accept electrical substation improvements, Guam.
Sec. 2206. Correction in authorized use of funds, Marine Corps Combat Development Command, Quantico, Virginia.

TITLE XXIII—AIR FORCE

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Plan for completion of project to consolidate Air Force research laboratory, Rome Research Site, New York.

TITLE XXIV—DEFENSE AGENCIES

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Improvements to military family housing units.
Sec. 2403. Military housing improvement program.
Sec. 2404. Energy conservation projects.
Sec. 2405. Authorization of appropriations, Defense Agencies.
Sec. 2406. Increase in fiscal year 1997 authorization for military construction projects at Pueblo Chemical Activity, Colorado.
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TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

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Sec. 2802. Development of Ford Island, Hawaii.
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Sec. 2804. Planning and design for military construction projects for reserve components.
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Sec. 2814. Study and report on impacts to military readiness of proposed land management changes on public lands in Utah.

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Sec. 2821. Continuation of authority to use Department of Defense Base Closure Account 1990 for activities required to close or realign military installations.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

Sec. 2831. Transfer of jurisdiction, Fort Sam Houston, Texas.
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Sec. 2833. Land conveyance, Fort Des Moines, Iowa.
Sec. 2834. Land conveyance, Army Maintenance Support Activity (Marine) Number 84, Marcus Hook, Pennsylvania.
Sec. 2835. Land conveyances, Army docks and related property, Alaska.
Sec. 2836. Land conveyance, Fort Huachuca, Arizona.
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Sec. 2851. Land conveyance, Naval Weapons Industrial Reserve Plant No. 387, Dallas, Texas.
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Sec. 2861. Conveyance of fuel supply line, Pease Air Force Base, New Hampshire.
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DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

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Sec. 3131. Limitation on use at Department of Energy laboratories of funds appropriated for the initiatives for proliferation prevention program.
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Subtitle D—Commission on Nuclear Weapons Management

Sec. 3151. Establishment of commission.
Sec. 3152. Duties of commission.
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Sec. 3161. Procedures for meeting tritium production requirements.
Sec. 3162. Extension of authority of Department of Energy to pay voluntary separation incentive payments.
Sec. 3163. Fellowship program for development of skills critical to the Department of Energy nuclear weapons complex.
Sec. 3164. Department of Energy records declassification.
Sec. 3165. Management of nuclear weapons production facilities and national laboratories.
Sec. 3166. Notice to congressional committees of compromise of classified information within nuclear energy defense programs.
Sec. 3167. Department of Energy regulations relating to the safeguarding and security of restricted data.
Sec. 3168. Department of Energy counterintelligence polygraph program.
Sec. 3169. Report on counterintelligence and security practices at national laboratories.

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Subtitle F—Protection of National Security Information

Sec. 3181. short title.
Sec. 3182. Semi-annual report by the president on espionage by the People's Republic of China.
Sec. 3183. Report on whether department of energy should continue to maintain nuclear weapons responsibility.
Sec. 3184. Department of Energy office of foreign intelligence and Office of Counterintelligence.
Sec. 3185. Counterintelligence program at Department of Energy national laboratories.
Sec. 3186. Counterintelligence activities at other Department of Energy facilities.
Sec. 3187. Department of Energy polygraph examinations.
Sec. 3188. Civil monetary penalties for violations of Department of Energy regulations relating to the safeguarding and security of restricted data.
Sec. 3189. Increased penalties for misuse of restricted data.
Sec. 3190. restrictions on access to national laboratories by foreign visitors from sensitive countries.
Sec. 3191. Requirements relating to access by foreign visitors and employees to Department of Energy facilities engaged in defense activities.
Sec. 3192. Annual report on security and counterintelligence standards at national laboratories and other defense facilities of the Department of Energy.
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TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

Sec. 3301. Definitions.
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TITLE XXXIV—MARITIME ADMINISTRATION

Sec. 3401. Short title.
Sec. 3402. Authorization of appropriations for fiscal year 2000.
Sec. 3403. Amendments to title XI of the Merchant Marine Act, 1936.
Sec. 3404. Extension of war risk insurance authority.
Sec. 3405. Ownership of the JEREMIAH O'BRIEN.

TITLE XXXV—PANAMA CANAL COMMISSION

Sec. 3501. Short title.
Sec. 3502. Authorization of expenditures.
Sec. 3503. Purchase of vehicles.
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SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

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

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

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

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Army as follows:

(1) For aircraft, $1,415,211,000.

(2) For missiles, $1,415,959,000.

(3) For weapons and tracked combat vehicles, $1,575,096,000.

(4) For ammunition, $1,196,216,000.

(5) For other procurement, $3,799,895,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Navy as follows:

(1) For aircraft, $8,804,051,000.

(2) For weapons, including missiles and torpedoes, $1,764,655,000.

(3) For shipbuilding and conversion, $6,687,172,000.

(4) For other procurement, $4,260,444,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Marine Corps in the amount of 1,297,463,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for procurement of ammunition for the Navy and the Marine Corps in the amount of $612,900,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Air Force as follows:

(1) For aircraft, $9,647,651,000.

(2) For missiles, $2,303,661,000.

(3) For ammunition, $560,537,000.

(4) For other procurement, $7,077,762,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2000 for Defense-wide procurement in the amount of $2,107,839,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

(1) For the Army National Guard, $10,000,000.

(2) For the Air National Guard, $10,000,000.

(3) For the Army Reserve, $10,000,000.

(4) For the Naval Reserve, $10,000,000.

(5) For the Air Force Reserve, $10,000,00.

(6) For the Marine Corps Reserve, $10,000,000.

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 2000 for procurement for the Inspector General of the Department of Defense in the amount of $2,100,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 2000 the amount of $1,012,000,000 for—

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

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

SEC. 108. DEFENSE HEALTH PROGRAMS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $356,970,000.

SEC. 109. DEFENSE EXPORT LOAN GUARANTEE PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the Department of Defense for carrying out the Defense Export Loan Guarantee Program under section 2540 of title 10, United States Code, in the total amount of $1,250,000.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR ARMY PROGRAMS.

(a) MULTIYEAR PROCUREMENT AUTHORITY.—Subject to subsection (b), the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract beginning with the fiscal year 2000 program year for procurement for each of the following programs.

(1) The Javelin missile system.

(2) M2A3 Bradley fighting vehicles.

(3) AH–64D Longbow Apache attack helicopters.

(4) The M1A2 Abrams main battle tank upgrade program combined with the Heavy Assault Bridge program.

(b) REQUIRED REPORT.—The Secretary of the Army may not enter into a multiyear contract under subsection (a) for a program named in one of the paragraphs of that subsection until the Secretary of Defense submits to the congressional defense committees a report with respect to that contract that provides the following information, shown for each year in the current future-years defense program and in the aggregate over the period of the current future-years defense program:

(1) The amount of total obligational authority under the contract and the percentage that such amount represents of (A) the applicable procurement account, and (B) the service procurement total.

(2) The amount of total obligational authority under all Army multiyear procurements (determined without regard to the amount of the multiyear contract) under multiyear contracts in effect immediately before the contract under subsection (a) is entered into and the percentage that such amount represents of (A) the applicable procurement account, and (B) the service procurement total.

(3) The amount equal to the sum of the amounts under paragraphs (1) and (2) and the percentage that such amount represents of (A) the applicable procurement account, and (B) the service procurement total.

(4) The amount of total obligational authority under all Department of Defense multiyear procurements (determined without regard to the amount of the multiyear contract), including the contract under subsection (a) and each additional multiyear contract authorized by this Act, and the percentage that such amount represents of the procurement accounts of the Department of Defense treated in the aggregate.

(5) For purposes of this subsection:

(A) The term ''applicable procurement account'' means, with respect to the multiyear contract under subsection (a), the Department of the Army procurement account from which funds to discharge obligations under the contract will be provided.

(B) The term ''service procurement total'' means, with respect to the multiyear contract under subsection (a), the procurement accounts of the Army treated in the aggregate.

SEC. 112. EXTENSION OF PILOT PROGRAM ON SALES OF MANUFACTURED ARTICLES AND SERVICES OF CERTAIN ARMY INDUSTRIAL FACILITIES WITHOUT REGARD TO AVAILABILITY FROM DOMESTIC SOURCES.

Section 141 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 4543 note) is amended—

(1) in subsection (a), by striking ''fiscal years 1998 and 1999'' and inserting ''fiscal years 1998 through 2001'';

(2) in subsection (b), by striking ''fiscal year 1998 or 1999'' and inserting ''the period during which the pilot program is being conducted''; and

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

''(d) UPDATE OF REPORT.—Not later March 1, 2001, the Inspector General of the Department of Defense shall submit to Congress an update of the report required to be submitted under subsection (c) and an assessment of the success of the pilot program.''.

SEC. 113. REVISION TO CONDITIONS FOR AWARD OF A SECOND-SOURCE PROCUREMENT CONTRACT FOR THE FAMILY OF MEDIUM TACTICAL VEHICLES.

The text of section 112 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1973) is amended to read as follows:

''(a) LIMITATION ON SECOND-SOURCE AWARD.—The Secretary of the Army may award a full-rate production contract (known as a Phase III contract) for production of the Family of Medium Tactical Vehicles to a second source only after the Secretary submits to the congressional defense committees a certification in writing of the following:

''(1) That the total quantity of trucks within the Family of Medium Tactical Vehicles program that the Secretary will require to be delivered (under all contracts) in any 12-month period will be sufficient to enable the prime contractor to maintain a minimum production level of 150 trucks per month.

''(2) That the total cost to the Army of the procurements under the prime and second-source contracts over the period of those contracts will be the same as or lower than the amount that would be the total cost of the procurements if such a second-source contract were not awarded.

''(3) That the trucks to be produced under those contracts will be produced with common components that will be interchangeable among similarly configured models.

''(b) DEFINITIONS.—In this section:

''(1) The term 'prime contractor' means the contractor under the production contract for the Family of Medium Tactical Vehicles program as of the date of the enactment of this Act.

''(2) The term 'second source' means a firm other than the prime contractor.''.

Subtitle C—Navy Programs

SEC. 121. F/A–18E/F SUPER HORNET AIRCRAFT PROGRAM.

(a) MULTIYEAR PROCUREMENT AUTHORITY.—Subject to subsection (b) and (c), the Secretary of the Navy may, in accordance with section 2306b of title 10, United States Code, enter into a multiyear procurement contract beginning with the fiscal year 2000 program year for procurement for the F/A–18E/F aircraft program.

(b) REQUIRED REPORT.—The Secretary of the Navy may not enter into a multiyear contract under subsection (a) until the Secretary of Defense submits to the congressional defense committees a report with respect to that contract that provides the following information, shown for each year in the current future-years defense program and in the aggregate over the period of the current future-years defense program:

(1) The amount of total obligational authority under the contract and the percentage that such amount represents of (A) the applicable procurement account, and (B) the service procurement total.

(2) The amount of total obligational authority under all Navy multiyear procurements (determined without regard to the amount of the multiyear contract) under multiyear contracts in effect immediately before the contract under subsection (a) is entered into and the percentage that such amount represents of (A) the applicable procurement account, and (B) the service procurement total.

(3) The amount equal to the sum of the amounts under paragraphs (1) and (2) and the percentage that such amount represents of (A) the applicable procurement account, and (B) the service procurement total.

(4) The amount of total obligational authority under all Department of Defense multiyear procurements (determined without regard to the amount of the multiyear contract), including the contract under subsection (a) and each additional multiyear contract authorized by this Act, and the percentage that such amount represents of the procurement accounts of the Department of Defense treated in the aggregate.

(5) For purposes of this subsection:

(A) The term ''applicable procurement account'' means, with respect to the multiyear contract under subsection (a), the Aircraft Procurement, Navy account.

(B) The term ''service procurement total'' means, with respect to the multiyear contract under subsection (a), the procurement accounts of the Navy treated in the aggregate.

(c) LIMITATION WITH RESPECT TO OPERATIONAL TEST AND EVALUATION.—The Secretary of the Navy may not enter into a multiyear procurement contract authorized by subsection (a) until—

(1) the Secretary of Defense submits to the congressional defense committees a certification described in subsection (c); and

(2) a period of 30 continuous days of a Congress (as determined under subsection (d)) elapses after the submission of that certification.

(d) REQUIRED CERTIFICATION.—A certification referred to in subsection (c)(1) is a certification by the Secretary of Defense of each of the following:

(1) That the results of the Operational Test and Evaluation program for the F/A–18E/F aircraft indicate—

(A) that the aircraft meets the requirements for operational effectiveness and suitability established by the Secretary of the Navy; and

(B) that the aircraft meets key performance specifications established by the Secretary of the Navy.

(2) That the cost of procurement of that aircraft using a multiyear procurement contract as authorized by subsection (a), assuming procurement of 222 aircraft, is at least 7.4 percent less than the cost of procurement of the same number of aircraft through annual contracts.

(e) CONTINUITY OF CONGRESS.—For purposes of subsection (c)(2)—

(1) the continuity of a Congress is broken only by an adjournment of the Congress sine die at the end of the final session of the Congress; and

(2) any day on which either House of Congress is not in session because of an adjournment of more than three days to a day certain, or because of an adjournment sine die at the end of the first session of a Congress, shall be excluded in the computation of such 30-day period.

Subtitle D—Chemical Stockpile Destruction Program

SEC. 141. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

(a) PROGRAM ASSESSMENT.—(1) The Secretary of Defense shall conduct an assessment of the current program for destruction of the United States' stockpile of chemical agents and munitions, including the Assembled Chemical Weapons Assessment, for the purpose of reducing significantly the cost of such program and ensuring completion of such program in accordance with the obligations of the United States under the Chemical Weapons Convention while maintaining maximum protection of the general public, the personnel involved in the demilitarization program, and the environment.

(2) Based on the results of the assessment conducted under paragraph (1), the Secretary may take those actions identified in the assessment that may be accomplished under existing law to achieve the purposes of such assessment and the chemical agents and munitions stockpile destruction program.

(3) Not later than March 1, 2000, the Secretary shall submit to Congress a report on—

(A) those actions taken, or planned to be taken, under paragraph (2); and

(B) any recommendations for additional legislation that may be required to achieve the purposes of the assessment conducted under paragraph (1) and of the chemical agents and munitions stockpile destruction program.

(b) CHANGES AND CLARIFICATIONS REGARDING PROGRAM.—Section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 50 U.S.C. 1521) is amended—

(1) in subsection (c)—

(A) by striking paragraph (2) and inserting the following new paragraph:

''(2) Facilities constructed to carry out this section shall, when no longer needed for the purposes for which they were constructed, be disposed of in accordance with applicable laws and regulations and mutual agreements between the Secretary of the Army and the Governor of the State in which the facility is located.'';

(B) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(C) by inserting after paragraph (2) (as amended by subparagraph (A)) the following new paragraph:

''(3)(A) Facilities constructed to carry out this section may not be used for a purpose other than the destruction of the stockpile of lethal chemical agents and munitions that exists on November 8, 1985.

''(B) The prohibition in subparagraph (A) shall not apply with respect to items designated by the Secretary of Defense as lethal chemical agents, munitions, or related materials after November 8, 1985, if the State in which a destruction facility is located issues the appropriate permit or permits for the destruction of such items at the facility.'';

(2) in subsection (f)(2), by striking ''(c)(4)'' and inserting ''(c)(5)''; and

(3) in subsection (g)(2)(B), by striking ''(c)(3)'' and inserting ''(c)(4)''.

(c) DEFINITIONS.—As used in this section:

(1) The term ''Assembled Chemical Weapons Assessment'' means the pilot program carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104–208; 110 Stat. 3009–101; 50 U.S.C. 1521 note).

(2) The term ''Chemical Weapons Convention'' means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and Their Destruction, ratified by the United States on April 25, 1997, and entered into force on April 29, 1997.

SEC. 142. ALTERNATIVE TECHNOLOGIES FOR DESTRUCTION OF ASSEMBLED CHEMICAL WEAPONS.

Section 142(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1521 note) is amended to read as follows:

''(a) PROGRAM MANAGEMENT.—(1) The program manager for the Assembled Chemical

Weapons Assessment program shall manage the development and testing of technologies for the destruction of lethal chemical munitions that are potential or demonstrated alternatives to the baseline incineration program.

''(2) The Under Secretary of Defense for Acquisition and Technology and the Secretary of the Army shall jointly submit to Congress, not later than December 1, 1999, a plan for the transfer of oversight of the Assembled Chemical Weapons Assessment program from the Under Secretary to the Secretary.

''(3) Oversight of the Assembled Chemical Weapons Assessment program shall be transferred from the Under Secretary of Defense for Acquisition and Technology to the Secretary of the Army pursuant to the plan submitted under paragraph (2) not later than 90 days after the date of the submission of the notice required under section 152(f)(2) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 50 U.S.C. 1521).

''(4) The Under Secretary of Defense for Acquisition and Technology and the Secretary of the Army shall ensure coordination of the activities and plans of the program manager for the Assembled Chemical Weapons Assessment program and the program manager for Chemical Demilitarization during the demonstration and pilot plant facility phase for an alternative technology.

''(5) For those baseline demilitarization facilities for which the Secretary decides that implementation of an alternative technology may be recommended, the Secretary may take those measures necessary to facilitate the integration of the alternative technology.''.

Subtitle E—Other Matters

SEC. 151. LIMITATION ON EXPENDITURES FOR SATELLITE COMMUNICATIONS.

(a) IN GENERAL.—Chapter 136 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2282. Purchase or lease of communications services: limitation

''The Secretary of Defense may not obligate any funds after September 30, 2000, to buy a commercial satellite communications system or to lease a communications service, including mobile satellite communications, unless the Secretary determines that the system or service to be purchased or leased has been proven through independent testing—

''(1) not to cause harmful interference to, or to disrupt the use of, colocated commercial or military Global Positioning System receivers used by the Department of Defense; and

''(2) to be safe for use with such receivers in all other respects.''.

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

''2282. Purchase or lease of communications services: limitation.''.

SEC. 152. PROCUREMENT OF FIREFIGHTING EQUIPMENT FOR THE AIR NATIONAL GUARD AND THE AIR FORCE RESERVE.

The Secretary of the Air Force may carry out a procurement program, in a total amount not to exceed $16,000,000, to modernize the airborne firefighting capability of the Air National Guard and Air Force Reserve by procurement of equipment for the modular airborne firefighting system. Amounts may be obligated for the program from funds appropriated for that purpose for fiscal year 1999 and subsequent fiscal years.

SEC. 153. COOPERATIVE ENGAGEMENT CAPABILITY PROGRAM.

(a) AUTHORITY TO PROCEED.—Cooperative engagement equipment procured under the Cooperative Engagement Capability program of the Navy shall be procured and installed into commissioned vessels, shore facilities, and aircraft of the Navy before completion of the operational test and evaluation of shipboard cooperative engagement capability in order to ensure fielding of a battle group with fully functional cooperative engagement capability by fiscal year 2003.

(b) FUNDING.—The amount authorized to be appropriated in section 102(a)(1) for E–2C aircraft modification is hereby increased by $22,000,000 to provide for the acquisition of additional cooperative engagement capability equipment. The amount authorized to be appropriated in section 102(a)(4) for Shipboard Information Warfare Exploit Systems is hereby reduced by $22,000,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $4,708,194,000.

(2) For the Navy, $8,358,529,000.

(3) For the Air Force, $13,212,671,000.

(4) For Defense-wide activities, $9,556,285,000, of which—

(A) $253,457,000 is authorized for the activities of the Director, Test and Evaluation; and

(B) $24,434,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.

(a) FISCAL YEAR 2000.—Of the amounts authorized to be appropriated by section 201, $4,248,465,000 shall be available for basic research and applied research projects.

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

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. COLLABORATIVE PROGRAM TO EVALUATE AND DEMONSTRATE ADVANCED TECHNOLOGIES FOR ADVANCED CAPABILITY COMBAT VEHICLES.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense shall establish and carry out a program to provide for the evaluation and competitive demonstration of concepts for advanced capability combat vehicles for the Army.

(b) COVERED PROGRAM.—The program under subsection (a) shall be carried out collaboratively pursuant to a memorandum of agreement to be entered into between the Secretary of the Army and the Director of the Defense Advanced Research Projects Agency. The program shall include the following activities:

(1) Consideration and evaluation of technologies having the potential to enable the development of advanced capability combat vehicles that are significantly superior to the existing M1 series of tanks in terms of capability for combat, survival, support, and deployment, including but not limited to the following technologies:

(A) Weapon systems using electromagnetic power, directed energy, and kinetic energy.

(B) Propulsion systems using hybrid electric drive.

(C) Mobility systems using active and semi-active suspension and wheeled vehicle suspension.

(D) Protection systems using signature management, lightweight materials, and full-spectrum active protection.

(E) Advanced robotics, displays, man-machine interfaces, and embedded training.

(F) Advanced sensory systems and advanced systems for combat identification, tactical navigation, communication, systems status monitoring, and reconnaissance.

(G) Revolutionary methods of manufacturing combat vehicles.

(2) Incorporation of the most promising such technologies into demonstration models.

(3) Competitive testing and evaluation of such demonstration models.

(4) Identification of the most promising such demonstration models within a period of time to enable preparation of a full development program capable of beginning by fiscal year 2007.

(c) REPORT.—Not later than January 31, 2000, the Secretary of the Army and the Director of the Defense Advanced Research Projects Agency shall submit to the congressional defense committees a joint report on the implementation of the program under subsection (a). The report shall include the following:

(1) A description of the memorandum of agreement referred to in subsection (b).

(2) A schedule for the program.

(3) An identification of the funding required for fiscal year 2001 and for the future-years defense program to carry out the program.

(4) A description and assessment of the acquisition strategy for combat vehicles planned by the Secretary of the Army that would sustain the existing force of M1-series tanks, together with a complete identification of all operation, support, ownership, and other costs required to carry out such strategy through the year 2030.

(5) A description and assessment of one or more acquisition strategies for combat vehicles, alternative to the strategy referred to in paragraph (4), that would develop a force of advanced capability combat vehicles significantly superior to the existing force of M1-series tanks and, for each such alternative acquisition strategy, an estimate of the funding required to carry out such strategy.

(d) FUNDS.—Of the amount authorized to be appropriated for Defense-wide activities by section 201(4) for the Defense Advanced Research Projects Agency, $56,200,000 shall be available only to carry out the program under subsection (a).

SEC. 212. REVISIONS IN MANUFACTURING TECHNOLOGY PROGRAM.

(a) ADDITIONAL PURPOSE OF PROGRAM.—Subsection (b) of section 2525 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) to address broad defense-related manufacturing inefficiencies and requirements;''.

(b) REPEAL OF COST-SHARE GOAL.—Subsection (d) of such section is amended by striking paragraph (3).

SEC. 213. SENSE OF CONGRESS REGARDING DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.

(a) FAILURE TO COMPLY WITH FUNDING REQUIREMENTS.—It is the sense of Congress that the Secretary of Defense has failed to comply with the funding objective for the Defense Science and Technology Program, especially the Air Force Science and Technology Program, as required by section 214(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1948), thus jeopardizing the stability of the defense technology base and increasing the risk of failure to maintain technological superiority in future weapons systems.

(b) FUNDING REQUIREMENTS.—It is further the sense of Congress that, for each of the fiscal years 2001 through 2009, it should be an objective of the Secretary of Defense to increase the budget for the Defense Science and Technology Program, including the science and technology program within each military department, for the fiscal year over the budget for that program for the preceding fiscal year by a percent that is at least two percent above the rate of inflation as determined by the Office of Management and Budget.

(c) CERTIFICATION.—If a proposed budget fails to comply with the objective set forth in subsection (b), the President shall certify to Congress that the budget does not jeopardize the stability of the defense technology base or increase the risk of failure to maintain technological superiority in future weapons systems.

Subtitle C—Ballistic Missile Defense

SEC. 231. ADDITIONAL PROGRAM ELEMENTS FOR BALLISTIC MISSILE DEFENSE PROGRAMS.

Section 223(a) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (5) through (12) as paragraphs (6) through (13), respectively;

(2) by inserting after paragraph (4) the following new paragraph (5):

''(5) Upper Tier.''; and

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

''(14) Space Based Infrared System Low.

''(15) Space Based Infrared System High.''.

Subtitle D—Other Matters

SEC. 241. DESIGNATION OF SECRETARY OF THE ARMY AS EXECUTIVE AGENT FOR HIGH ENERGY LASER TECHNOLOGIES.

(a) DESIGNATION.—The Secretary of Defense shall designate the Secretary of the Army as the Department of Defense executive agent for oversight of research, development, test, and evaluation of specified high energy laser technologies.

(b) LOCATION FOR CARRYING OUT OVERSIGHT FUNCTIONS.—The functions of the Secretary of the Army as such executive agent shall be carried out through the Army Space and Missile Defense Command at the High Energy Laser Systems Test Facility at White Sands Missile Range, New Mexico.

(c) FUNCTIONS.—The responsibilities of the Secretary of the Army as such executive agent shall include the following:

(1) Developing policy and overseeing the establishment of, and adherence to, procedures for ensuring that projects of the Department of Defense involving specified high energy laser technologies are initiated and administered effectively.

(2) Assessing and making recommendations to the Secretary of Defense regarding the capabilities demonstrated by specified high energy laser technologies and the potential of such technologies to meet operational military requirements.

(d) SPECIFIED HIGH ENERGY LASER TECHNOLOGIES.—For purposes of this section, the term ''specified high energy laser technologies'' means technologies that—

(1) use lasers of one or more kilowatts; and

(2) have potential weapons applications.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $19,476,694,000.

(2) For the Navy, $22,785,215,000.

(3) For the Marine Corps, $2,777,429,000.

(4) For the Air Force, $21,514,958,000.

(5) For Defense-wide activities, $10,968,614,000.

(6) For the Army Reserve, $1,512,513,000.

(7) For the Naval Reserve, $965,847,000.

(8) For the Marine Corps Reserve, $137,266,000.

(9) For the Air Force Reserve, $1,730,937,000.

(10) For the Army National Guard, $3,141,049,000.

(11) For the Air National Guard, $3,185,918,000.

(12) For the Defense Inspector General, $130,744,000.

(13) For the United States Court of Appeals for the Armed Forces, $7,621,000.

(14) For Environmental Restoration, Army, $378,170,000.

(15) For Environmental Restoration, Navy, $284,000,000.

(16) For Environmental Restoration, Air Force, $376,800,000.

(17) For Environmental Restoration, Defense-wide, $25,370,000.

(18) For Environmental Restoration, Formerly Used Defense Sites, $199,214,000.

(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $50,000,000.

(20) For Drug Interdiction and Counterdrug Activities, Defense-wide, $811,700,000.

(21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $15,000,000.

(22) For Defense Health Program, $10,496,687,000.

(23) For Cooperative Threat Reduction programs, $444,100,000.

(24) For Overseas Contingency Operations Transfer Fund, $2,387,600,000.

(25) For Quality of Life Enhancements, $1,845,370,000.

SEC. 302. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $90,344,000.

(2) For the National Defense Sealift Fund, $434,700,000.

SEC. 303. ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2000 from the Armed Forces Retirement Home Trust Fund the sum of $68,295,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.

SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

(a) TRANSFER AUTHORITY.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 2000 in amounts as follows:

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

(2) For the Navy, $50,000,000.

(3) For the Air Force, $50,000,000.

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

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

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

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

SEC. 305. TRANSFER TO DEFENSE WORKING CAPITAL FUNDS TO SUPPORT DEFENSE COMMISSARY AGENCY.

(a) ARMY OPERATION AND MAINTENANCE FUNDS.—The Secretary of the Army shall transfer $346,154,000 of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army to the Defense Working Capital Funds for the purpose of funding operations of the Defense Commissary Agency.

(b) NAVY OPERATION AND MAINTENANCE FUNDS.—The Secretary of the Navy shall transfer $263,070,000 of the amount authorized to be appropriated by section 301(2) for operation and maintenance for the Navy to the Defense Working Capital Funds for the purpose of funding operations of the Defense Commissary Agency.

(c) MARINE CORPS OPERATION AND MAINTENANCE FUNDS.—The Secretary of the Navy shall transfer $90,834,000 of the amount authorized to be appropriated by section 301(3) for operation and maintenance for the Marine Corps to the Defense Working Capital Funds for the purpose of funding operations of the Defense Commissary Agency.

(d) AIR FORCE OPERATION AND MAINTENANCE FUNDS.—The Secretary of the Air Force shall transfer $309,061,000 of the amount authorized to be appropriated by section 301(4) for operation and maintenance for the Air Force to the Defense Working Capital Funds for the purpose of funding operations of the Defense Commissary Agency.

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

(1) shall be merged with, and be available for the same purposes and the same period as, other amounts in the Defense Working Capital Funds available for the purpose of funding operations of the Defense Commissary Agency; and

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

(f) RELATIONSHIP TO OTHER TRANSFER AUTHORITY.—The transfers required by this section are in addition to the transfer authority provided in section 1001.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 311. REIMBURSEMENT OF NAVY EXCHANGE SERVICE COMMAND FOR RELOCATION EXPENSES.

Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $8,700,000 shall be available to the Secretary of Defense for the purpose of reimbursing the Navy Exchange Service Command for costs incurred by the Navy Exchange Service Command, and ultimately paid by the Navy Exchange Service Command using nonappropriated funds, to relocate to Virginia Beach, Virginia, and to lease headquarters space in Virginia Beach.

SEC. 312. REPLACEMENT OF NONSECURE TACTICAL RADIOS OF THE 82ND AIRBORNE DIVISION.

Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $5,500,000 shall be available to the Secretary of the Army for the purpose of replacing nonsecure tactical radios used by the 82nd Airborne Division with radios, such as models AN/PRC–138 and AN/PRC–148, identified as being capable of fulfilling mission requirements.

SEC. 313. OPERATION AND MAINTENANCE OF AIR FORCE SPACE LAUNCH FACILITIES.

(a) ADDITIONAL AUTHORIZATION.—In addition to the funds otherwise authorized in this Act for the operation and maintenance of the space launch facilities of the Department of the Air Force, there is hereby authorized to be appropriated $7,300,000 for

space launch operations at such launch facilities.

(b) CORRESPONDING REDUCTION.—The amount authorized to be appropriated in section 301(4) for operation and maintenance for the Air Force is hereby reduced by $7,300,000, to be derived from other service-wide activities.

(c) STUDY OF SPACE LAUNCH RANGES AND REQUIREMENTS.—(1) The Secretary of Defense shall conduct a study—

(A) to access anticipated military, civil, and commercial space launch requirements;

(B) to examine the technical shortcomings at the space launch ranges;

(C) to evaluate oversight arrangements at the space launch ranges; and

(D) to estimate future funding requirements for space launch ranges capable of meeting both national security space launch needs and civil and commercial space launch needs.

(2) The Secretary shall conduct the study using the Defense Science Board of the Department of Defense.

(3) Not later than February 15, 2000, the Secretary shall submit to the congressional defense committees a report containing the results of the study.

Subtitle C—Environmental Provisions

SEC. 321. REMEDIATION OF ASBESTOS AND LEAD-BASED PAINT.

(a) USE OF CERTAIN CONTRACTS.—The Secretary of Defense shall use Army Corps of Engineers indefinite delivery, indefinite quantity contracts for the remediation of asbestos and lead-based paint at military installations within the United States in accordance with all applicable Federal and State laws and Department of Defense regulations.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive subsection (a) with regard to a military installation that requires asbestos or lead-based paint remediation if the military installation is not included in an Army Corps of Engineers indefinite delivery, indefinite quantity contract. The Secretary shall grant any such waiver on a case-by-case basis.

Subtitle D—Performance of Functions by Private-Sector Sources

SEC. 331. EXPANSION OF ANNUAL REPORT ON CONTRACTING FOR COMMERCIAL AND INDUSTRIAL TYPE FUNCTIONS.

Section 2461(g) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before the first sentence;

(2) in the second sentence, by striking ''The Secretary shall'' and inserting the following:

''(3) The Secretary shall also''; and

(3) by inserting after the first sentence the following new paragraph:

''(2) The Secretary shall include in each such report a summary of the number of work year equivalents performed by employees of private contractors in providing services to the Department (including both direct and indirect labor attributable to the provision of the services) and the total value of the contracted services. The work year equivalents and total value of the services shall be categorized by Federal supply class or service code (using the first character of the code), the appropriation from which the services were funded, and the major organizational element of the Department procuring the services.''.

SEC. 332. CONGRESSIONAL NOTIFICATION OF A–76 COST COMPARISON WAIVERS.

(a) NOTIFICATION REQUIRED.—Section 2467 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) CONGRESSIONAL NOTIFICATION OF COST COMPARISON WAIVER.—(1) Not later than 10 days after a decision is made to waive the cost comparison study otherwise required under Office of Management and Budget Circular A–76 as part of the process to convert to contractor performance any commercial activity of the Department of Defense, the Secretary of Defense shall submit to Congress a report describing the commercial activity subject to the waiver and the rationale for the waiver.

''(2) The report shall also include the following:

''(A) The total number of civilian employees or military personnel adversely affected by the decision to waive the cost comparison study and convert the commercial activity to contractor performance.

''(B) An explanation of whether the contractor was selected, or will be selected, on a competitive basis or sole source basis.

''(C) The anticipated savings to result from the waiver and resulting conversion to contractor performance.''.

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

''§ 2467. Cost comparisons: inclusion of retirement costs; consultation with employees; waiver of comparison''.

(2) The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2467 and inserting the following new item:

''2467. Cost comparisons: inclusion of retirement costs; consultation with employees; waiver of comparison.''.

SEC. 333. IMPROVED EVALUATION OF LOCAL ECONOMIC EFFECT OF CHANGING DEFENSE FUNCTIONS TO PRIVATE SECTOR PERFORMANCE.

Section 2461(b)(3)(B) of title 10, United States Code, is amended by striking clause (ii) and inserting the following new clause (ii):

''(ii) The local community and the local economy, identifying and taking into consideration any unique circumstances affecting the local community or the local economy, if more than 50 employees of the Department of Defense perform the function.''.

SEC. 334. ANNUAL REPORTS ON EXPENDITURES FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS BY PUBLIC AND PRIVATE SECTORS.

Subsection (e) of section 2466 of title 10, United States Code, is amended to read as follows:

''(e) ANNUAL REPORTS.—(1) Not later than February 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of the funds referred to in subsection (a) that were expended during the preceding two fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors, as required by this section.

''(2) Not later than April 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of the funds referred to in subsection (a) that are projected to be expended during each of the next five fiscal years for performance of depot-level maintenance and repair workloads by the public and private sectors, as required by this section.

''(3) Not later than 60 days after the date on which the Secretary submits a report under this subsection, the Comptroller General shall submit to Congress the Comptroller General's views on whether—

''(A) in the case of a report under paragraph (1), the Department of Defense has complied with the requirements of subsection (a) for the fiscal years covered by the report; and

''(B) in the case of a report under paragraph (2), the expenditure projections for future fiscal years are reasonable.''.

SEC. 335. APPLICABILITY OF COMPETITION REQUIREMENT IN CONTRACTING OUT WORKLOADS PERFORMED BY DEPOT-LEVEL ACTIVITIES OF DEPARTMENT OF DEFENSE.

Section 2469(b) of title 10, United States Code, is amended by inserting ''(including the cost of labor and materials)'' after ''$3,000,000''.

SEC. 336. TREATMENT OF PUBLIC SECTOR WINNING BIDDERS FOR CONTRACTS FOR PERFORMANCE OF DEPOT-LEVEL MAINTENANCE AND REPAIR WORKLOADS FORMERLY PERFORMED AT CERTAIN MILITARY INSTALLATIONS.

Section 2469a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(i) OVERSIGHT OF CONTRACTS AWARDED PUBLIC ENTITIES.—The Secretary of Defense or the Secretary concerned may not impose on a public sector entity awarded a contract for the performance of any depot-level maintenance and repair workload described in subsection (b) any requirements regarding management systems, reviews, oversight, or reporting different from the requirements used in the performance and management of other depot-level maintenance and repair workloads by the entity, unless specifically provided in the solicitation for the contract.''.

SEC. 337. PROCESS FOR MODERNIZATION OF COMPUTER SYSTEMS AT ARMY COMPUTER CENTERS.

(a) COVERED ARMY COMPUTER CENTERS.—This section applies with respect to the following computer centers of the of the Army Communications Electronics Command of the Army Material Command:

(1) Logistics Systems Support Center in St. Louis, Missouri.

(2) Industrial Logistics System Center in Chambersburg, Pennsylvania.

(b) DEVELOPMENT OF MOST EFFICIENT ORGANIZATION.—Before selecting any entity to develop and implement a new computer system for the Army Material Command to perform the functions currently performed by the Army computer centers specified in subsection (a), the Secretary of the Army shall provide the computer centers with an opportunity to establish their most efficient organization. The most efficient organization shall be in place not later than May 31, 2001.

(c) MODERNIZATION PROCESS.—After the most efficient organization is in place at the Army computer centers specified in subsection (a), civilian employees of the Department of Defense at these centers shall work in partnership with the entity selected to develop and implement a new computer system to perform the functions currently performed by these centers to—

(1) ensure that the current computer system remains operational to meet the needs of the Army Material Command until the replacement computer system is fully operational and successfully evaluated; and

(2) to provide transition assistance to the entity for the duration of the transition from the current computer system to the replacement computer system.

SEC. 338. EVALUATION OF TOTAL SYSTEM PERFORMANCE RESPONSIBILITY PROGRAM.

(a) REPORT REQUIRED.—Not later than February 1, 2000, the Secretary of the Air Force shall submit to Congress a report identifying all Air Force programs that—

(1) are currently managed under the Total System Performance Responsibility Program or similar programs; or

(2) are presently planned to be managed using the Total System Performance Responsibility Program or a similar program.

(b) EVALUATION.—As part of the report required by subsection (a), the Secretary of the Air Force shall include an evaluation of the following:

(1) The manner in which the Total System Performance Responsibility Program and similar programs support the readiness and warfighting capability of the Armed Forces and complement the support of the logistics depots.

(2) The effect of the Total System Performance Responsibility Program and similar programs on the long-term viability of core Government logistics management skills.

(3) The process and criteria used by the Air Force to determine whether or not Government employees can perform sustainment management functions more cost effectively than the private sector.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 30 days after the date on which the report required by subsection (a) is submitted to Congress, the Comptroller General shall review the report and submit to Congress a briefing evaluating the report.

SEC. 339. IDENTIFICATION OF CORE LOGISTICS CAPABILITY REQUIREMENTS FOR MAINTENANCE AND REPAIR OF C–17 AIRCRAFT.

(a) IDENTIFICATION REPORT REQUIRED.—Building upon the plan required by section 351 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), the Secretary of the Air Force shall submit to Congress a report identifying the core logistics capability requirements for depot-level maintenance and repair for the C–17 aircraft. To identify such requirements, the Secretary shall comply with section 2464 of title 10, United States Code. The Secretary shall submit the report to Congress not later than February 1, 2000.

(b) EFFECT ON EXISTING CONTRACT.—After February 1, 2000, the Secretary of the Air Force may not extend the Interim Contract for the C–17 Flexible Sustainment Program before the end of the 60-day period beginning on the date on which the report required by subsection (a) is received by Congress.

(c) COMPTROLLER GENERAL REVIEW.—During the period specified in subsection (b), the Comptroller General shall review the report submitted under subsection (a) and submit to Congress a report evaluating the following:

(1) The merits of the report submitted under subsection (a).

(2) The extent to which the Air Force is relying on systems for core logistics capability where the workload of Government-owned and Government-operated depots is phasing down because the systems are phasing out of the inventory.

(3) The cost effectiveness of the C-17 Flexible Sustainment Program—

(A) by identifying depot maintenance and materiel costs for contractor support; and

(B) by comparing those costs to the costs originally estimated by the Air Force and to the cost of similar work in an Air Force Logistics Center.

Subtitle E—Defense Dependents Education

SEC. 341. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) MODIFIED DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2000.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $35,000,000 shall be available only for the purpose of providing educational agencies assistance (as defined in subsection (d)(1)) to local educational agencies.

(b) NOTIFICATION.—Not later than June 30, 2000, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2000 of—

(1) that agency's eligibility for educational agencies assistance; and

(2) the amount of the educational agencies assistance for which that agency is eligible.

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

(d) DEFINITIONS.—In this section:

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

(2) The term ''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)).

(e) DETERMINATION OF ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—Section 386(c)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 20 U.S.C. 7703 note) is amended by striking ''in that fiscal year are'' and inserting ''during the preceding school year were''.

SEC. 342. CONTINUATION OF ENROLLMENT AT DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

Section 2164 of title 10, United States Code, is amended—

(1) in subsection (c), by striking paragraph (3); and

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

''(h) CONTINUATION OF ENROLLMENT DESPITE CHANGE IN STATUS.—(1) A dependent of a member of the armed forces or a dependent of a Federal employee may continue enrollment in an educational program provided by the Secretary of Defense pursuant to subsection (a) for the remainder of a school year notwithstanding a change during such school year in the status of the member or Federal employee that, except for this paragraph, would otherwise terminate the eligibility of the dependent to be enrolled in the program.

''(2) A dependent of a member of the armed forces, or a dependent of a Federal employee, who was enrolled in an educational program provided by the Secretary pursuant to subsection (a) while a junior in that program may be enrolled as a senior in that program in the next school year, notwithstanding a change in the enrollment eligibility status of the dependent that, except for this paragraph, would otherwise terminate the eligibility of the dependent to be enrolled in the program.

''(3) Paragraphs (1) and (2) do not limit the authority of the Secretary to remove a dependent from enrollment in an educational program provided by the Secretary pursuant to subsection (a) at any time for good cause determined by the Secretary.''.

SEC. 343. TECHNICAL AMENDMENTS TO DEFENSE DEPENDENTS' EDUCATION ACT OF 1978.

The Defense Dependents' Education Act of 1978 (title XIV of Public Law 95–561) is amended as follows:

(1) Section 1402(b)(1) (20 U.S.C. 921(b)(1)) is amended by striking ''recieve'' and inserting ''receive''.

(2) Section 1403 (20 U.S.C. 922) is amended—

(A) by striking the matter in that section preceding subsection (b) and inserting the following:

''ADMINISTRATION OF DEFENSE DEPENDENTS' EDUCATION SYSTEM

''SEC. 1403. (a) The defense dependents' education system is operated through the field activity of the Department of Defense known as the Department of Defense Education Activity. That activity is headed by a Director, who is a civilian and is selected by the Secretary of Defense. The Director reports to an Assistant Secretary of Defense designated by the Secretary of Defense for purposes of this title.'';

(B) in subsection (b), by striking ''this Act'' and inserting ''this title'';

(C) in subsection (c)(1), by inserting ''(20 U.S.C. 901 et seq.)'' after ''Personnel Practices Act'';

(D) in subsection (c)(2), by striking the period at the end and inserting a comma;

(E) in subsection (c)(6), by striking ''Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics'' and inserting ''the Assistant Secretary of Defense designated under subsection (a)'';

(F) in subsection (d)(1), by striking ''for the Office of Dependents' Education'';

(G) in subsection (d)(2)—

(i) by striking the first sentence;

(ii) by striking ''Whenever the Office of Dependents' Education'' and inserting ''Whenever the Department of Defense Education Activity'';

(iii) by striking ''after the submission of the report required under the preceding sentence'' and inserting ''in a manner that affects the defense dependents' education system''; and

(iv) by striking ''an additional report'' and inserting ''a report''; and

(H) in subsection (d)(3), by striking ''the Office of Dependents' Education'' and inserting ''the Department of Defense Education Activity''.

(3) Section 1409 (20 U.S.C. 927) is amended—

(A) in subsection (b), by striking ''Department of Health, Education, and Welfare in accordance with section 431 of the General Education Provisions Act'' and inserting ''Secretary of Education in accordance with section 437 of the General Education Provisions Act (20 U.S.C. 1232)'';

(B) in subsection (c)(1), by striking ''by academic year 1993–1994''; and

(C) in subsection (c)(3)—

(i) by striking ''IMPLEMENTATION TIMELINES.—In carrying out'' and all that follows through ''a comprehensive'' and inserting ''IMPLEMENTATION.—In carrying out paragraph (2), the Secretary shall have in effect a comprehensive'';

(ii) by striking the semicolon after ''such individuals'' and inserting a period; and

(iii) by striking subparagraphs (B) and (C).

(4) Section 1411(d) (20 U.S.C. 929(d)) is amended by striking ''grade GS–18 in section 5332 of title 5, United States Code'' and inserting ''level IV of the Executive Schedule under section 5315 of title 5, United States Code''.

(5) Section 1412 (20 U.S.C. 930) is amended—

(A) in subsection (a)(1)—

(i) by striking ''As soon as'' and all that follows through ''shall provide for'' and inserting ''The Director may from time to time, but not more frequently than once a year, provide for''; and

(ii) by striking ''system, which'' and inserting ''system. Any such study'';

(B) in subsection (a)(2)—

(i) by striking ''The study required by this subsection'' and inserting ''Any study under paragraph (1)''; and

(ii) by striking ''not later than two years after the effective date of this title'';

(C) in subsection (b), by striking ''the study'' and inserting ''any study'';

(D) in subsection (c)—

(i) by striking ''not later than one year after the effective date of this title the report'' and inserting ''any report''; and

(ii) by striking ''the study'' and inserting ''a study''; and

(E) by striking subsection (d).

(6) Section 1413 (20 U.S.C. 931) is amended by striking ''Not later than 180 days after the effective date of this title, the'' and inserting ''The''.

(7) Section 1414 (20 U.S.C. 932) is amended by adding at the end the following new paragraph:

''(6) The term 'Director' means the Director of the Department of Defense Education Activity.''.

Subtitle F—Military Readiness Issues

SEC. 351. INDEPENDENT STUDY OF DEPARTMENT OF DEFENSE SECONDARY INVENTORY AND PARTS SHORTAGES.

(a) INDEPENDENT STUDY REQUIRED.—In accordance with this section, the Secretary of Defense shall provide for an independent study of—

(1) current levels of Department of Defense inventories of spare parts and other supplies, known as secondary inventory items, including wholesale and retail inventories; and

(2) reports and evidence of Department of Defense inventory shortages adversely affecting readiness.

(b) PERFORMANCE BY INDEPENDENT ENTITY.—To conduct the study under this section, the Secretary of Defense shall select a private sector entity or other entity outside the Department of Defense that has experience in parts and secondary inventory management.

(c) MATTERS TO BE INCLUDED IN STUDY.—The Secretary of Defense shall require the entity conducting the study under this section to specifically evaluate the following:

(1) How much of the secondary inventory retained by the Department of Defense for economic, contingency, and potential reutilization during the five-year period ending December 31, 1998, was actually used during each year of the period.

(2) How much of the retained secondary inventory currently held by the Department could be declared to be excess.

(3) Alternative methods for the disposal or other disposition of excess inventory and the cost to the Department to dispose of excess inventory under each alternative.

(4) The total cost per year of storing secondary inventory, to be determined using traditional private sector cost calculation models.

(d) TIMETABLE FOR ELIMINATION OF EXCESS INVENTORY.—As part of the consideration of alternative methods to dispose of excess secondary inventory, as required by subsection (c)(3), the entity conducting the study under this section shall prepare a timetable for disposal of the excess inventory over a period of time not to exceed three years.

(e) REPORT ON RESULTS OF STUDY.—The Secretary of Defense shall require the entity conducting the study under this section to submit to the Secretary and to the Comptroller General a report containing the results of the study, including the entity's findings and conclusions concerning each of the matters specified in subsection (c), and the disposal timetable required by subsection (d). The entity shall submit the report at such time as to permit the Secretary to comply with subsection (f).

(f) REVIEW AND COMMENTS OF THE SECRETARY OF DEFENSE.—Not later than September 1, 2000, the Secretary of Defense shall submit to Congress a report containing the following:

(1) The report submitted under subsection (d), together with the Secretary's comments and recommendations regarding the report.

(2) A plan to address the issues of excess and excessive inactive inventory and part shortages and a timetable to implement the plan throughout the Department.

(g) GAO EVALUATION.—Not later than 180 days after the Secretary of Defense submits to Congress the report under subsection (f), the Comptroller General shall submit to Congress an evaluation of the report submitted by the independent entity under subsection (e) and the report submitted by the Secretary under subsection (f).

SEC. 352. INDEPENDENT STUDY OF ADEQUACY OF DEPARTMENT RESTRUCTURED SUSTAINMENT AND REENGINEERED LOGISTICS PRODUCT SUPPORT PRACTICES.

(a) INDEPENDENT STUDY REQUIRED.—In accordance with this section, the Secretary of Defense shall provide for an independent study of restructured sustainment and reengineered logistics product support practices within the Department of Defense, which are designed to provide spare parts and other supplies to military units and installations as needed during a transition to war fighting rather than relying on large stockpiles of such spare parts and supplies. The purpose of the study is to determine whether restructured sustainment and reengineered logistics product support practices would be able to provide adequate sustainment supplies to military units and installations should it ever be necessary to execute the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff.

(b) PERFORMANCE BY INDEPENDENT ENTITY.—The Secretary of Defense shall select an experienced private sector entity or other entity outside the Department of Defense to conduct the study under this section.

(c) MATTERS TO BE INCLUDED IN STUDY.—The Secretary of Defense shall require the entity conducting the study under this section to specifically evaluate (and recommend improvements in) the following:

(1) The assumptions that are used to determine required levels of war reserve and prepositioned stocks.

(2) The adequacy of supplies projected to be available to support the fighting of two, nearly simultaneous, major theater wars, as required by the National Military Strategy.

(3) The expected availability through the national technology and industrial base of spare parts and supplies not readily available in the Department inventories, such as parts for aging equipment that no longer have active vendor support.

(d) REPORT ON RESULTS OF STUDY.—The Secretary of Defense shall require the entity conducting the study under this section to submit to the Secretary and to the Comptroller General a report containing the results of the study, including the entity's findings, conclusions, and recommendations concerning each of the matters specified in subsection (c). The entity shall submit the report at such time as to permit the Secretary to comply with subsection (e).

(e) REVIEW AND COMMENTS OF THE SECRETARY OF DEFENSE.—Not later than March 1, 2000, the Secretary of Defense shall submit to Congress a report containing the report submitted under subsection (d), together with the Secretary's comments and recommendations regarding the report.

(f) GAO EVALUATION.—Not later than 180 days after the Secretary of Defense submits to Congress the report under subsection (e), the Comptroller General shall submit to Congress an evaluation of the report submitted by the independent entity under subsection (d) and the report submitted by the Secretary under subsection (e).

SEC. 353. INDEPENDENT STUDY OF MILITARY READINESS REPORTING SYSTEM.

(a) INDEPENDENT STUDY REQUIRED.—(1) The Secretary of Defense shall provide for an independent study of requirements for a comprehensive readiness reporting system for the Department of Defense as provided in section 117 of title 10, United States Code (as added by section 373 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1990).

(2) The Secretary shall provide for the study to be conducted by the Rand Corporation. The amount of a contract for the study may not exceed $1,000,000.

(3) The Secretary shall require that all components of the Department of Defense cooperate fully with the organization carrying out the study.

(b) MATTERS TO BE INCLUDED IN STUDY.—The Secretary shall require that the organization conducting the study under this section specifically consider the requirements for providing an objective, accurate, and timely readiness reporting system for the Department of Defense meeting the characteristics and having the capabilities established in section 373 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.

(c) REPORT.—(1) The Secretary of Defense shall require the organization conducting the study under this section to submit to the Secretary a report on the study not later than March 1, 2000. The organization shall include in the report its findings and conclusions concerning each of the matters specified in subsection (b).

(2) The Secretary shall submit the report under paragraph (1), together with the Secretary's comments on the report, to Congress not later than April 1, 2000.

SEC. 354. REVIEW OF REAL PROPERTY MAINTENANCE AND ITS EFFECT ON READINESS.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of the impact that the consistent lack of adequate funding for real property maintenance of military installations during the five-year period ending December 31, 1998, has had on readiness, the quality of life of members of the Armed Forces and their dependents, and the infrastructure on military installations.

(b) MATTERS TO BE INCLUDED IN REVIEW.—In conducting the review under this section, the Secretary of Defense shall specifically consider the following for the Army, Navy, Marine Corps, and Air Force:

(1) For each year of the covered five-year period, the extent to which unit training and operating funds were diverted to meet basic base operations and real property maintenance needs.

(2) The types of training delayed, canceled, or curtailed as a result of the diversion of such funds.

(3) The level of funding required to eliminate the real property maintenance backlog at military installations so that facilities meet the standards necessary for optimum utilization during times of mobilization.

(c) PARTICIPATION OF INDEPENDENT ENTITY.—(1) As part of the review conducted under this section, Secretary of Defense shall select an independent entity—

(A) to review the method of command and management of military installations for the Army, Navy, Marine Corps, and Air Force;

(B) to develop, based on such review, a service-specific plan for the optimum command structure for military installations, to have major command status, which is designed to enhance the development of installations doctrine, privatization and outsourcing, commercial activities, environmental compliance programs, installation restoration, and military construction; and

(C) to recommend a timetable for the implementation of the plan for each service.

(2) The Secretary of Defense shall select an experienced private sector entity or other entity outside the Department of Defense to carry out this subsection.

(d) REPORT REQUIRED.—Not later than March 1, 2000, the Secretary of Defense shall

submit to Congress a report containing the results of the review required under this section and the plan for an optimum command structure required by subsection (c), together with the Secretary's comments and recommendations regarding the plan.

SEC. 355. ESTABLISHMENT OF LOGISTICS STANDARDS FOR SUSTAINED MILITARY OPERATIONS.

(a) ESTABLISHMENT OF STANDARDS.—The Secretary of Defense, in consultation with senior military commanders and the Secretaries of the military departments, shall establish standards for deployable units of the Armed Forces regarding—

(1) the level of spare parts that the units must have on hand; and

(2) similar logistics and sustainment needs of the units.

(b) BASIS FOR STANDARDS.—The standards to be established under subsection (a) shall be based upon the following:

(1) The unit's wartime mission, as reflected in the war-fighting plans of the relevant combatant commanders.

(2) An assessment of the likely requirement for sustained operations under each such war-fighting plan.

(3) An assessment of the likely requirement for that unit to conduct sustained operations in an austere environment, while drawing exclusively on its own internal logistics capabilities.

(c) SUFFICIENCY CAPABILITIES.—The standards to be established under subsection (a) shall reflect those spare parts and similar logistics capabilities that the Secretary of Defense considers sufficient for units of the Armed Forces to successfully execute their missions under the conditions described in subsection (b).

(d) RELATION TO READINESS REPORTING SYSTEM.—The standards established under subsection (a) shall be taken into account in designing the comprehensive readiness reporting system for the Department of Defense required by section 117 of title 10, United States Code, and shall be an element in determining a unit's readiness status.

(e) RELATION TO ANNUAL FUNDING NEEDS.—The Secretary of Defense shall consider the standards established under subsection (a) in establishing the annual funding requirements for the Department of Defense.

(f) REPORTING REQUIREMENT.—The Secretary of Defense shall include in the annual report required by section 113(c) of title 10, United States Code, an analysis of the then current spare parts, logistics, and sustainment standards of the Armed Forces, as described in subsection (a), including any shortfalls and the cost of addressing these shortfalls.

Subtitle G—Other Matters

SEC. 361. DISCRETIONARY AUTHORITY TO INSTALL TELECOMMUNICATION EQUIPMENT FOR PERSONS PERFORMING VOLUNTARY SERVICES.

Section 1588 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(f) AUTHORITY TO INSTALL EQUIPMENT.—(1) The Secretary concerned may install telephone lines and any necessary telecommunication equipment in the private residences of designated persons providing voluntary services accepted under subsection (a)(3) and pay the charges incurred for the use of the equipment for authorized purposes.

''(2) Notwithstanding section 1348 of title 31, the Secretary concerned may use appropriated or nonappropriated funds of the military department under the jurisdiction of the Secretary or, with respect to the Coast Guard, the department in which the Coast Guard is operating, to carry out this subsection.

''(3) The Secretary of Defense and, with respect to the Coast Guard, the Secretary of the department in which the Coast Guard is operating, shall prescribe regulations to carry out this subsection.''.

SEC. 362. CONTRACTING AUTHORITY FOR DEFENSE WORKING CAPITAL FUNDED INDUSTRIAL FACILITIES.

Section 2208(j) of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ''or remanufacturing'' and inserting '', remanufacturing, and engineering'';

(2) in paragraph (1), by inserting ''or a subcontract under a Department of Defense contract'' before the semicolon; and

(3) in paragraph (2), by striking ''Department of Defense solicitation for such contract'' and inserting ''solicitation for the contract or subcontract''.

SEC. 363. CLARIFICATION OF CONDITION ON SALE OF ARTICLES AND SERVICES OF INDUSTRIAL FACILITIES TO PERSONS OUTSIDE DEPARTMENT OF DEFENSE.

Section 2553(g) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

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

''(2) The term 'not available', with respect to an article or service proposed to be sold under this section, means that the article or service is unavailable from a commercial source in the required quantity and quality, within the time required, or at prices less than the price available through an industrial facility of the armed forces.''.

SEC. 364. SPECIAL AUTHORITY OF DISBURSING OFFICIALS REGARDING AUTOMATED TELLER MACHINES ON NAVAL VESSELS.

Section 3342 of title 31, United States Code, is amended by adding at the end the following new subsection:

''(f) With respect to automated teller machines on naval vessels of the Navy, the authority of a disbursing official of the United States Government under subsection (a) also includes the following:

''(1) The authority to provide operating funds to the automated teller machines.

''(2) The authority to accept, for safekeeping, deposits and transfers of funds made through the automated teller machines.''.

SEC. 365. PRESERVATION OF HISTORIC BUILDINGS AND GROUNDS AT UNITED STATES SOLDIERS' AND AIRMEN'S HOME, DISTRICT OF COLUMBIA.

The Armed Forces Retirement Home Act of 1991 (title XV of Public Law 101–510; 24 U.S.C. 401 et seq.) is amended by adding at the end of subtitle A the following new section:

''SEC. 1523. PRESERVATION OF HISTORIC BUILDINGS AND GROUNDS AT UNITED STATES SOLDIERS' AND AIRMEN'S HOME.

''(a) HISTORIC NATURE OF FACILITY.—Congress finds the following:

''(1) Four buildings located on six acres of the establishment of the Retirement Home known as the United States Soldiers' and Airmen's Home are included on the National Register of Historic Places maintained by the Secretary of the Interior.

''(2) Amounts in the Armed Forces Retirement Home Trust Fund, which consists primarily of deductions from the pay of members of the Armed Forces, are insufficient to both maintain and operate the Retirement Home for the benefit of the residents of the Retirement Home and adequately maintain, repair, and preserve these historic buildings and grounds.

''(3) Other sources of funding are available to contribute to the maintenance, repair, and preservation of these historic buildings and grounds.

''(b) AUTHORITY TO ACCEPT ASSISTANCE.—The Chairman of the Retirement Home Board and the Director of the United States Soldiers' and Airmen's Home may apply for and accept a direct grant from the Secretary of the Interior under section 101(e)(3) of the National Historic Preservation Act (16 U.S.C. 470a(e)(3)) for the purpose of maintaining, repairing, and preserving the historic buildings and grounds of the United States Soldiers' and Airmen's Home included on the National Register of Historic Places.

''(c) REQUIREMENTS AND LIMITATIONS.—Amounts received as a grant under subsection (b) shall be deposited in the Fund, but shall be kept separate from other amounts in the Fund. The amounts received may only be used for the purpose specified in subsection (b).''.

SEC. 366. CLARIFICATION OF LAND CONVEYANCE AUTHORITY, UNITED STATES SOLDIERS' AND AIRMEN'S HOME.

(a) MANNER OF CONVEYANCE.—Subsection (a)(1) of section 1053 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2650) is amended by striking ''convey by sale'' and inserting ''convey, by sale or lease,''.

(b) TIME FOR CONVEYANCE.—Subsection (a)(2) of such section is amended to read as follows:

''(2) The Armed Forces Retirement Home Board shall sell or lease the property described in subsection (a) within 12 months after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000.''.

(c) MANNER, TERMS, AND CONDITIONS OF CONVEYANCE.—Subsection (b) of such section is amended—

(1) by striking paragraph (1) and inserting the following new paragraph: ''(1) The Armed Forces Retirement Home Board shall determine the manner, terms, and conditions for the sale or lease of the real property under subsection (a), except as follows:

''(A) Any lease of the real property under subsection (a) shall include an option to purchase.

''(B) The conveyance may not involve any form of public/private partnership, but shall be limited to fee-simple sale or long-term lease.

''(C) Before conveying the property by sale or lease to any other person or entity, the Board shall provide the Catholic University of America with the opportunity to match or exceed the highest bona fide offer otherwise received for the purchase or lease of the property, as the case may be, and to acquire the property.''; and

(2) in paragraph (2), by adding at the end the following new sentence: ''In no event shall the sale or lease of the property be for less than the appraised value of the property in its existing condition and on the basis of its highest and best use.''.

SEC. 367. TREATMENT OF ALASKA, HAWAII, AND GUAM IN DEFENSE HOUSEHOLD GOODS MOVING PROGRAMS.

(a) LIMITATION ON INCLUSION IN TEST PROGRAMS.—Alaska, Hawaii, and Guam shall not be included as a point of origin in any test or demonstration program of the Department of Defense regarding the moving of household goods of members of the Armed Forces.

(b) SEPARATE REGIONS; DESTINATIONS.—In any Department of Defense household goods moving program that is not subject to the prohibition in subsection (a)—

(1) Alaska, Hawaii, and Guam shall each constitute a separate region; and

(2) Hawaii and Guam shall be considered international destinations.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personel as of September 30, 2000, as follows:

(1) The Army, 480,000.

(2) The Navy, 372,037.

(3) The Marine Corps, 172,518.

(4) The Air Force, 360,877.

SEC. 402. REVISION IN PERMANENT END STRENGTH MINIMUM LEVELS.

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

(1) in paragraph (2), by striking ''372,696'' and inserting ''371,781'';

(2) in paragraph (3), by striking ''172,200'' and inserting ''172,148''; and

(3) in paragraph (4), by striking ''370,802'' and inserting ''360,877''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1999.

SEC. 403. APPOINTMENTS TO CERTAIN SENIOR JOINT OFFICER POSITIONS.

(a) PERMANENT EXEMPTION AUTHORITY.—Paragraph (5) of section 525(b) of title 10, United States Code, is amended by striking subparagraph (C).

(b) PERMANENT REQUIREMENT FOR MILITARY DEPARTMENT SUBMISSIONS FOR CERTAIN JOINT 4-STAR DUTY ASSIGNMENTS.—Section 604 of such title is amended by striking subsection (c).

(c) CLARIFICATION OF CERTAIN LIMITATIONS ON NUMBER OF ACTIVE-DUTY GENERALS AND ADMIRALS.—Paragraph (5) of section 525(b) of such title is further amended by adding at the end of subparagraph (A) the following new sentence: ''Any increase by reason of the preceding sentence in the number of officers of an armed force serving on active duty in grades above major general or rear admiral may only be realized by an increase in the number of lieutenant generals or vice admirals, as the case may, serving on active duty, and any such increase may not be construed as authorizing an increase in the limitation on the total number of general or flag officers for that armed force under section 526(a) of this title or in the number of general and flag officers that may be designated under section 526(b) of this title.''.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2000, as follows:

(1) The Army National Guard of the United States, 350,000.

(2) The Army Reserve, 205,000.

(3) The Naval Reserve, 90,288.

(4) The Marine Corps Reserve, 39,624.

(5) The Air National Guard of the United States, 106,678.

(6) The Air Force Reserve, 73,708.

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

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

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

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

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

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2000, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 22,563.

(2) The Army Reserve, 12,804.

(3) The Naval Reserve, 15,010.

(4) The Marine Corps Reserve, 2,272.

(5) The Air National Guard of the United States, 11,025.

(6) The Air Force Reserve, 1,078.

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

The minimum number of military technicians (dual status) as of the last day of fiscal year 2000 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army Reserve, 6,474.

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

(3) For the Air Force Reserve, 9,785.

(4) For the Air National Guard of the United States, 22,247.

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

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

''Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	843	140
Lieutenant Colonel or Commander	1,595	520	746	90
Colonel or Navy Captain	471	188	297	30''.

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

''Grade	Army	Navy	Air Force	Marine Corps
E–9	645	202	403	20
E–8	2,585	429	1,029	94''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

SEC. 415. SELECTED RESERVE END STRENGTH FLEXIBILITY.

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

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

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

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

''(3) vary the end strength authorized pursuant to subsection (a)(2) for a fiscal year for the Selected Reserve of any of the reserve components by a number equal to not more than 2 percent of that end strength.''.

Subtitle C—Authorization of Appropriations

SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2000 a total of $72,115,367,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2000.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. RECOMMENDATIONS FOR PROMOTION BY SELECTION BOARDS.

Section 575(b)(2) of title 10, United States Code, is amended by adding at the end the following new sentence: ''If the number determined under this subsection within a grade (or grade and competitive category) is less than one, the board may recommend one such officer from within that grade (or grade and competitive category).''.

SEC. 502. TECHNICAL AMENDMENTS RELATING TO JOINT DUTY ASSIGNMENTS.

(a) JOINT DUTY ASSIGNMENTS FOR GENERAL AND FLAG OFFICERS.—Subsection (g) of section 619a of title 10, United States Code, is amended to read as follows:

''(g) LIMITATION FOR GENERAL AND FLAG OFFICERS PREVIOUSLY RECEIVING JOINT DUTY ASSIGNMENT WAIVER.—A general officer or flag officer who before January 1, 1999, received a waiver of subsection (a) under the authority of this subsection (as in effect before that date) may not be appointed to the grade of lieutenant general of vice admiral until the officer completes a full tour of duty in a joint duty assignment.''.

(b) NUCLEAR PROPULSION OFFICERS.—Subsection (h) of that section is amended—

(1) by striking ''(1) Until January 1, 1997, an'' inserting ''An'';

(2) by striking ''may be'' and inserting ''who before January 1, 1997, is'';

(3) by striking ''. An officer so appointed''; and

(4) by striking paragraph (2).

Subtitle B—Matters Relating to Reserve Components

SEC. 511. CONTINUATION ON RESERVE ACTIVE STATUS LIST TO COMPLETE DISCIPLINARY ACTION.

(a) IN GENERAL.—Chapter 1407 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 14518. Continuation on reserve active status list to complete disciplinary action

''When an action is commenced against a Reserve officer with a view to trying the officer by court-martial, as authorized by section 802(d) of this title, the Secretary concerned may delay the separation or retirement of the officer under this chapter until the completion of the disciplinary action under chapter 47 of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter 1407 is amended by adding at the end the following new item:

''14518. Continuation on reserve active status list to complete disciplinary action.''.

SEC. 512. AUTHORITY TO ORDER RESERVE COMPONENT MEMBERS TO ACTIVE DUTY TO COMPLETE A MEDICAL EVALUATION.

Section 12301 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h)(1) When authorized by the Secretary of Defense, the Secretary of the military department concerned may order a member of a reserve component to active duty, with the consent of that member, to receive authorized medical care, to be medically evaluated for disability or other purposes, or to complete a required Department of Defense health care study, which may include an associated medical evaluation of the member.

''(2) A member ordered to active duty under this subsection may be retained with the member's consent, when the Secretary concerned considers it appropriate, for medical treatment for a condition associated with the study or evaluation, if that treatment of the member otherwise is authorized by law.

''(3) A member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to active duty under this subsection without the consent of the Governor or other appropriate authority of the State concerned.''.

SEC. 513. ELIGIBILITY FOR CONSIDERATION FOR PROMOTION.

(a) AMENDMENT.—Section 14301 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) OFFICERS ON EDUCATIONAL DELAY.—A Reserve officer who is in an educational delay status for the purpose of attending an approved institution of higher education for advanced training, subsidized by the military department concerned in the form of a scholarship or stipend, is ineligible for consideration for promotion while in that status. The officer shall remain on the Reserve active status list while in such an educational delay status.''.

(b) RETROACTIVE EFFECT.—The Secretary concerned, upon application, shall expunge from the record of any officer a nonselection for promotion if the nonselection occurred during a period the officer was serving in an educational delay status that occurred during the period beginning on October 1, 1996, and ending on the date of the enactment of this Act.

SEC. 514. RETENTION UNTIL COMPLETION OF 20 YEARS OF SERVICE FOR RESERVE COMPONENT MAJORS AND LIEUTENANT COMMANDERS WHO TWICE FAIL OF SELECTION FOR PROMOTION.

Section 14506 of title 10, United States Code, is amended by striking ''section 14513'' and all that follows and inserting ''section 14513 of this title on the later of—

''(1) the first day of the month after the month in which the officer completes 20 years of commissioned service; or

''(2) the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time.''.

SEC. 515. COMPUTATION OF YEARS OF SERVICE EXCLUSION.

The text of section 14706 of title 10, United States Code, is amended to read as follows:

''(a) For the purpose of this chapter and chapter 1407 of this title, a Reserve officer's years of service include all service of the officer as a commissioned officer of a uniformed service other than—

''(1) service as a warrant officer;

''(2) constructive service; and

''(3) service after appointment as a commissioned officer of a reserve component while in a program of advanced education to obtain the first professional degree required for appointment, designation, or assignment as an officer in the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Service Corps, the Nurse Corps, the Army Medical Specialists Corps, or as an officer designated as a chaplain or judge advocate, provided such service occurs before the officer commences initial service on active duty or initial service in the Ready Reserve in the specialty that results from such a degree.

''(b) The exclusion under subsection (a)(3) does not apply to service performed by an officer who previously served on active duty or participated as a member of the Ready Reserve in other than a student status for the period of service preceding the member's service in a student status.''.

SEC. 516. AUTHORITY TO RETAIN RESERVE COMPONENT CHAPLAINS UNTIL AGE 67.

Section 14703(b) of title 10, United States Code, is amended by striking ''(or, in the case of a Reserve officer of the Army in the Chaplains or a Reserve officer of the Air Force designated as a chaplain, 60 years of age)''.

SEC. 517. EXPANSION AND CODIFICATION OF AUTHORITY FOR SPACE-REQUIRED TRAVEL FOR RESERVES.

(a) CODIFICATION.—(1) Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 12323. Space-required travel for Reserves

''A member of a reserve component is authorized to travel in a space-required status on aircraft of the armed forces between home and place of inactive duty training, or place of duty in lieu of unit training assembly, when there is no road or railroad transportation (or combination of road and railroad transportation) between those locations. A member traveling in that status on a military aircraft pursuant to the authority provided in this section is not authorized to receive travel, transportation, or per diem allowances in connection with that travel.''.

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

''12323. Space-required travel for Reserves.''.

(b) EFFECTIVE DATE.—Section 12323 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1999.

SEC. 518. FINANCIAL ASSISTANCE PROGRAM FOR SPECIALLY SELECTED MEMBERS OF THE MARINE CORPS RESERVE.

(a) IN GENERAL.—Chapter 1205 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 12216. Financial assistance for members of the Marine Corps platoon leader's class program

''(a) PROGRAM AUTHORITY.—The Secretary of the Navy may provide payment of not more than $5,200 per year for a period not to exceed three consecutive years of educational expenses (including tuition, fees, books, and laboratory expenses) to an eligible enlisted member of the Marine Corps Reserve for completion of—

''(1) baccalaureate degree requirements in an approved academic program that requires less than five academic years to complete; or

''(2) doctor of jurisprudence or bachelor of laws degree requirements in an approved academic program which requires not more than three years to complete.

''(b) ELIGIBLE RESERVISTS.—To be eligible for receipt of educational expenses as authorized by subsection (a), an enlisted member of the Marine Corps Reserve must—

''(1) either—

''(A) be under 27 years of age on June 30 of the calendar year in which the member is eligible for appointment as a second lieutenant in the Marine Corps for such persons in a baccalaureate degree program described in subsection (a)(1), except that any such member who has served on active duty in the armed forces may exceed such age limitation on such date by a period equal to the period such member served on active duty, but only if such member will be under 30 years of age on such date; or

''(B) be under 31 years of age on June 30 of the calendar year in which the member is eligible for appointment as a second lieutenant in the Marine Corps for such persons in a doctor of jurisprudence or bachelor of laws degree program described in subsection (a)(2), except that any such member who has served on active duty in the armed forces may exceed such age limitation on such date by a period equal to the period such member served on active duty, but only if such member will be under 35 years of age on such date;

''(2) be satisfactorily enrolled at any accredited civilian educational institution authorized to grant baccalaureate, doctor of jurisprudence or bachelor of law degrees;

''(3) be selected as an officer candidate in the Marine Corps Platoon Leader's Class Program and successfully complete one increment of military training of not less than six weeks' duration; and

''(4) agree in writing—

''(A) to accept an appointment as a commissioned officer in the Marine Corps, if tendered by the President;

''(B) to serve on active duty for a minimum of five years; and

''(C) under such terms and conditions as shall be prescribed by the Secretary of the Navy, to serve in the Marine Corps Reserve until the eighth anniversary of the receipt of such appointment.

''(c) APPOINTMENT.—Upon satisfactorily completing the academic and military requirements of the Marine Corps Platoon Leaders Class Program, an officer candidate may be appointed by the President as a Reserve officer in the Marine Corps in the grade of second lieutenant.

''(d) LIMITATION ON NUMBER.—Not more than 1,200 officer candidates may participate in the financial assistance program authorized by this section at any one time.

''(e) REMEDIAL AUTHORITY OF SECRETARY.—An officer candidate may be ordered to active duty in the Marine Corps by the Secretary of the Navy to serve in an appropriate enlisted grade for such period of time as the Secretary prescribes, but not for more than four years, when such person—

''(1) accepted financial assistance under this section; and

''(2) either—

''(A) completes the military and academic requirements of the Marine Corps Platoon Leaders Class Program and refuses to accept a commission when offered;

''(B) fails to complete the military or academic requirements of the Marine Corps Platoon Leaders Class Program; or

''(C) is disenrolled from the Marine Corps Platoon Leaders Class Program for failure to

maintain eligibility for an original appointment as a commissioned officer under section 532 of this title.

''(d) PERSONS NOT QUALIFIED FOR APPOINTMENT.—Except under regulations prescribed by the Secretary of the Navy, a person who is not physically qualified for appointment under section 532 of this title and subsequently is determined by the Secretary of the Navy under section 505 of this title to be unqualified for service as an enlisted member of the Marine Corps due to a physical or medical condition that was not the result of misconduct or grossly negligent conduct may request a waiver of obligated service of such financial assistance.''.

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

''12216. Financial assistance for members of the Marine Corps platoon leader's class program.''.

(c) COMPUTATION OF SERVICE CREDITABLE.—Section 205 of title 37, United States Code, is amended by adding at the end the following new subsection:

''(f) Notwithstanding subsection (a), a commissioned officer appointed under sections 12209 and 12216 of title 10 may not count in computing basic pay a period of service after January 1, 2000, that the officer performed concurrently as a member of the Marine Corps Platoon Leaders Class Program and the Marine Corps Reserve, except that service after that date that the officer performed before commissioning while serving as an enlisted member on active duty or as a member of the Selected Reserve may be so counted.''.

(d) TRANSITION PROVISION.—An enlisted member of the Marine Corps Reserve selected for training as officer candidates under section 12209 of title 10, United States Code, before October 1, 2000 may, upon submitting an appropriate application, participate in the financial assistance program established in subsection (a) if—

(1) the member is eligible for financial assistance under the qualification requirements of subsection (a);

(2) the member submits to the Secretary of the Navy a request for such financial assistance not later than 180 days after the date of the enactment of this Act; and

(3) the member agrees in writing to accept an appointment, if offered in the Marine Corps Reserve, and to comply with the length of obligated service provisions in subsection (a)(2)(D) of section 12216 of title 10, United States Code, as added by subsection (a).

(e) LIMITATION ON CREDITING OF PRIOR SERVICE.—In computing length of service for any purpose, a person who requests financial assistance under subsection (d) may not be credited with service either as an officer candidate or concurrent enlisted service, other than concurrent enlisted service while serving on active duty other than for training while a member of the Marine Corps Reserve.

SEC. 519. OPTIONS TO IMPROVE RECRUITING FOR THE ARMY RESERVE.

(a) REVIEW.—The Secretary of the Army shall conduct a review of the manner, process, and organization used by the Army to recruit new members for the Army Reserve. The review shall seek to determine the reasons for the continuing inability of the Army to meet recruiting objectives for the Army Reserve and to identify measures the Secretary could take to correct that inability.

(b) REORGANIZATION TO BE CONSIDERED.—Among the possible corrective measures to be examined by the Secretary of the Army as part of the review shall be a transfer of the recruiting function for the Army Reserve from the Army Recruiting Command to a new, fully resourced recruiting organization under the command and control of the Chief, Army Reserve.

(c) REPORT.—Not later than July 1, 2000, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report setting forth the results of the review under this section. The report shall include a description of any corrective measures the Secretary intends to implement.

Subtitle C—Military Technicians

SEC. 521. REVISION TO MILITARY TECHNICIAN (DUAL STATUS) LAW.

(a) DEFINITION.—Subsection (a)(1) of section 10216 of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''section 709'' and inserting ''section 709(b)''; and

(2) in subparagraph (C), by inserting ''civilian'' after ''is assigned to a''.

(b) DUAL STATUS REQUIREMENT.—Subsection (e) of such section is amended—

(1) in paragraph (1), by inserting ''(dual status)'' after ''military technician'' the second place it appears; and

(2) in paragraph (2)—

(A) by striking ''The Secretary'' and inserting ''Except as otherwise provided by law, the Secretary''; and

(B) by striking ''six months'' and inserting ''up to 12 months''.

SEC. 522. CIVIL SERVICE RETIREMENT OF TECHNICIANS.

(a) IN GENERAL.—(1) Chapter 1007 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 10218. Army and Air Force Reserve 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 Army Reserve or the Air Force Reserve 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, subject to subsection (e), 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 Army Reserve or the Air Force Reserve 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 subsection, to apply for any voluntary personnel action; and

''(ii) shall, subject to subsection (e), 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 Army Reserve or the Air Force Reserve as a non-dual status technician and who on that date is eligible for an unreduced annuity shall, subject to subsection (e), 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 Army Reserve or the Air Force Reserve 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 Army Reserve or the Air Force Reserve 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 subsection, to apply for any voluntary personnel action; and

''(ii) shall, subject to subsection (e), 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 Army Reserve or the Air Force Reserve 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).

''(e) ANNUAL LIMITATION ON MANDATORY RETIREMENTS.—Until October 1, 2004, the Secretary of the Army and the Secretary of the Air Force may not during any fiscal year approve a total of more than 25 mandatory

retirements under this section. A technician who is subject to mandatory separation under this section in any fiscal year and who, but for this subsection, would be eligible to be retired with an unreduced annuity shall, if not sooner separated under some other provision of law, be eligible to be retained in service until mandatorily retired consistent with the limitation in this subsection.''.

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

''10218. Army and Air Force Reserve 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 10218 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) of title 5, United States Code, is amended to read as follows:

''(c)(1) An employee who was hired as a military reserve technician on or before February 10, 1996 (under the provisions of this title in effect before that date), and who is separated from technician service, after becoming 50 years of age and completing 25 years of service, by reason of being separated from the Selected Reserve of the employee's reserve component or ceasing to hold the military grade specified by the Secretary concerned for the position held by the employee is entitled to an annuity.

''(2) An employee who is initially hired as a military technician (dual status) after February 10, 1996, and who is separated from the Selected Reserve or ceases to hold the military grade specified by the Secretary concerned for the position held by the technician—

''(A) after completing 25 years of service as a military technician (dual status), or

''(B) after becoming 50 years of age and completing 20 years of service as a military technician (dual status),

is entitled to an annuity.''.

(c) CONFORMING AMENDMENTS.—Chapter 84 of title 5, United States Code, is amended as follows:

(1) Section 8415(g)(2) is amended by striking ''military reserve technician'' and inserting ''military technician (dual status)''.

(2) Section 8401(30) is amended to read as follows:

''(30) the term 'military technician (dual status)' means an employee described in section 10216 of title 10;''.

(d) DISABILITY RETIREMENT.—Section 8337(h) of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''or section 10216 of title 10'' after ''title 32'';

(B) by striking ''such title'' and all that follows through the period and inserting ''title 32 or section 10216 of title 10, respectively, to be a member of the Selected Reserve.'';

(2) in paragraph (2)(A)(i)—

(A) by inserting ''or section 10216 of title 10'' after ''title 32''; and

(B) by striking ''National Guard or from holding the military grade required for such employment'' and inserting ''Selected Reserve''; and

(3) in paragraph (3)(C), by inserting ''or section 10216 of title 10'' after ''title 32''.

SEC. 523. REVISION TO NON-DUAL STATUS TECHNICIANS STATUTE.

(a) REVISION.—Section 10217 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''military'' after ''non-dual status'' in the matter preceding paragraph (1); and

(B) by striking paragraphs (1) and (2) and inserting the following:

''(1) was hired as a technician before November 18, 1997, under any of the authorities specified in subsection (b) and as of that date is not a member of the Selected Reserve or after such date has ceased to be a member of the Selected Reserve; or

''(2) is employed under section 709 of title 32 in a position designated under subsection (c) of that section and when hired was not required to maintain membership in the Selected Reserve.''; and

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

''(c) PERMANENT LIMITATIONS ON NUMBER.—(1) Effective October 1, 2007, the total number of non-dual status technicians employed by the Army Reserve and Air Force Reserve may not exceed 175. If at any time after the preceding sentence takes effect the number of non-dual status technicians employed by the Army Reserve and Air Force Reserve exceeds the number specified in the limitation in the preceding sentence, the Secretary of Defense shall require that the Secretary of the Army or the Secretary of the Air Force, or both, take immediate steps to reduce the number of such technicians in order to comply with such limitation.

''(2) Effective October 1, 2001, the total number of non-dual status technicians employed by the National Guard may not exceed 1,950. If at any time after the preceding sentence takes effect the number of non-dual status technicians employed by the National Guard exceeds the number specified in the limitation in the preceding sentence, the Secretary of Defense shall require that the Secretary of the Army or the Secretary of the Air Force, or both, take immediate steps to reduce the number of such technicians in order to comply with such limitation.''.

(c) CONFORMING AMENDMENTS.—The heading of such section and the item relating to such section in the table of sections at the beginning of chapter 1007 of such title are each amended by striking the penultimate word.

SEC. 524. REVISION TO AUTHORITIES RELATING TO NATIONAL GUARD TECHNICIANS.

Section 709 of title 32, United States Code, is amended to read as follows:

''§ 709. Technicians: employment, use, status

''(a) Under regulations prescribed by the Secretary of the Army or the Secretary of the Air Force, as the case may be, and subject to subsections (b) and (c), persons may be employed as technicians in—

''(1) the administration and training of the National Guard; and

''(2) the maintenance and repair of supplies issued to the National Guard or the armed forces.

''(b) Except as authorized in subsection (c), a person employed under subsection (a) must meet each of the following requirements:

''(1) Be a military technician (dual status) as defined in section 10216(a) of title 10.

''(2) Be a member of the National Guard.

''(3) Hold the military grade specified by the Secretary concerned for that position.

''(4) While performing duties as a military technician (dual status), wear the uniform appropriate for the member's grade and component of the armed forces .

''(c)(1) A person may be employed under subsection (a) as a non-dual status technician (as defined by section 10217 of title 10) if the technician position occupied by the person has been designated by the Secretary concerned to be filled only by a non-dual status technician.

''(2) The total number of non-dual status technicians in the National Guard is specified in section 10217(c)(2) of title 10.

''(d) The Secretary concerned shall designate the adjutants general referred to in section 314 of this title to employ and administer the technicians authorized by this section.

''(e) A technician employed under subsection (a) is an employee of the Department of the Army or the Department of the Air Force, as the case may be, and an employee of the United States. However, a position authorized by this section is outside the competitive service if the technician employed in that position is required under subsection (b) to be a member of the National Guard.

''(f) Notwithstanding any other provision of law and under regulations prescribed by the Secretary concerned—

''(1) a person employed under subsection (a) who is a military technician (dual status) and otherwise subject to the requirements of subsection (b) who—

''(A) is separated from the National Guard or ceases to hold the military grade specified by the Secretary concerned for that position shall be promptly separated from military technician (dual status) employment by the adjutant general of the jurisdiction concerned; and

''(B) fails to meet the military security standards established by the Secretary concerned for a member of a reserve component under his jurisdiction may be separated from employment as a military technician (dual status) and concurrently discharged from the National Guard by the adjutant general of the jurisdiction concerned;

''(2) a technician may, at any time, be separated from his technician employment for cause by the adjutant general of the jurisdiction concerned;

''(3) a reduction in force, removal, or an adverse action involving discharge from technician employment, suspension, furlough without pay, or reduction in rank or compensation shall be accomplished by the adjutant general of the jurisdiction concerned;

''(4) a right of appeal which may exist with respect to paragraph (1), (2), or (3) shall not extend beyond the adjutant general of the jurisdiction concerned; and

''(5) a technician shall be notified in writing of the termination of his employment as a technician and, unless the technician is serving under a temporary appointment, is serving in a trial or probationary period, or has voluntarily ceased to be a member of the National Guard when such membership is a condition of employment, such notification shall be given at least 30 days before the termination date of such employment.

''(g) Sections 2108, 3502, 7511, and 7512 of title 5 do not apply to a person employed under this section.

''(h) Notwithstanding sections 5544(a) and 6101(a) of title 5 or any other provision of law, the Secretary concerned may prescribe the hours of duty for technicians. Notwithstanding sections 5542 and 5543 of title 5 or any other provision of law, such technicians shall be granted an amount of compensatory time off from their scheduled tour of duty equal to the amount of any time spent by them in irregular or overtime work, and shall not be entitled to compensation for such work.

''(i) The Secretary concerned may not prescribe for purposes of eligibility for Federal recognition under section 301 of this title a qualification applicable to technicians employed under subsection (a) that is not applicable pursuant to that section to the other members of the National Guard in the same grade, branch, position, and type of unit or organization involved.''.

SEC. 525. EFFECTIVE DATE.

The amendments made by sections 523 and 524 shall take effect 180 days after the date of the receipt by Congress of the plan required by section 523(d) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1737) or a report by the Secretary of Defense providing an alternative proposal to the plan required by that section.

SEC. 526. SECRETARY OF DEFENSE REVIEW OF ARMY TECHNICIAN COSTING PROCESS.

(a) REVIEW.—The Secretary of Defense shall review the process used by the Army, including use of the Civilian Manpower Obligation Resources (CMOR) model, to develop estimates of the annual authorizations and appropriations required for civilian personnel of the Department of the Army generally and for National Guard and Army Reserve technicians in particular. Based upon the review, the Secretary shall direct that any appropriate revisions to that process be implemented.

(b) PURPOSE OF REVIEW.—The purpose of the review shall be to ensure that the process referred to in subsection (a) does the following:

(1) Accurately and fully incorporates all the actual cost factors for such personnel, including particularly those factors necessary to recruit, train, and sustain a qualified technician workforce.

(2) Provides estimates of required annual appropriations required to fully fund all the technicians (both dual status and non-dual status) requested in the President's budget.

(3) Eliminates inaccuracies in the process that compel both the Army Reserve and the Army National Guard either (A) to reduce the number of military technicians (dual status) below the statutory floors without corresponding force structure reductions, or (B) to transfer funds from other appropriations simply to provide the required funding for military technicians (dual status).

(c) REPORT.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report containing the results of the review undertaken under this section, together with a description of corrective actions taken and proposed, not later than March 31, 2000.

SEC. 527. FISCAL YEAR 2000 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

The number of civilian employees who are non-dual status technicians of a reserve component of the Army or Air Force as of September 30, 2000, may not exceed the following:

(1) For the Army Reserve, 1,295.

(2) For the Army National Guard of the United States, 1,800.

(3) For the Air Force Reserve, 0.

(4) For the Air National Guard of the United States, 342.

Subtitle D—Service Academies

SEC. 531. WAIVER OF REIMBURSEMENT OF EXPENSES FOR INSTRUCTION AT SERVICE ACADEMIES OF PERSONS FROM FOREIGN COUNTRIES.

(a) UNITED STATES MILITARY ACADEMY.—Section 4344(b)(3) of title 10, United States Code, is amended—

(1) by striking ''35 percent'' and inserting ''50 percent''; and

(2) by striking ''five persons'' and inserting ''20 persons''.

(b) NAVAL ACADEMY.—Section 6957(b)(3) of such title is amended—

(1) by striking ''35 percent'' and inserting ''50 percent''; and

(2) by striking ''five persons'' and inserting ''20 persons''.

(c) AIR FORCE ACADEMY.—Section 9344(b)(3) of such title is amended—

(1) by striking ''35 percent'' and inserting ''50 percent''; and

(2) by striking ''five persons'' and inserting ''20 persons''.

(d) EFFECTIVE DATE.—The amendments made by this section apply with respect to students from a foreign country entering the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy on or after May 1, 1999.

SEC. 532. COMPLIANCE BY UNITED STATES MILITARY ACADEMY WITH STATUTORY LIMIT ON SIZE OF CORPS OF CADETS.

(a) COMPLIANCE REQUIRED.—(1) The Secretary of the Army shall take such action as necessary to ensure that the United States Military Academy is in compliance with the USMA cadet strength limit not later than the day before the last day of the 2001–2002 academic year.

(2) The Secretary of the Army may provide for a variance to the USMA cadet strength limit—

(A) as of the day before the last day of the 1999-2000 academic year of not more than 5 percent; and

(B) as of the day before the last day of the 2000-2001 academic year of not more than 2½ percent.

(3) For purposes of this subsection—

(A) the USMA cadet strength limit is the maximum of 4,000 cadets established for the Corps of Cadets at the United States Military Academy by section 511 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 4342 note), reenacted in section 4342(a) of title 10, United States Code, by the amendment made by subsection (b)(1); and

(B) the last day of the 2001–2002 academic year is the day on which the class of 2002 graduates.

(b) REENACTMENT OF LIMITATION.—

(1) ARMY.—Section 4342 of title 10, United States Code, is amended—

(A) in subsection (a), by striking ''is as follows:'' in the matter preceding paragraph (1) and inserting ''(determined for any year as of the day before the last day of the academic year) is 4,000. Subject to that limitation, cadets are selected as follows:''; and

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

''(i) For purposes of the limitation under subsection (a), the last day of an academic year is graduation day.''.

(2) NAVY.—Section 6954 of such title is amended—

(A) by striking the matter preceding paragraph (1) and inserting the following:

''(a) The authorized strength of the Brigade of Midshipmen (determined for any year as of the day before the last day of the academic year) is 4,000. Subject to that limitation, midshipmen are selected as follows:''; and

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

''(g) For purposes of the limitation under subsection (a), the last day of an academic year is graduation day.''.

(3) AIR FORCE.—Section 9342 of such title is amended—

(A) in subsection (a), by striking ''is as follows:'' in the matter preceding paragraph (1) and inserting ''(determined for any year as of the day before the last day of the academic year) is 4,000. Subject to that limitation, Air Force Cadets are selected as follows:''; and

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

''(i) For purposes of the limitation under subsection (a), the last day of an academic year is graduation day.''.

(4) CONFORMING REPEAL.—Section 511 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 4342 note) is repealed.

SEC. 533. DEAN OF ACADEMIC BOARD, UNITED STATES MILITARY ACADEMY AND DEAN OF THE FACULTY, UNITED STATES AIR FORCE ACADEMY.

(a) DEAN OF THE ACADEMIC BOARD, USMA.—Section 4335 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) While serving as Dean of the Academic Board, an officer of the Army who holds a grade lower than brigadier general shall hold the grade of brigadier general, if appointed to that grade by the President, by and with the advice and consent of the Senate. The retirement age of an officer so appointed is that of a permanent professor of the Academy. An officer so appointed is counted for purposes of the limitation in section 526(a) of this title on general officers of the Army on active duty.''.

(b) DEAN OF THE FACULTY, USAFA.—Section 9335 of title 10, United States Code, is amended—

(1) by inserting ''(a)'' at the beginning of the text of the section; and

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

''(b) While serving as Dean of the Faculty, an officer of the Air Force who holds a grade lower than brigadier general shall hold the grade of brigadier general, if appointed to that grade by the President, by and with the advice and consent of the Senate. The retirement age of an officer so appointed is that of a permanent professor of the Academy An officer so appointed is counted for purposes of the limitation in section 526(a) of this title on general officers of the Air Force on active duty.''.

SEC. 534. EXCLUSION FROM CERTAIN GENERAL AND FLAG OFFICER GRADE STRENGTH LIMITATIONS FOR THE SUPERINTENDENTS OF THE SERVICE ACADEMIES.

Section 525(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(7) An officer of the Army while serving as Superintendent of the United States Military Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Army for officers serving on active duty in grades above major general under paragraph (1). An officer of the Navy or Marine Corps while serving as Superintendent of the United States Naval Academy, if serving in the grade of vice admiral or lieutenant general, is in addition to the number that would otherwise be permitted for the Navy or Marine Corps, respectively, for officers serving on active duty in grades above major general or rear admiral under paragraph (1) or (2). An officer while serving as Superintendent of the United Air Force Academy, if serving in the grade of lieutenant general, is in addition to the number that would otherwise be permitted for the Air Force for officers serving on active duty in grades above major general under paragraph (1).''.

Subtitle E—Education and Training

SEC. 541. ESTABLISHMENT OF A DEPARTMENT OF DEFENSE INTERNATIONAL STUDENT PROGRAM AT THE SENIOR MILITARY COLLEGES.

(a) IN GENERAL.—(1) Chapter 103 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2111b. Senior military colleges: Department of Defense international student program

''(a) PROGRAM REQUIREMENT.—The Secretary of Defense shall establish a program to facilitate the enrollment and instruction of persons from foreign countries as international students at the senior military colleges.

''(b) PURPOSES.—The purposes of the program shall be—

''(1) to provide a high-quality, cost-effective military-based educational experience for international students in furtherance of the military-to-military program objectives of the Department of Defense; and

''(2) to enhance the educational experience and preparation of future United States military leaders through increased, extended interaction with highly qualified potential foreign military leaders.

''(c) COORDINATION WITH THE SENIOR MILITARY COLLEGES.—Guidelines for implementation of the program shall be developed in coordination with the senior military colleges.

''(d) RECOMMENDATIONS FOR ADMISSION OF STUDENTS UNDER THE PROGRAM.—The Secretary of Defense shall annually identify to the senior military colleges the international students who, based on criteria established by the Secretary, the Secretary recommends be considered for admission under the program. The Secretary shall identify the recommended international students to the senior military colleges as early as possible each year to enable those colleges to consider them in a timely manner in their respective admissions processes.

''(e) DOD FINANCIAL SUPPORT.—An international student who is admitted to a senior military college under the program under this section is responsible for the cost of instruction at that college. The Secretary of Defense may, from funds available to the Department of Defense other than funds available for financial assistance under section 2107a of this title, provide some or all of the costs of instruction for any such student.''.

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

''2111b. Senior military colleges: Department of Defense international student program.''.

(b) EFFECTIVE DATE.—The Secretary of Defense shall implement the program under section 2111b of title 10, United States Code, as added by subsection (a), with students entering the senior military colleges after May 1, 2000.

(c) REPEAL OF OBSOLETE PROVISION.—Section 2111a(e)(1) of title 10, United States Code, is amended by striking the second sentence.

(d) FISCAL YEAR 2000 FUNDING.—Of the amounts made available to the Department of Defense for fiscal year 2000 pursuant to section 301, $2,000,000 shall be available for financial support for international students under section 2111b of title 10, United States Code, as added by subsection (a).

SEC. 542. AUTHORITY FOR ARMY WAR COLLEGE TO AWARD DEGREE OF MASTER OF STRATEGIC STUDIES.

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

''§ 4321. United States Army War College: master of strategic studies degree

''Under regulations prescribed by the Secretary of the Army, the Commandant of the United States Army War College, upon the recommendation of the faculty and dean of the college, may confer the degree of master of strategic studies upon graduates of the college who have fulfilled the requirements for that degree.''.

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

''4321. United States Army War College: master of strategic studies degree.''.

SEC. 543. AUTHORITY FOR AIR UNIVERSITY TO AWARD GRADUATE-LEVEL DEGREES.

(a) IN GENERAL.—Subsection (a) of section 9317 of title 10, United States Code, is amended to read as follows:

''(a) AUTHORITY.—Upon recommendation of the faculty of the appropriate school, the commander of the Air University may confer—

''(1) the degree of master of strategic studies upon graduates of the Air War College who fulfill the requirements for that degree;

''(2) the degree of master of military operational art and science upon graduates of the Air Command and Staff College who fulfill the requirements for that degree; and

''(3) the degree of master of airpower art and science upon graduates of the School of Advanced Air power Studies who fulfill the requirements for that degree.''.

(b) CLERICAL AMENDMENTS.—(1) The heading for that section is amended to read:

''§ 9317. Air University: graduate-level degrees''.

(2) The item relating to that section in the table of sections at the beginning of chapter 901 of such title is amended to read as follows:

''9317. Air University: graduate-level degrees.''.

SEC. 544. CORRECTION OF RESERVE CREDIT FOR PARTICIPATION IN HEALTH PROFESSIONAL SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.

Section 2126(b) of title 10, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking ''only for'' and all that follows through ''Award of'' and inserting ''only for the award of''; and

(B) by striking subparagraph (B);

(2) in paragraph (3) by striking ''paragraph (2)(A), a member'' and inserting ''paragraph (2), a member who completes a satisfactory year of service in the Selected Reserve'';

(3) by redesignating paragraph (5) as paragraph (6); and

(4) by inserting after paragraph (4) the following new paragraph (5):

''(5) A member of the Selected Reserve who is awarded points or service credit under this subsection shall not be considered to have been in an active status, by reason of the award of the points or credit, while pursuing a course of study under this subchapter for purposes of any provision of law other than sections 12732(a) and 12733(3) of this title.''.

SEC. 545. PERMANENT EXPANSION OF ROTC PROGRAM TO INCLUDE GRADUATE STUDENTS.

(a) PERMANENT AUTHORITY FOR THE ROTC GRADUATE PROGRAM.—Paragraph (2) of section 2107(c)(2) of title 10, United States Code, is amended to read as follows:

''(2) The Secretary concerned may provide financial assistance, as described in paragraph (1), to a student enrolled in an advanced education program beyond the baccalaureate degree level if the student also is a cadet or midshipman in an advanced training program. Not more than 15 percent of the total number of scholarships awarded under this section in any year may be awarded under the program.''.

(b) AUTHORITY TO ENROLL IN ADVANCED TRAINING PROGRAM.—Section 2101(3) of title 10, United States Code, is amended by inserting ''students enrolled in an advanced education program beyond the baccalaureate degree level or to'' after ''instruction offered in the Senior Reserve Officers' Training Corps to''.

SEC. 546. INCREASE IN MONTHLY SUBSISTENCE ALLOWANCE FOR SENIOR ROTC CADETS SELECTED FOR ADVANCED TRAINING.

(a) INCREASE.—Section 209(a) of title 37, United States Code, is amended by striking ''$150 a month'' and inserting ''$200 a month''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1999.

SEC. 547. CONTINGENT FUNDING INCREASE FOR JUNIOR ROTC PROGRAM.

(a) IN GENERAL.—(1) Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2033. Contingent funding increase

''If for any fiscal year the amount appropriated for the National Guard Challenge Program under section 509 of title 32 is in excess of $62,500,000, the Secretary of Defense shall (notwithstanding any other provision of law) make the amount in excess of $62,500,000 available for the Junior Reserve Officers' Training Corps program under section 2031 of this title, and such excess amount may not be used for any other purpose.''.

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

''2033. Contingent funding increase.''.

(b) EFFECTIVE DATE.—Section 2033 of title 10, United States Code, as added by subsection (a), shall apply only with respect to funds appropriated for fiscal years after fiscal year 1999.

SEC. 548. CHANGE FROM ANNUAL TO BIENNIAL REPORTING UNDER THE RESERVE COMPONENT MONTGOMERY GI BILL.

(a) IN GENERAL.—Section 16137 of title 10, United States Code, is amended to read as follows:

''§ 16137. Biennial report to Congress

''The Secretary of Defense shall submit to Congress a report not later than March 1 of each odd-numbered year concerning the operation of the educational assistance program established by this chapter during the preceding two fiscal years. Each such report shall include the number of members of the Selected Reserve of the Ready Reserve of each armed force receiving, and the number entitled to receive, educational assistance under this chapter during those fiscal years.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1606 of such title is amended to read as follows:

''16137. Biennial report to Congress.''.

SEC. 549. RECODIFICATION AND CONSOLIDATION OF STATUTES DENYING FEDERAL GRANTS AND CONTRACTS BY CERTAIN DEPARTMENTS AND AGENCIES TO INSTITUTIONS OF HIGHER EDUCATION THAT PROHIBIT SENIOR ROTC UNITS OR MILITARY RECRUITING ON CAMPUS.

(a) RECODIFICATION AND CONSOLIDATION FOR LIMITATIONS ON FEDERAL GRANTS AND CONTRACTS.—(1) Section 983 of title 10, United States Code, is amended to read as follows:

''§ 983. Institutions of higher education that prevent ROTC access or military recruiting on campus: denial of grants and contracts from Department of Defense, Department of Education, and certain other departments and agencies

''(a) DENIAL OF FUNDS FOR PREVENTING ROTC ACCESS TO CAMPUS.—No funds described in subsection (d) may be provided by contract or by grant (including a grant of funds to be available for student aid) to a covered educational entity if the Secretary of Defense determines that the covered educational entity has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents—

''(1) the Secretary of a military department from maintaining, establishing, or operating a unit of the Senior Reserve Officer Training Corps (in accordance with section

654 of this title and other applicable Federal laws) at the covered educational entity; or

''(2) a student at the covered educational entity from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

''(b) DENIAL OF FUNDS FOR PREVENTING MILITARY RECRUITING ON CAMPUS.—No funds described in subsection (d) may be provided by contract or by grant (including a grant of funds to be available for student aid) to a covered educational entity if the Secretary of Defense determines that the covered educational entity has a policy or practice (regardless of when implemented) that either prohibits, or in effect prevents—

''(1) the Secretary of a military department from gaining entry to campuses, or access to students (who are 17 years of age or older) on campuses, for purposes of military recruiting; or

''(2) access by military recruiters for purposes of military recruiting to the following information pertaining to students (who are 17 years of age or older) enrolled at the covered educational entity:

''(A) Names, addresses, and telephone listings.

''(B) Date and place of birth, levels of education, academic majors, degrees received, and the most recent educational institution enrolled in by the student.

''(c) EXCEPTIONS.—The limitation established in subsection (a) or (b) shall not apply to a covered educational entity if the Secretary of Defense determines that—

''(1) the covered educational entity has ceased the policy or practice described in that subsection; or

''(2) the institution of higher education involved has a longstanding policy of pacifism based on historical religious affiliation.

''(d) COVERED FUNDS.—The limitations established in subsections (a) and (b) apply to the following:

''(1) Any funds made available for the Department of Defense.

''(2) Any funds made available in a Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act.

''(e) NOTICE OF DETERMINATIONS.—Whenever the Secretary of Defense makes a determination under subsection (a), (b), or (c), the Secretary—

''(1) shall transmit a notice of the determination to the Secretary of Education and to Congress; and

''(2) shall publish in the Federal Register a notice of the determination and the effect of the determination on the eligibility of the covered educational entity for contracts and grants.

''(f) SEMIANNUAL NOTICE IN FEDERAL REGISTER.—The Secretary of Defense shall publish in the Federal Register once every six months a list of each covered educational entity that is currently ineligible for contracts and grants by reason of a determination of the Secretary under subsection (a) or (b).

''(g) COVERED EDUCATIONAL ENTITY.—In this section, the term 'covered educational entity' means an institution of higher education, or a subelement of an institution of higher education.''.

(2) The item relating to section 983 in the table of sections at the beginning of such chapter is amended to read as follows:

''983. Institutions of higher education that prevent ROTC access or military recruiting on campus: denial of grants and contracts from Department of Defense, Department of Education, and certain other departments and agencies.''.

(b) REPEAL OF CODIFIED PROVISIONS.—The following provisions of law are repealed:

(1) Section 558 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 503 note).

(2) Section 514 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1997 (as contained in section 101(e) of division A of Public Law 104–208; 110 Stat. 3009–270; 10 U.S.C. 503 note).

Subtitle F—Decorations and Awards

SEC. 551. WAIVER OF TIME LIMITATIONS FOR AWARD OF CERTAIN DECORATIONS TO CERTAIN PERSONS.

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

(b) DISTINGUISHED FLYING CROSS.—Subsection (a) applies to the award of the Distinguished Flying Cross for service during World War II or Korea (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, during the period beginning on October 17, 1998, and ending on the day before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.

SEC. 552. SENSE OF CONGRESS CONCERNING PRESIDENTIAL UNIT CITATION FOR CREW OF THE U.S.S. INDIANAPOLIS.

(a) FINDINGS.—Congress reaffirms the findings made in section 1052(a) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2844) that the heavy cruiser U.S.S. INDIANAPOLIS (CA–35)—

(1) served the people of the United States with valor and distinction throughout World War II in action against enemy forces in the Pacific Theater of Operations from December 7, 1941 to July 29, 1945;

(2) with her courageous and capable crew, compiled an impressive combat record during the war in the Pacific, receiving in the process 10 battle stars in actions from the Aleutians to Okinawa;

(3) rendered invaluable service in anti-shipping, shore bombardment, anti-air, and invasion support roles and serving as flagship for the Fifth Fleet under Admiral Raymond Spruance and flagship for the Third Fleet under Admiral William F. Halsey; and

(4) transported the world's first operational atomic bomb from the United States to the Island of Tinian, accomplishing that mission at a record average speed of 29 knots.

(b) FURTHER FINDINGS.—Congress further finds that—

(1) from participation in the earliest offensive actions in the Pacific during World War II to her pivotal role in delivering the weapon that brought the war to an end, the U.S.S. INDIANAPOLIS and her crew left an indelible imprint on the Nation's struggle to eventual victory in the war in the Pacific; and

(2) the selfless, courageous, and outstanding performance of duty by that ship and her crew throughout the war in the Pacific reflects great credit upon the ship and her crew, thus upholding the very highest traditions of the United States Navy.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the President should award a Presidential Unit Citation to the crew of the U.S.S. INDIANAPOLIS (CA–35) in recognition of the courage and skill displayed by the members of the crew of that vessel throughout World War II.

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

SEC. 553. AUTHORITY FOR AWARD OF MEDAL OF HONOR TO ALFRED RASCON FOR VALOR DURING THE VIETNAM CONFLICT.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Army, the President may award the Medal of Honor under section 3741 of that title to Alfred Rascon, of Laurel, Maryland, for the acts of valor described in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Alfred Rascon on March 16, 1966, as an Army medic, serving in the grade of Specialist Four in the Republic of Vietnam with the Reconnaissance Platoon, Headquarters Company, 1st Battalion, 503rd Infantry, 173rd Airborne Brigade (Separate), during a combat operation known as Silver City.

Subtitle G—Other Matters

SEC. 561. REVISION IN AUTHORITY TO ORDER RETIRED MEMBERS TO ACTIVE DUTY.

(a) PERIOD OF RECALL SERVICE FOR RETIRED MEMBERS ORDERED TO ACTIVE DUTY.—Section 688(e) of title 10, United States Code, is amended by striking ''for more than 12 months within 24 months'' and inserting ''for more than 36 months within 48 months''.

(b) LIMITATION ON NUMBER.—Section 690(b)(1) of such title is amended by striking ''Not more than 25 officers'' and inserting ''In addition to the officers subject to subsection (a), not more than 150 officers''.

(c) EXCLUSION FROM LIMITATION OF MEMBERS OF RETIREE COUNCILS.—Section 690(b)(2) of such title is amended by adding at the end the following new subparagraph:

''(D) Any officer assigned to duty as a member of the Army, Navy, or Air Force Retiree Council for the period of active duty to which ordered.''.

(d) EXCLUSION FROM LIMITATION OF OFFICERS RECALLED FOR 60 DAYS OR LESS.—Section 690 of such title is further amended—

(1) by striking the second sentence of subsection (a);

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection (c):

''(c) EXCLUSION FROM LIMITATIONS OF OFFICERS RECALLED FOR 60 DAYS OR LESS.—A retired officer ordered to active duty for a period of 60 days or less shall not be counted for the purposes of subsection (a) or (b).''.

SEC. 562. TEMPORARY AUTHORITY FOR RECALL OF RETIRED AVIATORS.

(a) AUTHORITY.—During the retired aviator recall period, the Secretary of a military department may recall to active duty any retired officer having expertise as an aviator to fill staff positions normally filled by active duty aviators. Any such recall may only be with the consent of the officer recalled.

(b) LIMITATION.—No more than a total of 500 officers may be on active duty at any time under subsection (a).

(c) TERMINATION.—Each officer recalled to active duty under subsection (a) during the

retired aviator recall period shall be released from active duty not later than one year after the end of such period.

(d) WAIVERS.—Officers recalled to active duty under subsection (a) shall not be counted for purposes of section 668 or 690 of title 10, United States Code.

(e) RETIRED AVIATOR RECALL PERIOD.—For purposes of this section, the term ''retired aviator recall period'' means the period beginning on October 1, 1999, and ending on September 30, 2002.

(f) REPORT.—Not later than March 31, 2002, the Secretary of Defense submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report on the use of the authority under this section, together with the Secretary's recommendation for extension of that authority.

SEC. 563. SERVICE REVIEW AGENCIES COVERED BY PROFESSIONAL STAFFING REQUIREMENT.

Section 1555(c)(2) of title 10, United States Code, is amended by inserting ''the Navy Council of Personnel Boards and'' after ''Department of the Navy,''.

SEC. 564. CONFORMING AMENDMENT TO AUTHORIZE RESERVE OFFICERS AND RETIRED REGULAR OFFICERS TO HOLD A CIVIL OFFICE WHILE SERVING ON ACTIVE DUTY FOR NOT MORE THAN 270 DAYS.

Section 973(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking ''180 days'' and inserting ''270 days''; and

(2) in subparagraph (C), by striking ''180 days'' and inserting ''270 days''.

SEC. 565. REVISION TO REQUIREMENT FOR HONOR GUARD DETAILS AT FUNERALS OF VETERANS.

(a) COMPOSITION OF HONOR GUARD DETAILS.—Subsection (b) of section 1491 of title 10, United States Code, is amended by striking ''consists of'' and all that follows through the period and inserting ''consists of not less than two persons, who shall, at a minimum, perform a ceremony to fold and present a United States flag to the deceased veteran's family and who shall (unless a bugler is part of the detail) have the capability to play a recorded version of Taps. At least one member of an honor guard detail provided in response to a request to the Department of Defense shall be a member of the same armed force as the deceased veteran.''.

(b) SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS.—Such section is further amended—

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

(2) by inserting after subsection (c) the following new subsection (d):

''(d) SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS.—The Secretary of a military department shall provide material, equipment, and training to support qualified nongovernmental organizations, as necessary for the support of honor guard activities. The Secretary shall prescribe by regulation standards for determining what nongovernmental organizations are qualified for purposes of this subsection, the type of support that may be provided under this subsection, and the manner in which such support is provided.''.

(c) IMPLEMENTING OSD REGULATIONS.—Subsection (e) of such section, as redesignated by subsection (b)(1), is amended by striking the last two sentences and inserting the following: ''The Secretary shall require that procedures be established by the Secretaries of the military departments for coordinating and responding to requests for honor guard details, for establishing standards and protocols for, responding to requests for and conducting military funeral honors, and for providing training and quality control.''.

(d) WAIVER AUTHORITY.—Such section is further amended by inserting after subsection (f), as redesignated by subsection (b)(1), the following new subsection:

''(g) WAIVER AUTHORITY.—(1) The Secretary of Defense may waive any of the provisions of this section when the Secretary determines that such a waiver is necessary because of a contingency operation or when the Secretary otherwise considers such a waiver to be necessary to meet military requirements. The authority to make such a waiver may not be delegated to any official of a military department other than the Secretary of the military department and may not be delegated within the Office of the Secretary of Defense to an official at a level below Under Secretary of Defense.''.

''(2) Whenever a waiver is granted under paragraph (1), the Secretary of Defense shall promptly submit notice of the waiver to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.''.

(e) COVERAGE OF CERTAIN RESERVISTS.—Such section is further amended by striking the period at the end of subsection (h), as redesignated by subsection (b)(1), and inserting ''and includes a deceased member or former member of the Selected Reserve described in section 2301(f) of title 38.''.

(f) AUTHORITY TO ACCEPT VOLUNTARY SERVICES.—Section 1588(a) of such title is amended by adding at the end the following new paragraph:

''(4) Voluntary services as a member of an honor guard detail under section 1491 of this title.''.

(g) EFFECTIVE DATE.—(1) Section 1491 of title 10, United States Code, as amended by this section, shall apply with respect to funerals of veterans that occur after December 31, 1999.

(2) Subsection (a) of such section is amended by striking ''that occurs after December 31, 1999''.

(h) NATIONAL GUARD FUNERAL HONORS DUTY.—(1) Section 114 of title 32, United States Code, is amended—

(A) by striking ''honor guard'' both places it appears and inserting ''funeral honors''; and

(B) by striking ''otherwise required'' and inserting '', but may be performed as funeral honors duty as prescribed in section 115 of this title''.

(2) Chapter 1 of such title is amended by adding at the end the following new section:

''§ 115. Funeral honors duty performed as a Federal function

''(a) Under regulations prescribed by the Secretary of Defense, a member of the Army National Guard of the United States or the Air National Guard of the United States may be ordered to funeral honors duty, with the consent of the member, to prepare for or perform funeral honors functions at the funeral of a veteran (as defined in section 1491 of title 10).

''(b) A member ordered to funeral honors duty under this section shall be required to perform a minimum of two hours of such duty in order to receive service credit under section 1273(a)(2)(E) of title 10 and compensation under section 435 of title 37 if authorized by the Secretary concerned.

''(c) Funeral honors duty (and travel directly to and from that duty) under this section shall be treated as the equivalent of inactive-duty training (and travel directly to and from that training) for the purposes of this section and the provisions of title 10, title 37, and title 38, including provisions relating to the determination of eligibility for and the receipt of benefits and entitlements provided under those titles for Reserves performing inactive-duty training and for their dependents and survivors, except that a member is not entitled by reason of performance of funeral honors duty to any pay, allowances, or other compensation provided for in title 37 other than that provided in section 435 of that title and in subsection (d).

''(d) A member who performs funeral honors duty under this section is entitled to reimbursement for travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37, if such duty is performed at a location 50 miles or more from the member's residence.''.

(3)(A) The heading of section 114 of such title is amended to read as follows:

''§ 114. Funeral honors functions at funerals for veterans''.

(B) The table of sections at the beginning of chapter 1 of such title is amended by striking the item relating to section 114 and inserting the following:

''114. Funeral honors functions at funerals for veterans.

''115. Funeral honors duty performed as a Federal function.''.

(i) READY RESERVE FUNERAL HONORS DUTY.—(1)(A) Chapter 1213 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 12503. Ready Reserve: funeral honors duty

''(a) Under regulations prescribed by the Secretary of Defense, a member of the Ready Reserve may be ordered to funeral honors duty, with the consent of the member, in preparation for or to perform funeral honors functions at the funeral of a veteran (as defined in section 1491 of this title). However, a member of the Army National Guard of the United States or the Air National Guard of the United States may not be ordered to perform funeral honors functions under this section without the consent of the Governor or other appropriate authority of the State concerned.

''(b) A member ordered to funeral honors duty under this section shall be required to perform a minimum of two hours of such duty in order to receive service credit under section 12732(a)(2)(E) of this title and compensation under section 435 of title 37 if authorized by the Secretary concerned.

''(c) Funeral honors duty (and travel directly to and from that duty) under this section shall be treated as the equivalent of inactive-duty training (and travel directly to and from that training) for the purposes of this title, title 37, and title 38, including provisions relating to the determination of eligibility for and receipt of benefits and entitlements provided under those titles for Reserves performing inactive-duty training and for their dependents and survivors, except that a member is not entitled by reason of performance of funeral honors duty to any pay, allowances, or other compensation provided for in title 37 other than that provided in section 435 of that title and in subsection (d).

''(d) A member who performs funeral honors duty under this section is entitled to reimbursement for travel and transportation expenses incurred in conjunction with such duty as authorized under chapter 7 of title 37, if such duty is performed at a location 50 miles or more from the member's residence.''.

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

''12503. Ready Reserve: funeral honors duty.''.

(2)(A) Section 12552 of such title is amended to read as follows:

"§ 12552. Funeral honors functions at funerals for veterans

''Performance by a Reserve of funeral honors functions at the funeral of a veteran (as defined in section 1491 of this title) may not be considered to be a period of drill or training, but may be performed as funeral honors duty under section 12503 of this title.''.

(B) The item relating to such section in the table of sections at the beginning of chapter 1215 of such title is amended to read as follows:

''12552. Funeral honors functions at funerals for veterans.''.

(j) CREDITING FOR RETIREMENT PURPOSES.—Paragraph (2) of section 12732(a) of title 10, United States Code, is amended—

(1) by inserting after subparagraph (D) the following new subparagraph:

''(E) One point for each day in which funeral honors functions were performed under section 12503 of this title or section 115 of title 32.''; and

(2) by striking ''and (D)'' in the last sentence of such paragraph and inserting ''(D), and (E)''.

(k) ALLOWANCE FOR FUNERAL HONORS DUTY.—(1) Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

"§ 435. Funeral honors duty: flat rate allowance

''(a) ALLOWANCE AUTHORIZED.—Under uniform regulations prescribed by the Secretary of Defense, a member of the Ready Reserve of an armed force may be paid an allowance of $50, at the discretion of the Secretary concerned, for funeral honors duty performed pursuant to section 12305 of title 10 or section 115 of title 32, if the member is engaged in the performance of that duty for at least two hours.

''(b) RELATION TO PERFORMANCE OF FUNERAL HONORS DUTY.—The allowance under this section shall constitute the single, flat-rate monetary allowance authorized for the performance of funeral honors duty pursuant to section 12503 of title 10 or section 115 of title 32 and shall constitute payment in full to the member, regardless of grade in which serving.''.

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

''435. Funeral honors duty: flat rate allowance.''.

SEC. 566. PURPOSE AND FUNDING LIMITATIONS FOR NATIONAL GUARD CHALLENGE PROGRAM.

(a) PROGRAM AUTHORITY AND PURPOSE.—Subsection (a) of section 509 of title 32, United States Code, is amended to read as follows:

''(a) PROGRAM AUTHORITY AND PURPOSE.—The Secretary of Defense, acting through the Chief of the National Guard Bureau, may use the National Guard to conduct a civilian youth opportunities program, to be known as the 'National Guard Challenge Program', which shall consist of at least a 22-week residential program and a 12-month post-residential mentoring period. The National Guard Challenge Program shall seek to improve life skills and employment potential of participants by providing military-based training and supervised work experience, together with the core program components of assisting participants to receive a high school diploma or its equivalent, leadership development, promoting fellowship and community service, developing life coping skills and job skills, and improving physical fitness and health and hygiene.''.

(b) ANNUAL FUNDING LIMITATION.—Subsection (b) of such section is amended by striking ''$50,000,000'' and inserting ''$62,500,000''.

SEC. 567. ACCESS TO SECONDARY SCHOOL STUDENTS FOR MILITARY RECRUITING PURPOSES.

Section 503 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) Each local educational agency is requested to provide to the Department of Defense, upon a request made for military recruiting purposes, the same access to secondary school students, and to directory information concerning such students, as is provided generally to post-secondary educational institutions or to prospective employers of those students.''.

SEC. 568. SURVEY OF MEMBERS LEAVING MILITARY SERVICE ON ATTITUDES TOWARD MILITARY SERVICE.

(a) EXIT SURVEY.—The Secretary of Defense shall develop and implement a survey on attitudes toward military service to be completed by all members of the Armed Forces who during the period beginning on January 1, 2000, and ending on June 30, 2000, are discharged or separated from the Armed Forces or transfer from a regular component to a reserve component.

(b) MATTERS TO BE COVERED.—The survey shall, at a minimum, cover the following subjects:

(1) Reasons for leaving military service.

(2) Command climate.

(3) Attitude toward civilian and military leadership.

(4) Attitude toward pay and benefits.

(5) Job satisfaction.

(6) Such other matters as the Secretary determines appropriate to the survey concerning reasons why military personnel are leaving military service.

(c) REPORT TO CONGRESS.—Not later than October 1, 2000, the Secretary shall submit to Congress a report containing the results of the survey under subsection (a). The Secretary shall compile the information in the report so as to assist in assessing reasons why military personnel are leaving military service.

SEC. 569. IMPROVEMENT IN SYSTEM FOR ASSIGNING PERSONNEL TO WARFIGHTING UNITS.

(a) REVIEW OF PERSONNEL ASSIGNMENT SYSTEMS.—The Secretary of each military department shall review the military personnel system under that Secretary's jurisdiction in order to identify those policies that prevent warfighting units from being fully manned.

(b) REVISION TO POLICIES.—Following the review under subsection (a), the Secretary shall alter the policies identified in the review with the goal of raising the priority in the personnel system for the assignment of personnel to warfighting units.

(c) REPORT.—Not later than December 31, 2000, the Secretary shall submit to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report on the changes to the military personnel system under that Secretary's jurisdiction that have been, or will be, adopted under subsection (b).

(d) DEFINITION.—For the purposes of this section, the term ''warfighting unit'' means a battalion, squadron, or vessel that (1) has a combat, combat support, or combat service support mission, and (2) is not considered to be in the supporting establishment for its service.

SEC. 570. REQUIREMENT FOR DEPARTMENT OF DEFENSE REGULATIONS TO PROTECT THE CONFIDENTIALITY OF COMMUNICATIONS BETWEEN DEPENDENTS AND PROFESSIONALS PROVIDING THERAPEUTIC OR RELATED SERVICES REGARDING SEXUAL OR DOMESTIC ABUSE.

(a) IN GENERAL.—(1) Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1562. Confidentiality of communications between dependents and professionals providing therapeutic or related services regarding sexual or domestic abuse

''(a) REGULATIONS.—The Secretary of Defense shall prescribe in regulations such policies and procedures as the Secretary considers necessary to provide the maximum possible protection for the confidentiality of communications described in subsection (b) relating to misconduct described in that subsection. Those regulations shall be consistent with—

''(1) the standards of confidentiality and ethical standards issued by relevant professional organizations;

''(2) applicable requirements of Federal and State law;

''(3) the best interest of victims of sexual harassment, sexual assault, or intrafamily abuse; and

''(4) such other factors as the Secretary, in consultation with the Attorney General, considers appropriate.

''(b) COVERED COMMUNICATIONS.—Subsection (a) applies to communications between—

''(1) a dependent of a member of the armed forces who—

''(A) is a victim of sexual harassment, sexual assault, or intrafamily abuse; or

''(B) has engaged in such misconduct; and

''(2) a therapist, counselor, advocate, or other professional from whom the dependent seeks professional services in connection with effects of such misconduct.''.

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

''1562. Confidentiality of communications between dependents and professionals providing therapeutic or related services regarding sexual or domestic abuse.''.

(b) GAO STUDY.—(1) The Comptroller General shall study the policies, procedures, and practices of the military departments for protecting the confidentiality of communications between—

(A) a dependent of a member of the Armed Forces who—

(i) is a victim of sexual harassment, sexual assault, or intrafamily abuse; or

(ii) has engaged in such misconduct; and

(B) a therapist, counselor, advocate, or other professional from whom the dependent seeks professional services in connection with effects of such misconduct.

(2) The Comptroller General shall conclude the study and submit to the Secretary of Defense and Congress a report on the results of the study. The report shall be submitted not later than 180 days after the date of the enactment of this Act.

(c) INITIAL REGULATIONS.—The initial regulations under section 1562 of title 10, United States Code, as added by subsection (a), shall be prescribed not later than 90 days after the date on which the Secretary of Defense receives the report of the Comptroller General under subsection (b). In prescribing those regulations, the Secretary shall ensure that those regulations are consistent with the findings of the Comptroller General in that report.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2000 INCREASE IN MILITARY BASIC PAY AND REFORM OF BASIC PAY RATES.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2000 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) JANUARY 1, 2000, INCREASE IN BASIC PAY.—Effective on January 1, 2000, the rates of monthly basic pay for members of the uniformed services are increased by 4.8 percent.

(c) REFORM OF BASIC PAY RATES.—Effective on July 1, 2000, the rates of monthly basic pay for members of the uniformed services within each pay grade are as follows:

COMMISSIONED OFFICERS [1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O–10 [2]	$0.00	$0.00	$0.00	$0.00	$0.00
O–9	0.00	0.00	0.00	0.00	0.00
O–8	6,594.30	6,810.30	6,953.10	6,993.30	7,171.80
O–7	5,479.50	5,851.80	5,851.50	5,894.40	6,114.60
O–6	4,061.10	4,461.60	4,754.40	4,754.40	4,772.40
O–5	3,248.40	3,813.90	4,077.90	4,127.70	4,291.80
O–4	2,737.80	3,333.90	3,556.20	3,606.04	3,812.40
O–3 [3]	2,544.00	2,884.20	3,112.80	3,364.80	3,525.90
O–2 [3]	2,218.80	2,527.20	2,910.90	3,000.00	3,071.10
O–1 [3]	1,926.30	2,004.90	2,423.10	2,423.10	2,423.10
	Over 8	Over 10	Over 12	Over 14	Over 16
O–10 [2]	$0.00	$0.00	$0.00	$0.00	$0.00
O–9	0.00	0.00	0.00	0.00	0.00
O–8	7,471.50	7,540.80	7,824.60	7,906.20	8,150.10
O–7	6,282.00	6,475.80	6,669.00	6,863.10	7,471.50
O–6	4,976.70	5,004.00	5,004.00	5,169.30	5,791.20
O–5	4,291.80	4,420.80	4,659.30	4,971.90	5,286.00
O–4	3,980.40	4,251.50	4,464.00	4,611.00	4,758.90
O–3 [3]	3,702.60	3,850.20	4,040.40	4,139.10	4,139.10
O–2 [3]	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10
O–1 [3]	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10
	Over 18	Over 20	Over 22	Over 24	Over 26
O–10 [2]	$0.00	$10,655.10	$10,707.60	$10,930.20	$11,318.40
O–9	0.00	9,319.50	9,453.60	9,647.70	9,986.40
O–8	8,503.80	8,830.20	9,048.00	9,048.00	9,048.00
O–7	7,985.40	7,985.40	7,985.40	7,985.40	8,025.60
O–6	6,086.10	6,381.30	6,549.00	6,719.10	7,049.10
O–5	5,436.00	5,583.60	5,751.90	5,751.90	5,751.90
O–4	4,808.70	4,808.70	4,808.70	4,808.70	4,808.70
O–3 [3]	4,139.10	4,139.10	4,139.10	4,139.10	4,139.10
O–2 [3]	3,071.10	3,071.10	3,071.10	3,071.10	3,071.10
O–1 [3]	2,423.10	2,423.10	2,423.10	2,423.10	2,423.10

[1] Notwithstanding the pay rates specified in this table, the actual basic pay for commissioned officers in grades O–7 through O–10 may not exceed the rate of pay for level III of the Executive Schedule and the actual basic pay for all other officers, including warrant officers, may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, basic pay for this grade is calculated to be $12,441.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] This table does not apply to commissioned officers in the grade O–1, O–2, or O–3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O–3E	$0.00	$0.00	$0.00	$3,364.80	$3,525.90
O–2E	0.00	0.00	0.00	3,009.00	3,071.10
O–1E	0.00	0.00	0.00	2,423.10	2,588.40
	Over 8	Over 10	Over 12	Over 14	Over 16
O–3E	$3,702.60	$3,850.20	$4,040.40	$4,200.30	$4,291.80
O–2E	3,168.60	3,333.90	3,461.40	3,556.20	3,556.20
O–1E	2,683.80	2,781.30	2,877.60	3,009.00	3,009.00
	Over 18	Over 20	Over 22	Over 24	Over 26
O–3E	$4,416.90	$4,416.90	$4,416.90	$4,416.90	$4,416.90
O–2E	3,556.20	3,556.20	3,556.20	3,556.20	3,556.20
O–1E	3,009.00	3,009.00	3,009.00	3,009.00	3,009.00

WARRANT OFFICERS

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	2,592.00	2,788.50	2,868.60	2,947.50	3,083.40
W–3	2,355.90	2,555.40	2,555.40	2,588.40	2,694.30
W–2	2,063.40	2,232.60	2,232.60	2,305.80	2,423.10
W–1	1,719.00	1,971.00	1,971.00	2,135.70	2,232.60
	Over 8	Over 10	Over 12	Over 14	Over 16
W–5	$0.00	$0.00	$0.00	$0.00	$0.00
W–4	3,217.20	3,352.80	3,485.10	3,622.20	3,753.60
W–3	2,814.90	2,974.20	3,071.10	3,177.00	3,298.20
W–2	2,555.40	2,852.60	2,749.80	2,844.30	2,949.00
W–1	2,332.80	2,433.30	2,533.20	2,634.00	2,734.80
	Over 18	Over 20	Over 22	Over 24	Over 26
W–5	$0.00	$4,475.10	$4,628.70	$4,782.90	$4,937.40
W–4	3,888.00	4,019.00	4,155.60	4,289.70	4,427.10
W–3	3,418.50	3,539.10	3,659.40	3,780.00	3,900.90
W–2	3,058.40	3,163.80	3,270.90	3,378.30	3,378.30
W–1	2,835.00	2,910.90	2,910.90	2,910.90	2,910.90

ENLISTED MEMBERS [1]

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E–9 [2]	$0.00	$0.00	$0.00	$0.00	$0.00
E–8	0.00	0.00	0.00	0.00	0.00
E–7	1,765.80	1,927.80	2,001.00	2,073.00	2,147.70
E–6	1,518.90	1,678.20	1,752.60	1,824.30	1,899.30
E–5	1,332.60	1,494.00	1,566.00	1,640.40	1,714.50
E–4	1,242.90	1,373.10	1,447.20	1,520.10	1,593.90
E–3	1,171.50	1,260.60	1,334.10	1,335.90	1,335.90
E–2	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E–1	[3] 1,005.60	1,005.60	1,005.60	1,005.60	1,005.60
	Over 8	Over 10	Over 12	Over 14	Over 16
E–9 [2]	$0.00	$3,015.30	$3,083.40	$3,169.80	$3,271.50
E–8	2,528.40	2,601.60	2,669.70	2,751.60	2,840.10
E–7	2,220.90	2,294.10	2,367.30	2,439.30	2,514.00
E–6	1,973.10	2,047.20	2,118.60	2,191.50	2,244.60
E–5	1,789.50	1,861.50	1,936.20	1,936.20	1,936.20
E–4	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E–3	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E–2	1,127.40	1,127.40	1,127.40	1,127.40	1,127.40
E–1	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60
	Over 18	Over 20	Over 22	Over 24	Over 26
E–9 [2]	$3,373.20	$3,473.40	$3,609.30	$3,744.00	$3,915.80
E–8	2,932.50	3,026.10	3,161.10	3,295.50	3,483.60
E–7	2,588.10	2,660.40	2,787.60	2,926.20	3,134.40
E–6	2,283.30	2,283.30	2,285.70	2,285.70	2,285.70
E–5	1,936.20	1,936.20	1,936.20	1,936.20	1,936.20
E–4	1,593.90	1,593.90	1,593.90	1,593.90	1,593.90
E–3	1,335.90	1,335.90	1,335.90	1,335.90	1,335.90
E–2	1,127.40	1,127.40	1,127.40	1,123.20	1,127.40
E–1	1,005.60	1,005.60	1,005.60	1,005.60	1,005.60

[1] Notwithstanding the pay rates specified in this table, the actual basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

[2] Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is $4,701.00, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

[3] In the case of members in the grade E–1 who have served less than 4 months on active duty, basic pay is $930.30.

(d) LIMITATION ON PAY ADJUSTMENTS.—Section 1009(a) of title 37, United States Code, is amended—

(1) by inserting ''(1)'' before ''Whenever''; and

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

''(2) On and after April 30, 1999, the actual basic pay for commissioned officers in grades 0–7 through O–10 may not exceed the rate of pay for level III of the Executive Schedule, and the actual basic pay for all other officers and enlisted members may not exceed the rate of pay for level V of the Executive Schedule.''.

SEC. 602. PAY INCREASES FOR FISCAL YEARS AFTER FISCAL YEAR 2000.

Effective on October 1, 2000, subsection (c) of section 1009 of title 37, United States Code, is amended to read as follows:

''(c) PERCENTAGE INCREASE FOR ALL MEMBERS.—(1) Subject to subsection (d), an adjustment taking effect under this section during a fiscal year shall provide all eligible members with an increase in the monthly basic pay by the percentage equal to the sum of—

''(A) 0.5 percent; plus

''(B) the percentage calculated as provided under section 5303(a) of title 5.

''(2) The calculation required by paragraph (1)(B) shall be made without regard to whether rates of pay under the statutory pay systems (as defined in section 5302 of title 5) are actually increased during that fiscal year under section 5303 of such title by the percentage so calculated.''.

SEC. 603. ADDITIONAL AMOUNT AVAILABLE FOR FISCAL YEAR 2000 INCREASE IN BASIC ALLOWANCE FOR HOUSING INSIDE THE UNITED STATES.

In addition to the amount determined by the Secretary of Defense under section 403(b)(3) of title 37, United States Code, to be the total amount that may be paid during fiscal year 2000 for the basic allowance for housing for military housing areas inside the United States, $442,500,000 of the amount authorized to be appropriated by section 421 for military personnel shall be used by the Secretary to further increase the total amount available for the basic allowance for housing for military housing areas inside the United States.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(f) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(b) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(f) of such title is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(c) SELECTED RESERVE ENLISTMENT BONUS.—Section 308c(e) of such title is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(d) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(e) SELECTED RESERVE AFFILIATION BONUS.—Section 308e(e) of such title is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(f) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS.—Section 308h(g) of such title is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(g) PRIOR SERVICE ENLISTMENT BONUS.—Section 308i(f) of such title is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(h) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of title 10, United States Code, is amended by striking ''January 1, 2000'' and inserting ''January 1, 2001''.

SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(b) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(c) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of title 37, United States Code, is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

SEC. 613. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 1999,'' and inserting ''December 31, 2000,''.

(b) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(c) ENLISTMENT BONUS FOR PERSONS WITH CRITICAL SKILLS.—Section 308a(d) of such title, as redesignated by section 618(b), is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(d) ARMY ENLISTMENT BONUS.—Section 308f(c) of such title is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(e) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(e) of such title is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(f) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 1999'' and inserting ''December 31, 2000''.

(g) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is

amended by striking ''October 1, 1998,'' and all that follows through the period at the end and inserting ''December 31, 2000.''.

SEC. 614. AVIATION CAREER INCENTIVE PAY FOR AIR BATTLE MANAGERS.

(a) AVAILABILITY OF INCENTIVE PAY.—Section 301a(b) of title 37, United States Code is amended by adding at the end the following new paragraph:

''(4) An officer serving as an air battle manager who is entitled to aviation career incentive pay under this section and who, before becoming entitled to aviation career incentive pay, was entitled to incentive pay under section 301(a)(11) of this title, is entitled to monthly incentive pay at a rate equal to the greater of the following:

''(A) The rate applicable under this subsection.

''(B) The rate at which the member was receiving incentive pay under section 301(c)(2)(A) of this title immediately before the member's entitlement to aviation career incentive pay under this section.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

SEC. 615. EXPANSION OF AUTHORITY TO PROVIDE SPECIAL PAY TO AVIATION CAREER OFFICERS EXTENDING PERIOD OF ACTIVE DUTY.

(a) ELIGIBILITY CRITERIA.—Subsection (b) of section 301b of title 37, United States Code, is amended—

(1) by striking paragraphs (2) and (5);

(2) in paragraph (3), by striking ''grade O–6'' and inserting ''grade O–7'';

(3) by inserting ''and'' at the end of paragraph (4); and

(4) by redesignating paragraphs (3), (4), and (6) as paragraphs (2), (3), and (4), respectively.

(b) AMOUNT OF BONUS.—Subsection (c) of such section is amended by striking ''than—'' and all that follows through the period at the end and inserting ''than $25,000 for each year covered by the written agreement to remain on active duty.''.

(c) PRORATION AUTHORITY FOR COVERAGE OF INCREASED PERIOD OF ELIGIBILITY.—Subsection (d) of such section is amended by striking ''14 years of commissioned service'' and inserting ''25 years of aviation service''.

(d) REPEAL OF CONTENT REQUIREMENTS FOR ANNUAL REPORT.—Subsection (i)(1) of such section is amended by striking the second sentence.

(e) DEFINITIONS REGARDING AVIATION SPECIALTY.—Subsection (j) of such section is amended—

(1) by striking paragraphs (2) and (3); and

(2) by redesignating paragraph (4) as paragraph (2).

(f) TECHNICAL AMENDMENT.—Subsection (g)(3) of such section if amended by striking the second sentence.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

SEC. 616. DIVING DUTY SPECIAL PAY.

(a) INCREASE IN PAYMENT AMOUNT.—Subsection (b) of section 304 of title 37, United States Code, is amended—

(1) by striking ''$200'' and inserting ''$240''; and

(2) by striking ''$300'' and inserting ''$340''.

(b) RELATION TO HAZARDOUS DUTY INCENTIVE PAY.—Subsection (c) of such section 304 is amended to read as follows:

''(c) If, in addition to diving duty, a member is assigned by orders to one or more hazardous duties described in section 301 of this title, the member may be paid, for the same period of service, special pay under this section and incentive pay under such section 301 for each hazardous duty for which the member is qualified.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

SEC. 617. REENLISTMENT BONUS.

(a) MINIMUM MONTHS OF ACTIVE DUTY.—Subsection (a)(1)(A) of section 308 of title 37, United States Code, is amended by striking ''twenty-one months'' and inserting ''17 months''.

(b) AMOUNT OF BONUS.—Subsection (a)(2) of such section is amended—

(1) in subparagraph (A)(i), by striking ''ten'' and inserting ''15''; and

(2) in subparagraph (B), by striking ''$45,000'' and inserting ''$60,000''.

SEC. 618. ENLISTMENT BONUS.

(a) INCREASE IN BONUS AMOUNT.—Subsection (a) of section 308a of title 37, United States Code, is amended by striking ''$12,000'' and inserting ''$20,000''.

(b) PAYMENT METHODS.—Such section is further amended—

(1) in subsection (a), by striking the second sentence;

(2) by redesignating subsections (b) and (c) as subsections (c) and (d); and

(3) by inserting after subsection (a) the following new subsection:

''(b) PAYMENT METHODS.—A bonus under this section may be paid in a single lump sum, or in periodic installments, to provide an extra incentive for a member to successfully complete the training necessary for the member to be technically qualified in the skill for which the bonus is paid.''.

(c) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting ''BONUS AUTHORIZED; BONUS AMOUNT.—'' after ''(a)'';

(2) in subsection (c), as redesignated by subsection (b)(2) of this section, by inserting ''REPAYMENT OF BONUS.—'' after ''(c)''; and

(3) in subsection (d), as redesignated by subsection (b)(2) of this section, by inserting ''TERMINATION OF AUTHORITY.—'' after ''(d)''.

SEC. 619. REVISED ELIGIBILITY REQUIREMENTS FOR RESERVE COMPONENT PRIOR SERVICE ENLISTMENT BONUS.

Paragraph (2) of section 308i(a) of title 37, United States Code, is amended to read as follows:

''(2) A bonus may only be paid under this section to a person who meets each of the following requirements:

''(A) The person has completed a military service obligation, but has less than 14 years of total military service, and received an honorable discharge at the conclusion of that military service obligation.

''(B) The person was not released, or is not being released, from active service for the purpose of enlistment in a reserve component.

''(C) The person is projected to occupy, or is occupying, a position as a member of the Selected Reserve in a specialty in which the person—

''(i) successfully served while a member on active duty and attained a level of qualification while on active duty commensurate with the grade and years of service of the member; or

''(ii) has completed training or retraining in the specialty skill that is designated as critically short and attained a level of qualification in the specialty skill that is commensurate with the grade and years of service of the member.

''(D) The person has not previously been paid a bonus (except under this section) for enlistment, reenlistment, or extension of enlistment in a reserve component.''.

SEC. 620. INCREASE IN SPECIAL PAY AND BONUSES FOR NUCLEAR-QUALIFIED OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(a) of title 37, United States Code, is amended by striking ''$15,000'' and inserting ''$25,000''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(a)(1) of such title is amended by striking ''$10,000'' and inserting ''$20,000''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUSES.—Section 312c of such title is amended—

(1) in subsection (a)(1), by striking ''$12,000'' and inserting ''$22,000''; and

(2) in subsection (b)(1), by striking ''$5,500'' and inserting ''$10,000''.

(d) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on October 1, 1999.

(2) The amendments made by subsections (a) and (b) shall apply with respect to agreements accepted under section 312(a) and 312b(a), respectively, of title 37, United States Code, on or after October 1, 1999.

(3) The amendments made by subsection (c) shall apply with respect to nuclear service years beginning on or after October 1, 1999.

SEC. 621. INCREASE IN AUTHORIZED MONTHLY RATE OF FOREIGN LANGUAGE PROFICIENCY PAY.

(a) INCREASE.—Section 316(b) of title 37, United States Code, is amended by striking ''$100'' and inserting ''$300''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the first day of the first month that begins on or after the date of the enactment of this Act.

SEC. 622. AUTHORIZATION OF RETENTION BONUS FOR SPECIAL WARFARE OFFICERS EXTENDING PERIODS OF ACTIVE DUTY.

(a) BONUS AUTHORIZED.—Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

''§ 318. Special pay: special warfare officers extending period of active duty

''(a) SPECIAL WARFARE OFFICER DEFINED.—In this section, the term 'special warfare officer' means an officer of a uniformed service who—

''(1) is qualified for a military occupational specialty or designator identified by the Secretary concerned as a special warfare military occupational specialty or designator; and

''(2) is serving in a position for which that specialty or designator is authorized.

''(b) RETENTION BONUS AUTHORIZED.—A special warfare officer who meets the eligibility requirements specified in subsection (c) and who executes a written agreement, on or after October 1, 1999, to remain on active duty in special warfare service for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

''(c) ELIGIBLE OFFICERS.—A special warfare officer may apply to enter into an agreement referred to in subsection (b) if the officer—

''(1) is in pay grade O–3, or is in pay grade O–4 and is not on a list of officers recommended for promotion, at the time the officer applies to enter into the agreement;

''(2) has completed at least 6, but not more than 14, years of active commissioned service; and

''(3) has completed any service commitment incurred to be commissioned as an officer.

''(d) AMOUNT OF BONUS.—The amount of a retention bonus paid under this section may not be more than $15,000 for each year covered by the agreement.

''(e) PRORATION.—The term of an agreement under subsection (b) and the amount of the retention bonus payable under subsection (d) may be prorated as long as the agreement does not extend beyond the date on which the officer executing the agreement would complete 14 years of active commissioned service.

''(f) PAYMENT METHODS.—(1) Upon acceptance of an agreement under subsection (b) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed.

''(2) The amount of the retention bonus may be paid as follows:

''(A) At the time the agreement is accepted by the Secretary concerned, the Secretary may make a lump sum payment equal to half the total amount payable under the agreement. The balance of the bonus amount shall be paid in equal annual installments on the anniversary of the acceptance of the agreement.

''(B) The Secretary concerned may make graduated annual payments under regulations prescribed by the Secretary, with the first payment being payable at the time the agreement is accepted by the Secretary and subsequent payments being payable on the anniversary of the acceptance of the agreement.

''(g) ADDITIONAL PAY.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

''(h) REPAYMENT.—(1) If an officer who has entered into an agreement under subsection (b) and has received all or part of a retention bonus under this section fails to complete the total period of active duty in special warfare service as specified in the agreement, the Secretary concerned may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid the officer under this section.

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

''(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

''(i) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section, including the definition of the term 'special warfare service' for purposes of this section. Regulations prescribed by the Secretary of a military department under this section shall be subject to the approval of the Secretary of Defense.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 37, United States Code is amended by adding at the end the following new item:

''318. Special pay: special warfare officers extending period of active duty.''.

SEC. 623. AUTHORIZATION OF SURFACE WARFARE OFFICER CONTINUATION PAY.

(a) INCENTIVE PAY AUTHORIZED.—Chapter 5 of title 37, United States Code, is amended by inserting after section 318, as added by section 622, the following new section:

''§ 319. Special pay: surface warfare officer continuation pay

''(a) ELIGIBLE SURFACE WARFARE OFFICER DEFINED.—In this section, the term 'eligible surface warfare officer' means an officer of the Regular Navy or Naval Reserve on active duty who—

''(1) is qualified and serving as a surface warfare officer;

''(2) has been selected for assignment as a department head on a surface vessel; and

''(3) has completed any service commitment incurred through the officer's original commissioning program.

''(b) SPECIAL PAY AUTHORIZED.—An eligible surface warfare officer who executes a written agreement, on or after October 1, 1999, to remain on active duty to complete one or more tours of duty to which the officer may be ordered as a department head on a surface ship may, upon the acceptance of the agreement by the Secretary of the Navy, be paid an amount not to exceed $50,000.

''(c) PRORATION.—The term of the written agreement under subsection (b) and the amount payable under the agreement may be prorated.

''(d) PAYMENT METHODS.—Upon acceptance of the written agreement under subsection (b) by the Secretary of the Navy, the total amount payable pursuant to the agreement becomes fixed. The Secretary shall prepare an implementation plan specifying the amount of each installment payment under the agreement and the times for payment of the installments.

''(e) ADDITIONAL PAY.—Any amount paid under this section is in addition to any other pay and allowances to which an officer is entitled.

''(f) REPAYMENT.—(1) If an officer who has entered into a written agreement under subsection (b) and has received all or part of the amount payable under the agreement fails to complete the total period of active duty as a department head on a surface ship specified in the agreement, the Secretary of the Navy may require the officer to repay the United States, to the extent that the Secretary of the Navy determines conditions and circumstances warrant, any or all sums paid under this section.

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

''(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under subsection (b) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

''(g) REGULATIONS.—The Secretary of the Navy shall prescribe regulations to carry out this section.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 318 the following new item:

''319. Special pay: surface warfare officer continuation pay.''.

SEC. 624. AUTHORIZATION OF CAREER ENLISTED FLYER INCENTIVE PAY.

(a) INCENTIVE PAY AUTHORIZED.—Chapter 5 of title 37, United States Code, is amended by inserting after section 319, as added by section 623, the following new section:

''§ 320. Incentive pay: career enlisted flyers

''(a) ELIGIBLE CAREER ENLISTED FLYER DEFINED.—In this section, the term 'eligible career enlisted flyer' means an enlisted member of the armed forces who—

''(1) is entitled to basic pay under section 204 of this title, or is entitled to pay under section 206 of this title as described in subsection (e) of this section;

''(2) holds an enlisted military occupational specialty or enlisted military rating designated as a career enlisted flyer specialty or rating by the Secretary concerned, performs duty as a dropsonde system operator, or is in training leading to qualification and designation of such a specialty or rating or the performance of such duty;

''(3) is qualified for aviation service under regulations prescribed by the Secretary concerned; and

''(4) satisfies the operational flying duty requirements applicable under subsection (c).

''(b) INCENTIVE PAY AUTHORIZED.—(1) The Secretary concerned may pay monthly incentive pay to an eligible career enlisted flyer in an amount not to exceed the monthly maximum amounts specified in subsection (d). The incentive pay may be paid as continuous monthly incentive pay or on a month-to-month basis, dependent upon the operational flying duty performed by the eligible career enlisted flyer as prescribed in subsection (c).

''(2) Continuous monthly incentive pay may not be paid to an eligible career enlisted flyer after the member completes 25 years of aviation service. Thereafter, an eligible career enlisted flyer may still receive incentive pay on a month-to-month basis under subsection (c)(4) for the frequent and regular performance of operational flying duty.

''(c) OPERATIONAL FLYING DUTY REQUIREMENTS.—(1) An eligible career enlisted flyer must perform operational flying duties for 6 of the first 10, 9 of the first 15, and 14 of the first 20 years of aviation service, to be eligible for continuous monthly incentive pay under this section.

''(2) Upon completion of 10, 15, or 20 years of aviation service, an enlisted member who has not performed the minimum required operational flying duties specified in paragraph (1) during the prescribed period, although otherwise meeting the definition in subsection (a), may no longer be paid continuous monthly incentive pay except as provided in paragraph (3). Payment of continuous monthly incentive pay if the member meets the minimum operational flying duty requirement upon completion of the next established period of aviation service.

''(3) For the needs of the service, the Secretary concerned may permit, on a case-by-case basis, a member to continue to receive continuous monthly incentive pay despite the member's failure to perform the operational flying duty required during the first 10, 15, or 20 years of aviation service, but only if the member otherwise meets the definition in subsection (a) and has performed at least 5 years of operational flying duties during the first 10 years of aviation service, 8 years of operational flying duties during the first 15 years of aviation service, or 12 years of operational flying duty during the first 20 years of aviation service. The authority of the Secretary concerned under this paragraph may not be delegated below the level of the Service Personnel Chief.

''(4) If the eligibility of an eligible career enlisted flyer to continuous monthly incentive pay ceases under subsection (b)(2) or paragraph (2), the member may still receive month-to-month incentive pay for subsequent frequent and regular performance of operational flying duty. The rate payable is the same rate authorized by the Secretary concerned under subsection (d) for a member of corresponding years of aviation service.

''(d) MONTHLY MAXIMUM INCENTIVE PAY.—The monthly rate for incentive pay under this section may not exceed the amounts specified in the following table for the applicable years of aviation service:

''Years of aviation service:	Monthly rate
4 or less	$150
Over 4	$225
Over 8	$350
Over 14	$400

''(e) ELIGIBILITY OF RESERVE COMPONENT MEMBERS WHEN PERFORMING INACTIVE DUTY TRAINING.—Under regulations prescribed by the Secretary concerned, when a member of a reserve component or the National Guard,

who is entitled to compensation under section 206 of this title, meets the definition of eligible career enlisted flyer, the Secretary concerned may increase the member's compensation by an amount equal to 1/30 of the monthly incentive pay authorized by the Secretary concerned under subsection (d) for a member of corresponding years of aviation service who is entitled to basic pay under section 204 of this title. The reserve component member may receive the increase for as long as the member is qualified for it, for each regular period of instruction or period of appropriate duty, at which the member is engaged for at least two hours, or for the performance of such other equivalent training, instruction, duty or appropriate duties, as the Secretary may prescribe under section 206(a) of this title.

''(f) RELATION TO HAZARDOUS DUTY INCENTIVE PAY OR DIVING DUTY SPECIAL PAY.—A member receiving special pay under section 301(a) or 304 of this title may not be paid incentive pay under this section for the same period of service.

''(g) SAVE PAY PROVISION.—If, immediately before a member receives incentive pay under this section, the member was entitled to incentive pay under section 301(a) of this title, the rate at which the member is paid incentive pay under this section shall be equal to the higher of the monthly amount applicable under subsection (d) or the rate of incentive pay the member was receiving under subsection (b) or (c)(2)(A) of section 301 of this title.

''(h) SPECIALTY CODE OF DROPSONDE SYSTEM OPERATORS.—Within the Air Force, the Secretary of the Air Force shall assign to members who are dropsonde system operators a specialty code that identifies such members as serving in a weather specialty.

''(i) DEFINITIONS.—In this section:

''(1) The term 'aviation service' means participation in aerial flight performed, under regulations prescribed by the Secretary concerned, by an eligible career enlisted flyer.

''(2) The term 'operational flying duty' means flying performed under competent orders while serving in assignments, including an assignment as a dropsonde system operator, in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary concerned, and flying duty performed by members in training that leads to the award of an enlisted aviation rating or military occupational specialty designated as a career enlisted flyer rating or specialty by the Secretary concerned.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 319 the following new item:

''320. Incentive pay: career enlisted flyers.''.

SEC. 625. AUTHORIZATION OF JUDGE ADVOCATE CONTINUATION PAY.

(a) INCENTIVE PAY AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 320, as added by section 624, the following new section:

''§ 321. Special pay: judge advocate continuation pay

''(a) ELIGIBLE JUDGE ADVOCATE DEFINED.—In this section, the term 'eligible judge advocate' means an officer of the armed forces on full-time active duty who—

''(1) is qualified and serving as a judge advocate, as defined in section 801 of title 10; and

''(2) has completed any service commitment incurred through the officer's original commissioning program.

''(b) SPECIAL PAY AUTHORIZED.—An eligible judge advocate who executes a written agreement, on or after October 1, 1999, to remain on active duty for a period of obligated service specified in the agreement may, upon the acceptance of the agreement by the Secretary concerned, be paid an amount not to exceed $60,000.

''(c) PRORATION.—The term of the written agreement under subsection (b) and the amount payable under the agreement may be prorated.

''(d) PAYMENT METHODS.—Upon acceptance of the written agreement under subsection (b) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed. The Secretary shall prepare an implementation plan specifying the amount of each installment payment under the agreement and the times for payment of the installments.

''(e) ADDITIONAL PAY.—Any amount paid under this section is in addition to any other pay and allowances to which an officer is entitled.

''(f) REPAYMENT.—(1) If an officer who has entered into a written agreement under subsection (b) and has received all or part of the amount payable under the agreement fails to complete the total period of active duty specified in the agreement, the Secretary concerned may require the officer to repay the United States, to the extent that the Secretary determines conditions and circumstances warrant, any or all sums paid under this section.

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

''(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under subsection (b) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1).

''(g) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section.''.

(2) The table of sections at the beginning of chapter 5 of title 37, United States Code, is amended by inserting after the item relating to section 320 the following new item:

''321. Special pay: judge advocate continuation pay.''.

(b) STUDY AND REPORT ON ADDITIONAL RECRUITMENT AND RETENTION INITIATIVES.—(1) The Secretary of Defense shall conduct a study regarding the need for additional incentives to improve the recruitment and retention of judge advocates for the Armed Forces. At a minimum, the Secretary shall consider as possible incentives constructive service credit for basic pay, educational loan repayment, and Federal student loan relief.

(2) Not later than March 31, 2000, the Secretary shall submit to Congress a report containing the findings and recommendations resulting from the study.

Subtitle C—Travel and Transportation Allowances

SEC. 631. PROVISION OF LODGING IN KIND FOR RESERVISTS PERFORMING TRAINING DUTY AND NOT OTHERWISE ENTITLED TO TRAVEL AND TRANSPORTATION ALLOWANCES.

Section 404(i) of title 37, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new sentence: ''If transient government housing is unavailable, the Secretary concerned may provide the member with lodging in kind in the same manner as members entitled to such allowances under subsection (a).''; and

(2) in paragraph (3)—

(A) by inserting after ''paragraph (1)'' the following: ''and expenses of providing lodging in kind under such paragraph''; and

(B) by adding at the end the following new sentence: ''Use of Government charge cards is authorized for payment of these expenses.''.

SEC. 632. PAYMENT OF TEMPORARY LODGING EXPENSES FOR MEMBERS MAKING THEIR FIRST PERMANENT CHANGE OF STATION.

(a) AUTHORITY TO PAY OR REIMBURSE.—Section 404a(a) of title 37, United States Code, is amended

(1) in paragraph (1), by striking ''or'' at the end;

(2) in paragraph (2), by inserting ''or'' after the semicolon; and

(3) by inserting after paragraph (2) the following new paragraph:

''(3) in the case of an enlisted member who is reporting to the member's first permanent duty station, from the member's home of record or initial technical school to that first permanent duty station;''.

(b) DURATION.—Such section is further amended—

(1) in the second sentence, by striking ''clause (1)'' and inserting ''paragraph (1) or (3)''; and

(2) in the third sentence, by striking ''clause (2)'' and inserting ''paragraph (2)''.

SEC. 633. EMERGENCY LEAVE TRAVEL COST LIMITATIONS.

Section 411d(b)(1) of title 37, United States Code, is amended—

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

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph:

''(B) to any airport in the continental United States to which travel can be arranged at the same or a lower cost as travel obtained under subparagraph (A); or''.

Subtitle D—Retired Pay Reform

SEC. 641. REDUX RETIRED PAY SYSTEM APPLICABLE ONLY TO MEMBERS ELECTING NEW 15-YEAR CAREER STATUS BONUS.

(a) RETIRED PAY MULTIPLIER.—Paragraph (2) of section 1409(b) of title 10, United States Code, is amended by inserting ''has elected to receive a bonus under section 321 of title 37,'' after ''July 31, 1986,''.

(b) COST-OF-LIVING ADJUSTMENTS.—Paragraph (3) of section 1401a(b) of such title is amended to read as follows:

''(3) POST-AUGUST 1, 1986 MEMBERS.—

''(A) MEMBERS ELECTING 15-YEAR CAREER STATUS BONUS.—In the case of a member or former member who first became a member on or after August 1, 1986, and who elected to receive a bonus under section 321 of title 37, the Secretary shall increase the retired pay of the member or former member (unless the percent determined under paragraph (2) is less than 1 percent) by the difference between—

''(i) the percent determined under paragraph (2); and

''(ii) 1 percent.

''(B) MEMBERS NOT ELECTING 15-YEAR CAREER STATUS BONUS.—In the case of a member or former member who first became a member on or after August 1, 1986, and who did not elect to receive a bonus under section 321 of title 37, the Secretary shall increase the retired pay of the member or former member—

''(i) if the percent determined under paragraph (2) is equal to or greater than 3 percent, by the difference between—

''(I) the percent determined under paragraph (2); and

''(II) 1 percent; and

''(ii) if the percent determined under paragraph (2) is less than 3 percent, by the lesser of—

''(I) the percent determined under paragraph (2); or

''(II) 2 percent.''.

(c) RECOMPUTATION OF RETIRED PAY AT AGE 62.—Section 1410 of such title is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''In the case of'';

(2) by inserting after ''62 years of age,'' the following: ''in accordance with subsection (b) or (c), as applicable.

''(b) MEMBERS RECEIVING CAREER STATUS BONUS.—In the case of a member or former member described in subsection (a) who received a bonus under section 321 of title 37, the retired pay of the member or former member shall be recomputed under subsection (a)'';

(3) by striking ''that date'' and inserting ''the effective date of the recomputation''; and

(4) by adding at the end the following:

''(c) MEMBERS NOT RECEIVING CAREER STATUS BONUS.—In the case of a member or former member described in subsection (a) who did not receive a bonus under section 321 of title 37, the retired pay of the member or former member shall be recomputed under subsection (a) so as to be the amount equal to the amount of retired pay to which the member or former member would be entitled on the effective date of the recomputation if increases in the retired pay of the member or former member under section 1401a(b) of this title had been computed as provided in paragraph (2) of that section (rather than under paragraph (3)(B) of that section).''.

SEC. 642. AUTHORIZATION OF 15-YEAR CAREER STATUS BONUS.

(a) CAREER SERVICE BONUS.—Chapter 5 of title 37, United States Code, is amended by inserting after section 321, as added by section 625, the following new section:

''§ 322. Special pay: 15-year career status bonus for members entering service on or after August 1, 1986

''(a) ELIGIBLE CAREER BONUS MEMBER DEFINED.—In this section, the term 'eligible career bonus member' means a member of a uniformed service serving on active duty who—

''(1) first became a member on or after August 1, 1986; and

''(2) has completed 15 years of active duty in the uniformed services (or has received notification under subsection (e) that the member is about to complete that duty).

''(b) AVAILABILITY OF BONUS.—The Secretary concerned shall pay a bonus under this section to an eligible career bonus member if the member—

''(1) elects to receive the bonus under this section; and

''(2) executes a written agreement (prescribed by the Secretary concerned) to remain continuously on active duty until the member has completed 20 years of active-duty service creditable under section 1405 of title 10, if the member is not already obligated to remain on active duty for a period that would result in at least 20 years of active-duty service.

''(c) ELECTION METHOD.—The election under subsection (b)(1) shall be made in such form and within such period as the Secretary concerned may prescribe. An election under such subsection is irrevocable.

''(d) AMOUNT OF BONUS; PAYMENT.—(1) A bonus under this section shall be paid in one lump sum of $30,000.

''(2) The bonus shall be paid to an eligible career bonus member not later than the first month that begins on or after the date that is 60 days after the date on which the Secretary concerned receives from the member the election required under subsection (b)(1) and the written agreement required under subsection (b)(2), if applicable.

''(e) NOTIFICATION OF ELIGIBILITY.—(1) The Secretary concerned shall transmit to each member who satisfies the definition of eligible career bonus member a written notification of the opportunity of the member to elect to receive a bonus under this section. The Secretary shall provide the notification not later than 180 days before the date on which the member will complete 15 years of active duty.

''(2) The notification shall include the following:

''(A) The procedures for electing to receive the bonus.

''(B) An explanation of the effects under sections 1401a, 1409, and 1410 of title 10 that such an election has on the computation of any retired or retainer pay that the member may become eligible to receive.

''(f) REPAYMENT OF BONUS.—(1) If a person paid a bonus under this section fails to complete the total period of active duty specified in subsection (b)(2), the person shall refund to the United States the amount that bears the same ratio to the amount of the bonus payment as the unserved part of that total period bears to the total period.

''(2) Subject to paragraph (3), an obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

''(3) The Secretary concerned may waive, in whole or in part, a refund required under paragraph (1) if the Secretary concerned determines that recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

''(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the member signing such agreement from a debt arising under the agreement or this subsection.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 321 the following new item:

''322. Special pay: 15-year career status bonus for members entering service on or after August 1, 1986.''.

SEC. 643. CONFORMING AMENDMENTS.

(a) CONFORMING AMENDMENT TO SURVIVOR BENEFIT PLAN PROVISION.—Section 1451(h)(3) of title 10, United States Code, is amended by inserting ''OF CERTAIN MEMBERS'' after ''RETIREMENT''.

(b) RELATED TECHNICAL AMENDMENTS.—Chapter 71 of such title is amended as follows:

(1) Section 1401a(b) is amended by striking the heading for paragraph (1) and inserting ''INCREASE REQUIRED.—''.

(2) Section 1409(b)(2) is amended by inserting ''CERTAIN'' in the paragraph heading after ''REDUCTION APPLICABLE TO''.

SEC. 644. EFFECTIVE DATE.

The amendments made by sections 641, 642, and 643 shall take effect on October 1, 1999.

Subtitle E—Other Retired Pay and Survivor Benefit Matters

SEC. 651. EFFECTIVE DATE OF DISABILITY RETIREMENT FOR MEMBERS DYING IN CIVILIAN MEDICAL FACILITIES.

(a) IN GENERAL.—(1) Chapter 61 of title 10, United States Code, is amended by inserting after section 1219 the following new section:

''§ 1220. Members dying in civilian medical facilities: authority for determination of later time of death to allow disability retirement

''(a) AUTHORITY FOR LATER TIME-OF-DEATH DETERMINATION TO ALLOW DISABILITY RETIREMENT.—In the case of a member of the armed forces who dies in a civilian medical facility in a State, the Secretary concerned may, solely for the purpose of allowing retirement of the member under section 1201 or 1204 of this title and subject to subsection (b), specify a date and time of death of the member later than the date and time of death determined by the attending physician in that civilian medical facility.

''(b) LIMITATIONS.—A date and time of death may be determined by the Secretary concerned under subsection (a) only if that date and time—

''(1) are consistent with the date and time of death that reasonably could have been determined by an attending physician in a military medical facility if the member had died in a military medical facility in the same State as the civilian medical facility; and

''(2) are not more than 48 hours later than the date and time of death determined by the attending physician in the civilian medical facility.

''(c) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia and any Commonwealth or possession of the United States.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1219 the following new item:

''1220. Members dying in civilian medical facilities: authority for determination of later time of death to allow disability retirement.''.

(b) EFFECTIVE DATE.—(1) Section 1220 of title 10, United States Code, as added by subsection (a), shall apply with respect to any member of the Armed Forces dying in a civilian medical facility on or after January 1, 1998.

(2) In the case of any such member dying on or after such date and before the date of the enactment of this Act, any specification by the Secretary concerned under such section with respect to the date and time of death of such member shall be made not later than 180 days after the date of the enactment of this Act.

SEC. 652. EXTENSION OF ANNUITY ELIGIBILITY FOR SURVIVING SPOUSES OF CERTAIN RETIREMENT ELIGIBLE RESERVE MEMBERS.

(a) COVERAGE OF SURVIVING SPOUSES OF ALL GRAY AREA RETIREES.—Section 644(a)(1)(B) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1800) is amended by striking ''during the period beginning on September 21, 1972, and ending on'' and inserting ''before''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to annuities payable for months beginning after September 30, 1999.

SEC. 653. PRESENTATION OF UNITED STATES FLAG TO RETIRING MEMBERS OF THE UNIFORMED SERVICES NOT PREVIOUSLY COVERED.

(a) NONREGULAR SERVICE MILITARY RETIREES.—(1) Chapter 1217 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 12605. Presentation of United States flag: members transferred from an active status or discharged after completion of eligibility for retired pay

''(a) PRESENTATION OF FLAG.—Upon the transfer from an active status or discharge of a Reserve who has completed the years of service required for eligibility for retired pay under chapter 1223 of this title, the Secretary concerned shall present a United States flag to the member.

''(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—A member is not eligible for presentation of a flag under subsection (a) if the member has previously been presented a flag

under this section or any provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

''(c) NO COST TO RECIPIENT.—The presentation of a flag under this section shall be at no cost to the recipient.''.

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

''12605. Presentation of United States flag: members transferred from an active status or discharged after completion of eligibility for retired pay.''.

(b) PUBLIC HEALTH SERVICE.—Title II of the Public Health Service Act is amended by inserting after section 212 (42 U.S.C. 213) the following new section:

''PRESENTATION OF UNITED STATES FLAG UPON RETIREMENT

''SEC. 213. (a) Upon the release of an officer of the commissioned corps of the Service from active commissioned service for retirement, the Secretary of Health and Human Services shall present a United States flag to the officer.

''(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—An officer is not eligible for presentation of a flag under subsection (a) if the officer has previously been presented a flag under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

''(c) NO COST TO RECIPIENT.—The presentation of a flag under this section shall be at no cost to the recipient.''.

(c) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.—The Coast and Geodetic Survey Commissioned Officers' Act of 1948 is amended by inserting after section 24 (33 U.S.C. 853u) the following new section:

''SEC. 25. (a) Upon the release of a commissioned officer from active commissioned service for retirement, the Secretary of Commerce shall present a United States flag to the officer.

''(b) MULTIPLE PRESENTATIONS NOT AUTHORIZED.—An officer is not eligible for presentation of a flag under subsection (a) if the officer has previously been presented a flag under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

''(c) NO COST TO RECIPIENT.—The presentation of a flag under this section shall be at no cost to the recipient.''.

(d) EFFECTIVE DATE.—Section 12605 of title 10, United States Code (as added by subsection (a)), section 413 of the Public Health Service Act (as added by subsection (b)), and section 25 of the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (as added by subsection (c)) shall apply with respect to releases from service described in those sections on or after October 1, 1999.

(e) CONFORMING AMENDMENTS TO PRIOR LAW.—Sections 3681(b), 6141(b), and 8681(b) of title 10, United States Code, and section 516(b) of title 14, United States Code, are each amended by striking ''under this section'' and all that follows through the period and inserting ''under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.''.

SEC. 654. ACCRUAL FUNDING FOR RETIREMENT SYSTEM FOR COMMISSIONED CORPS OF NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) INCLUSION OF NOAA OFFICERS IN DOD MILITARY RETIREMENT FUND.—Section 1461 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting ''and the Department of Commerce'' after ''Department of Defense'';

(2) in subsection (b)—

(A) by inserting ''and the Coast and Geodetic Survey Commissioned Officers' Act of 1948 (33 U.S.C. 853a et seq.)'' in paragraph (1) after ''this title'';

(B) by striking ''and'' at the end of paragraph (2);

(C) by striking the period at the end of paragraph (3) and inserting ''; and''; and

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

''(4) the programs under the jurisdiction of the Department of Commerce providing annuities for survivors of members and former members of the NOAA Corps.''; and

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

''(c) In this chapter, the term 'NOAA Corps' means the National Oceanic and Atmospheric Administration Commissioned Corps and its predecessors.''.

(b) PAYMENTS FROM THE FUND.—Section 1463(a) of such title is amended—

(1) in paragraph (1), by striking ''and Marine Corps'' and inserting ''Marine Corps, and the NOAA Corps''; and

(2) in paragraph (4)—

(A) by inserting ''and the Department of Commerce'' after ''Department of Defense''; and

(B) by striking ''armed forces'' and inserting ''uniformed services''.

(c) REPORTS BY BOARD OF ACTUARIES.—Section 1464(b) of such title is amended by inserting ''and the Secretary of Commerce with respect to the NOAA Corps'' after ''Secretary of Defense''.

(d) DEPARTMENT OF COMMERCE CONTRIBUTIONS TO THE FUND.—Section 1465 of such title is amended as follows:

(1) Subsection (a) is amended—

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

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

''(2) Not later than January 1, 2000, the Secretary of Commerce shall provide to the Board the amount that is the present value (as of October 1, 1999) of future benefits payable from the Fund that are attributable to service in the NOAA Corps performed before October 1, 1999. That amount is the NOAA Corps original unfunded liability of the Fund. The Board shall determine the period of time over which that unfunded liability should be liquidated and shall determine an amortization schedule for the liquidation of such liability over that period. Contributions to the Fund for the liquidation of the original unfunded liability in accordance with that schedule shall be made as provided in section 1466(b) of this title.''.

(2) Subsection (b) is amended—

(A) in paragraph (1)—

(i) by inserting ''and the Secretary of Commerce'' after ''Secretary of Defense'' in the matter preceding subparagraph (A);

(ii) by inserting ''and the Department of Commerce contributions with respect to the NOAA Corps'' after ''Department of Defense contributions'' in the matter preceding subparagraph (A); and

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

''(C) The product of—

''(i) the current estimate of the value of the single level percentage of basic pay to be determined under subsection (c)(1)(C) at the time of the next actuarial valuation under subsection (c); and

''(ii) the total amount of basic pay expected to be paid during that fiscal year to members of the NOAA Corps.''; and

(B) in paragraph (2)—

(i) by inserting ''and the Department of Commerce'' after ''Department of Defense''; and

(ii) by inserting ''and shall include separate amounts for the Department of Defense and the Department of Commerce'' after ''section 1105 of title 31''.

(3) Subsection (c)(1) is amended—

(A) by inserting ''and the Secretary of Commerce with respect to the NOAA Corps'' in the first sentence after ''Secretary of Defense'';

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

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

(D) by inserting after subparagraph (B) the following new subparagraph:

''(C) a determination (using the aggregate entry-age normal cost method) of a single level percentage of basic pay for members of the NOAA Corps.''.

(e) PAYMENTS INTO THE FUND.—Section 1466 of such title is amended—

(1) in subsection (a)—

(A) by inserting ''and the Secretary of Commerce with respect to the NOAA Corps'' after ''Secretary of Defense'';

(B) by striking ''Department of Defense'' after ''each month as the'';

(C) by inserting ''and 1465(c)(1)(C)'' in paragraph (1)(A) after ''section 1465(c)(1)(A)'';

(D) by inserting ''and by members of the NOAA Corps'' in paragraph (1)(B) before the period; and

(E) by inserting ''or members of the NOAA Corps'' before the period at the end of the last sentence of that subsection;

(2) in subsection (b)(2), by inserting ''and the NOAA original unfunded liability'' after ''original unfunded liability''; and

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

''(c)(1) The Secretary of Transportation shall process, on behalf of the Fund, payments under section 1463 of this title to members on the retired list of the NOAA Corps and to survivors of members and former members of the NOAA Corps.

''(2) Payments made by the Secretary of Transportation under paragraph (1) shall be charged against the Fund.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1999.

SEC. 655. DISABILITY RETIREMENT OR SEPARATION FOR CERTAIN MEMBERS WITH PRE-EXISTING CONDITIONS.

(a) DISABILITY RETIREMENT.—(1) Chapter 61 of title 10, United States Code, is amended by inserting after section 1207 the following new section:

''§ 1207a. Members with over eight years of active service: eligibility for disability retirement for pre-existing conditions

''(a) In the case of a member described in subsection (b) who would be covered by section 1201, 1202, or 1203 of this title but for the fact that the member's disability is determined to have been incurred before the member becoming entitled to basic pay in the member's current period of active duty, the disability shall be deemed to have been incurred while the member was entitled to basic pay and shall be so considered for purposes of determining whether it was incurred in the line of duty.

''(b) A member described in subsection (a) is a member with at least eight years of active service.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1207 the following new item:

''1207a. Members with over eight years of active service: eligibility for disability retirement for pre-existing conditions.''.

(b) NONREGULAR SERVICE RETIREMENT.—(1) Chapter 1223 of such title is amended by inserting after section 12731a the following new section:

"§ 12731b. Special rule for members with physical disabilities not incurred in line of duty

''In the case of a member of the Selected Reserve of a reserve component who no longer meets the qualifications for membership in the Selected Reserve solely because the member is unfit because of physical disability, the Secretary concerned may, for purposes of section 12731 of this title, determine to treat the member as having met the service requirements of subsection (a)(2) of that section and provide the member with the notification required by subsection (d) of that section if the member has completed at least 15, and less than 20, years of service computed under section 12732 of this title.

''(b) Notification under subsection (a) may not be made if—

''(1) the disability was the result of the member's intentional misconduct, willful neglect, or willful failure to comply with standards and qualifications for retention established by the Secretary concerned; or

''(2) the disability was incurred during a period of unauthorized absence.''

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 12731a the following new item:

''12731b. Special rule for members with physical disabilities not incurred in line of duty.''.

(c) SEPARATION.—Section 1206(5) of such title is amended by inserting '', in the case of a disability incurred before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000,'' after ''determination, and''.

Subtitle F—Eligibility to Participate in the Thrift Savings Plan

SEC. 661. AUTHORITY FOR MEMBERS OF THE UNIFORMED SERVICES TO CONTRIBUTE TO THE THRIFT SAVINGS FUND.

(a) AUTHORITY FOR MEMBERS OF THE UNIFORMED SERVICES TO CONTRIBUTE TO THE THRIFT SAVINGS FUND.—(1) Subchapter III of chapter 84 of title 5, United States Code, is amended by adding at the end the following:

"§ 8440e. Members of the uniformed services

''(a)(1) A member of the uniformed services performing active service may elect to contribute to the Thrift Savings Fund—

''(A) a portion of such individual's basic pay; or

''(B) a portion of any special or incentive pay payable to such individual under chapter 5 of title 37.

Any contribution under subparagraph (B) shall be made by direct transfer to the Thrift Savings Fund by the Secretary concerned.

''(2)(A) Except as provided in subparagraph (B), an election under paragraph (1) may be made only during a period provided under section 8432(b), subject to the same conditions as prescribed under paragraph (2)(A)–(D) thereof.

''(B)(i) Notwithstanding subparagraph (A), a member of the uniformed services performing active service on the effective date of this section may make the first such election during the 60–day period beginning on such effective date.

''(ii) An election made under this subparagraph shall take effect on the first day of the first applicable pay period beginning after the close of the 60–day period referred to in clause (i).

''(b)(1) Except as otherwise provided in this subsection, the provisions of this subchapter and subchapter VII shall apply with respect to members of the uniformed services making contributions to the Thrift Savings Fund.

''(2)(A) The amount contributed by a member of the uniformed services under subsection (a)(1)(A) for any pay period shall not exceed 5 percent of such member's basic pay for such pay period.

''(B) Nothing in this section or section 211 of title 37 shall be considered to waive any dollar limitation under the Internal Revenue Code of 1986 which otherwise applies with respect to the Thrift Savings Fund.

''(3) No contributions under section 8432(c) shall be made for the benefit of a member of the uniformed services making contributions to the Thrift Savings Fund under subsection (a).

''(4) In applying section 8433 to a member of the uniformed services who has an account balance in the Thrift Savings Fund, the reference in subsection (g)(1) or (h)(3) of section 8433 to contributions made under section 8432(a) shall be considered a reference to contributions made under any of sections 8351, 8432(a), 8432b(b), or 8440a–8440e.

''(c) For purposes of this section—

''(1) the term 'basic pay' has the meaning given such term by section 204 of title 37;

''(2) the term 'active service' means—

''(A) active duty for a period of more than 30 days, as defined by section 101(d)(2) of title 10; and

''(B) full-time National Guard duty, as defined by section 101(d)(5) of title 10;

''(3) the term 'Secretary concerned' has the meaning given such term by section 101 of title 37; and

''(4) any reference to 'separation from Government employment' shall be considered a reference to a release from active duty (not followed by a resumption of active duty, or an appointment to a position covered by chapter 83 or 84 of title 5 or an equivalent retirement system, as identified by the Executive Director in regulations) before the end of the 31-day period beginning on the day following the date of separation), a transfer to inactive status, or a transfer to a retired list pursuant to any provision of title 10.''.

(2) The table of sections at the beginning of chapter 84 of title 5, United States Code, is amended by adding after the item relating to section 8440d the following:

''8440e. Members of the uniformed services.''.

(b) AMENDMENTS RELATING TO THE EMPLOYEE THRIFT ADVISORY COUNCIL.—Section 8473 of title 5, United States Code, is amended—

(1) in subsections (a) and (b) by striking ''14 members'' and inserting ''15 members''; and

(2) in subsection (b) by striking ''and'' at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting ''; and'', and by adding at the end the following:

''(10) 1 shall be appointed to represent participants who are members of the uniformed services (within the meaning of section 8440e).''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Paragraph (11) of section 8351(b) of title 5, United States Code, is amended by redesignating such paragraph as paragraph (8).

(2) Subparagraph (B) of section 8432b(b)(2) of title 5, United States Code, is amended by striking ''section 8432(a)'' and inserting ''sections 8432(a) and 8440e, respectively,''.

(3)(A) Section 8439(a)(1) of title 5, United States Code, is amended—

(i) by inserting ''or 8432b(d)'' after ''8432(c)(1)''; and

(ii) by striking ''8351'' and inserting ''8351, 8432b(b), or 8440a–8440e''.

(B) Section 8439(a)(2)(A)(i) of title 5, United States Code, is amended by striking ''8432(a) or 8351'' and inserting ''8351, 8432(a), 8432b(b), or 8440a–8440e''.

(C) Section 8439(a)(2)(A)(ii) of title 5, United States Code, is amended by striking ''title;'' and inserting ''title (including subsection (c) or (d) of section 8432b);''.

(D) Section 8439(a)(2)(A) of title 5, United States Code, is amended by striking ''and'' at the end of clause (ii), by striking '', over'' at the end of clause (iii) and inserting ''; and'', and by adding after clause (iii) the following:

''(iv) any other amounts paid, allocated, or otherwise credited to such individual's account, over''.

SEC. 662. CONTRIBUTIONS TO THRIFT SAVINGS FUND.

(a) IN GENERAL.—(1) Chapter 3 of title 37, United States Code, is amended by adding at the end the following:

"§ 211. Contributions to Thrift Savings Fund

''A member of the uniformed services who is performing active service may elect to contribute, in accordance with section 8440e of title 5, a portion of the basic pay of the member for that service (or of any special or incentive pay under chapter 5 of this title which relates to that service) to the Thrift Savings Fund established by section 8437 of title 5.''.

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

''211. Contributions to Thrift Savings Fund.''.

SEC. 663. REGULATIONS.

Not later than 180 days after the date of the enactment of this Act, the Executive Director (appointed by the Federal Retirement Thrift Investment Board) shall issue regulations to implement sections 8351 and 8440e of title 5, United States Code (as amended by section 661) and section 211 of title 37, United States Code (as amended by section 662).

SEC. 664. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this subtitle shall take effect one year after the date of the enactment of this Act, or on July 1, 2000, whichever is later.

(b) EXCEPTION.—Nothing in this subtitle (or any amendment made by this subtitle) shall be considered to permit the making of any contributions under section 8440e(a)(1)(B) of title 5, United States Code (as amended by section 661), before December 1, 2000.

(c) EFFECTIVENESS CONTINGENT ON OFFSETTING LEGISLATION.—(1) This subtitle shall be effective only if—

(A) the President, in the budget of the President for fiscal year 2001, proposes legislation which if enacted would be qualifying offsetting legislation; and

(B) there is enacted during the second session of the 106th Congress qualifying offsetting legislation.

(2) If the conditions in paragraph (1) are met, then, this section shall take effect on the date on which qualifying offsetting legislation is enacted or, if later, the effective date determined under subsection (a).

(3) For purposes of this subsection:

(A) The term ''qualifying offsetting legislation'' means legislation (other than an appropriations Act) that includes provisions that—

(i) offset fully the increased outlays for each of fiscal years 2000 through 2009 to be made by reason of the amendments made by this subtitle;

(ii) expressly state that they are enacted for the purpose of the offset described in clause (i); and

(iii) are included in full on the PayGo scorecard.

(B) The term ''PayGo scorecard'' means the estimates that are made with respect to fiscal years through fiscal year 2009 by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section 252(d) of the

Balanced Budget and Emergency Deficit Control Act of 1985.

Subtitle G—Other Matters

SEC. 671. PAYMENTS FOR UNUSED ACCRUED LEAVE AS PART OF REENLISTMENT.

Section 501 of title 37, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking ''conditions or'' and inserting ''conditions,''; and

(B) by adding before the semicolon the following: '', or a reenlistment of the member (regardless of when the reenlistment occurs)''; and

(2) in subsection (b)(2), by striking '', or entering into an enlistment,''.

SEC. 672. CLARIFICATION OF PER DIEM ELIGIBILITY FOR MILITARY TECHNICIANS SERVING ON ACTIVE DUTY WITHOUT PAY OUTSIDE THE UNITED STATES.

(a) AUTHORITY TO PROVIDE PER DIEM ALLOWANCE.—Section 1002(b) of title 37, United States Code, is amended—

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

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

''(2) If a military technician (dual status), as described in section 10216 of title 10, is performing active duty without pay while on leave from technician employment, as authorized by section 6323(d) of title 5, the Secretary concerned may authorize the payment of a per diem allowance to the military technician in lieu of commutation for subsistence and quarters under paragraph (1).''.

(b) TYPES OF OVERSEAS OPERATIONS.—Section 6323(d)(1) of title 5, United States Code, is amended by striking ''noncombat''.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective as of February 10, 1996, as if included in section 1039 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 432).

SEC. 673. OVERSEAS SPECIAL SUPPLEMENTAL FOOD PROGRAM.

(a) PROGRAM REQUIRED.—Subsection (a) of section 1060a of title 10, United States Code, is amended by striking ''AUTHORITY.—The Secretary of Defense may'' and inserting ''PROGRAM REQUIRED.—The Secretary of Defense shall''.

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

''(b) FUNDING MECHANISM.—The Secretary of Defense shall use funds available for the Department of Defense to carry out the program under subsection (a).''.

(c) PROGRAM ADMINISTRATION.—Subsection (c) of such section is amended—

(1) by striking paragraph (1)(B) and inserting the following:

''(B) In determining income eligibility standards for families of individuals participating in the program under this section, the Secretary of Defense shall, to the extent practicable, use the criterion described in subparagraph (A). The Secretary shall also consider the value of housing in kind provided to the individual when determining program eligibility.'';

(2) in paragraph (2), by adding before the period at the end the following: '', particularly with respect to nutrition education and counseling''; and

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

''(3) The Secretary of Agriculture shall provide technical assistance to the Secretary of Defense, if so requested by the Secretary of Defense, for the purpose of carrying out the program under subsection (a).''.

(d) CONFORMING AMENDMENT.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by adding at the end the following new subsection:

''(q) The Secretary of Agriculture shall provide technical assistance to the Secretary of Defense, if so requested by the Secretary of Defense, for the purpose of carrying out the overseas special supplemental food program established under section 1060a(a) of title 10, United States Code.''.

SEC. 674. SPECIAL COMPENSATION FOR SEVERELY DISABLED UNIFORMED SERVICES RETIREES.

(a) AUTHORITY.—(1) Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 1413. Special compensation for certain severely disabled uniformed services retirees

''(a) AUTHORITY.—The Secretary concerned shall, subject to the availability of appropriations for such purpose, pay to each eligible disabled uniformed services retiree a monthly amount determined under subsection (b).

''(b) AMOUNT.—The amount to be paid (subject to the availability of appropriations) to an eligible disabled uniformed services retiree in accordance with subsection (a) is the following:

''(1) For any month for which the retiree has a qualifying service-connected disability rated as total, $300.

''(2) For any month for which the retiree has a qualifying service-connected disability rated as 90 percent, $200.

''(3) For any month for which the retiree has a qualifying service-connected disability rated as 80 percent or 70 percent, $100.

''(c) ELIGIBLE DISABLED UNIFORMED SERVICES RETIREE DEFINED.—In this section, the term 'eligible disabled military retiree' means a member of the uniformed services in a retired status (who is retired under a provision of law other than chapter 61 of this title) who—

''(1) completed at least 20 years of service in the uniformed services that are creditable for purposes of computing the amount of retired pay to which the member is entitled; and

''(2) has a qualifying service-connected disability.

''(d) QUALIFYING SERVICE-CONNECTED DISABILITY DEFINED.—In this section, the term 'qualifying service-connected disability' means a service-connected disability that—

''(1) was incurred or aggravated in the performance of duty as a member of a uniformed service, as determined by the Secretary concerned; and

''(2) is rated as not less than 70 percent disabling—

''(A) by the Secretary concerned as of the date on which the member is retired from the uniformed services; or

''(B) by the Secretary of Veterans Affairs within four years following the date on which the member is retired from the uniformed services.

''(e) STATUS OF PAYMENTS.—Payments under this section are not retired pay.

''(f) SOURCE OF FUNDS.—(1) Payments under this section for any fiscal year shall be paid out of funds appropriated for pay and allowances payable by the Secretary concerned for that fiscal year.

''(2) If the amount of funds available to the Secretary concerned for any fiscal year for payments under this section is less than the amount required to make such payments to all eligible disabled uniformed services retirees for that year, the Secretary shall make such payments first to retirees described in paragraph (1) of subsection (b), then (to the extent funds are available) to retirees described in paragraph (2) of that subsection, and then (to the extent funds are available) to retirees described in paragraph (3) of that subsection.

''(g) OTHER DEFINITIONS.—In this section:

''(1) The terms 'compensation' and 'service-connected' have the meanings given those terms in section 101 of title 38.

''(2) The term 'disability rated as total' means—

''(A) a disability that is rated as total under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

''(B) a disability for which the schedular rating is less than total but for which a rating of total is assigned by reason of inability of the disabled person concerned to secure or follow a substantially gainful occupation as a result of service-connected disabilities.

''(3) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.''.

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

''1413. Special compensation for certain severely disabled uniformed services retirees.''.

(b) EFFECTIVE DATE.—Section 1413 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 1999, and shall apply to months that begin on or after that date. No benefit may be paid to any person by reason of that section for any period before that date.

SEC. 675. TUITION ASSISTANCE FOR MEMBERS DEPLOYED IN A CONTINGENCY OPERATION.

Section 2007(a) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''and'';

(2) in paragraph (3), by striking the period at the end and inserting ''; and''; and

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

''(4) in the case of a member serving in a contingency operation or similar operational mission (other than for training) designated by the Secretary concerned, all of the charges may be paid.''.

TITLE VII—HEALTH CARE MATTERS

Subtitle A—Health Care Services

SEC. 701. PROVISION OF HEALTH CARE TO MEMBERS ON ACTIVE DUTY AT CERTAIN REMOTE LOCATIONS.

(a) IN GENERAL.—The Secretary of Defense shall enter into agreements with designated providers under which such providers will provide health care services in or through managed care plans to an eligible member of the Armed Forces who resides within the service area of the designated provider. The provisions in section 722(b)(2) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note) shall apply with respect to such agreements.

(b) ADHERENCE TO TRICARE PRIME REMOTE PROGRAM POLICIES.—A designated provider who provides health care to an eligible member described in subsection (a) shall, in providing such care, adhere to policies of the Department of Defense with respect to the TRICARE Prime Remote program, including policies regarding coordination with appropriate military medical authorities for specialty referrals and hospitalization.

(c) REIMBURSEMENT RATES.—The Secretary shall negotiate with each designated provider reimbursement rates that do not exceed reimbursement rates allowable under TRICARE Standard.

(d) DEFINITIONS.—In this section:

(1) The term ''eligible member'' has the meaning given that term in section 731(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 1074 note).

(2) The term ''designated provider'' has the meaning given that term in section 721(5) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 10 U.S.C. 1073 note).

SEC. 702. PROVISION OF CHIROPRACTIC HEALTH CARE.

(a) IN GENERAL.—Section 731 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1092 note) is amended—

(1) in the heading, by striking ''**DEMONSTRATION PROGRAM**'';

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

''(4) During fiscal year 2000, the Secretary shall continue to furnish the same chiropractic care in the military medical treatment facilities designated pursuant to paragraph (2)(A) as the chiropractic care furnished during the demonstration program.'';

(3) in subsection (c)—

(A) in paragraph (3), by striking ''Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives'' and inserting ''Committees on Armed Services of the Senate and the House of Representatives''; and

(B) in paragraph (5), by striking ''May 1, 2000'' and inserting ''January 31, 2000'';

(4) in subsection (d)—

(A) in paragraph (3)—

(i) by striking ''; and'' at the end of subparagraph (C) and inserting a semicolon;

(ii) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

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

''(E) if the Secretary submits an implementation plan pursuant to subsection (e), the preparation of such plan.''; and

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

''(5) The Secretary shall—

''(A) make full use of the oversight advisory committee in preparing—

''(i) the final report on the demonstration program conducted under this section; and

''(ii) the implementation plan described in subsection (e); and

''(B) provide opportunities for members of the committee to provide views as part of such final report and plan.'';

(5) by redesignating subsection (e) as subsection (f); and

(6) by inserting after subsection (d) the following new subsection:

''(e) IMPLEMENTATION PLAN.—If the Secretary of Defense recommends in the final report submitted under subsection (c) that chiropractic health care services should be offered in medical care facilities of the Armed Forces or as a health care service covered under the TRICARE program, the Secretary shall, not later than March 31, 2000, submit to the Committees on Armed Services of the House of Representatives and the Senate an implementation plan for the full integration of chiropractic health care services into the military health care system of the Department of Defense, including the TRICARE program. Such implementation plan shall include—

''(1) a detailed analysis of the projected costs of fully integrating chiropractic health care services into the military health care system;

''(2) the proposed scope of practice for chiropractors who would provide services to covered beneficiaries under chapter 55 of title 10, United States Code;

''(3) the proposed military medical treatment facilities at which such services would be provided;

''(4) the military readiness requirements for chiropractors who would provide services to such covered beneficiaries; and

''(5) any other relevant factors that the Secretary considers appropriate.''.

(b) CONFORMING AMENDMENT.—The item relating to section 731 in the table of contents at the beginning of such Act is amended to read as follows:

''731. Chiropractic health care.''.

SEC. 703. CONTINUATION OF PROVISION OF DOMICILIARY AND CUSTODIAL CARE FOR CERTAIN CHAMPUS BENEFICIARIES.

(a) CONTINUATION OF CARE.—(1) The Secretary of Defense may, in any case in which the Secretary makes the determination described in paragraph (2), continue to provide payment under the Civilian Health and Medical Program of the Uniformed Services (as defined in section 1072 of title 10, United States Code), for domiciliary or custodial care services provided to an eligible beneficiary that would otherwise be excluded from coverage under regulations implementing section 1077(b)(1) of such title.

(2) A determination under this paragraph is a determination that discontinuation of payment for domiciliary or custodial care services or transition to provision of care under the individual case management program authorized by section 1079(a)(17) of such title would be—

(A) inadequate to meet the needs of the eligible beneficiary; and

(B) unjust to such beneficiary.

(b) ELIGIBLE BENEFICIARY DEFINED.—As used in this section, the term ''eligible beneficiary'' means a covered beneficiary (as that term is defined in section 1072 of title 10, United States Code) who, before the effective date of final regulations to implement the individual case management program authorized by section 1079(a)(17) of such title, were provided domiciliary or custodial care services for which the Secretary provided payment.

SEC. 704. REMOVAL OF RESTRICTION ON USE OF FUNDS FOR ABORTIONS IN CERTAIN CASES OF RAPE OR INCEST.

Section 1093(a) of title 10, United States Code, is amended by inserting ''or in a case in which the pregnancy is the result of an act of forcible rape or incest which has been reported to a law enforcement agency'' before the period.

Subtitle B—TRICARE Program

SEC. 711. IMPROVEMENTS TO CLAIMS PROCESSING UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1095b the following new section:

''§ 1095c. TRICARE program: facilitation of processing of claims

''(a) REDUCTION OF PROCESSING TIME.—(1) With respect to claims for payment for medical care provided under the TRICARE program, the Secretary of Defense shall implement a system for processing of claims under which—

''(A) 95 percent of all mistake-free claims must be processed not later than 30 days after the date that such claims are submitted to the claims processor; and

''(B) 100 percent of all mistake-free claims must be processed not later than 100 days after the date that such claims are submitted to the claims processor.

''(2) The Secretary may, under the system required by paragraph (1) and consistent with the provisions in chapter 39 of title 31, United States Code (commonly referred to as the 'Prompt Payment Act'), require that interest be paid on claims that are not processed within 30 days.

''(b) REQUIREMENT TO PROVIDE START-UP TIME FOR CERTAIN CONTRACTORS.—(1) The Secretary of Defense shall not require that a contractor described in paragraph (2) begin to provide managed care support pursuant to a contract to provide such support under the TRICARE program until at least nine months after the date of the award of the contract. In such case the contractor may begin to provide managed care support pursuant to the contract as soon as practicable after the award of the contract, but in no case later than one year after the date of such award.

''(2) A contractor under this paragraph is a contractor who is awarded a contract to provide managed care support under the TRICARE program—

''(A) who has not previously been awarded such a contract by the Department of Defense; or

''(B) who has previously been awarded such a contract by the Department of Defense but for whom the subcontractors have not previously been awarded the subcontracts for such a contract.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1095b the following new item:

''1095c. TRICARE program: facilitation of processing of claims.''.

(b) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on—

(1) the status of claims processing backlogs in each TRICARE region;

(2) the estimated time frame for resolution of such backlogs;

(3) efforts to reduce the number of change orders with respect to contracts to provide managed care support under the TRICARE program and to make such change orders in groups on a quarterly basis rather than one at a time;

(4) the extent of success in simplifying claims processing procedures through reduction of reliance of the Department of Defense on, and the complexity of, the health care service record;

(5) application of best industry practices with respect to claims processing, including electronic claims processing; and

(6) any other initiatives of the Department of Defense to improve claims processing procedures.

(c) DEADLINE FOR IMPLEMENTATION.—The system for processing claims required under section 1095c(a) of title 10, United States Code (as added by subsection (a)), shall be implemented not later than 6 months after the date of the enactment of this Act.

(d) APPLICABILITY.—Section 1095c(b) of title 10, United States Code (as added by subsection (a)), shall apply with respect to any contract to provide managed care support under the TRICARE program negotiated after the date of the enactment of this Act.

SEC. 712. AUTHORITY TO WAIVE CERTAIN TRICARE DEDUCTIBLES.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1095c (as added by section 711) the following new section:

''§ 1095d. TRICARE program: waiver of certain deductibles

''(a) WAIVER AUTHORIZED.—The Secretary of Defense may waive the deductible payable for medical care provided under the TRICARE program to an eligible dependent of—

''(1) a member of a reserve component on active duty pursuant to a call or order to active duty for a period of less than one year; or

''(2) a member of the National Guard on full-time National Guard duty pursuant to a call or order to full-time National Guard duty for a period of less than one year.

''(b) ELIGIBLE DEPENDENT.—As used in this section, the term 'eligible dependent' means a dependent described subparagraphs (A), (D), or (I) of section 1072(2) of this title.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1095c the following new item:

''1095d. TRICARE: program waiver of certain deductibles.''.

SEC. 713. ELECTRONIC PROCESSING OF CLAIMS UNDER THE TRICARE PROGRAM.

Section 1095c of title 10, United States Code, as added by section 711, is amended by adding at the end the following new subsection:

''(c) INCENTIVES FOR ELECTRONIC PROCESSING.—The Secretary of Defense shall require that new contracts for managed care support under the TRICARE program provide that the contractor be permitted to provide financial incentives to health care providers who file claims for payment electronically.''.

SEC. 714. STUDY OF RATES FOR PROVISION OF MEDICAL SERVICES; PROPOSAL FOR CERTAIN RATE INCREASES.

Not later than February 1, 2000, the Secretary of Defense shall submit to Congress—

(1) a study on how the maximum allowable rates charged for the 100 most commonly performed medical procedures under the Civilian Health and Medical Program of the Uniformed Services and Medicare compare with usual and customary commercial insurance rates for such procedures in each TRICARE Prime catchment area; and

(2) a proposal for increases of maximum allowable rates charged for medical procedures under the Civilian Health and Medical Program of the Uniformed Services should the study conducted under paragraph (1) find 20 or more rates which are less than or equal to the 50th percentile of the usual and customary commercial insurance rates charged for such procedures.

SEC. 715. REQUIREMENTS FOR PROVISION OF CARE IN GEOGRAPHICALLY SEPARATED UNITS.

(a) CONTRACTUAL REQUIREMENT.—The Secretary of Defense shall require that all new contracts for the provision of health care under TRICARE Prime include a requirement that the TRICARE Prime Remote network, to the maximum extent possible, provide health care concurrently to members of the Armed Forces in geographically separated units and their dependents in areas outside the catchment area of a military medical treatment facility.

(b) REPORT ON IMPLEMENTATION.—Not later than May 1, 2000, the Secretary shall submit to Congress a report on the extent and success of implementation of the requirement under subsection (a), and where concurrent implementation has not been achieved, the reasons and circumstances that prohibited implementation and a plan to provide TRICARE Prime benefits to those otherwise eligible covered beneficiaries for whom enrollment in a TRICARE Prime network is not feasible.

SEC. 716. IMPROVEMENT OF ACCESS TO HEALTH CARE UNDER THE TRICARE PROGRAM.

(a) WAIVER OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.—In the case of a covered beneficiary under chapter 55 of title 10, United States Code, who is a TRICARE eligible beneficiary not enrolled in TRICARE Prime, the Secretary of Defense may not require with regard to authorized health care services (other than mental health services) under any new contract for the provision of health care services under such chapter that the beneficiary—

(1) obtain a nonavailability statement or preauthorization from a military medical treatment facility in order to receive the services from a civilian provider; or

(2) obtain a nonavailability statement for care in specialized treatment facilities outside the 200-mile radius of a military medical treatment facility.

(b) NOTICE.—The Secretary may require that the covered beneficiary provide appropriate notice to the primary care manager of the beneficiary.

(c) EXCEPTIONS.—Subsection (a) shall not apply if—

(1) the Secretary can demonstrate significant cost avoidance for specific procedures at the affected military treatment facilities;

(2) the Secretary determines that a specific procedure must be maintained at the affected military treatment facility to ensure the proficiency levels of the practitioners at the facility; or

(3) the lack of nonavailability statement data would significantly interfere with TRICARE contract administration.

SEC. 717. REIMBURSEMENT OF CERTAIN COSTS INCURRED BY COVERED BENEFICIARIES WHEN REFERRED FOR CARE OUTSIDE LOCAL CATCHMENT AREA.

The Secretary of Defense shall require that any new contract for the provision of health care services under chapter 55 of title 10, United States Code, shall require that in any case in which a covered beneficiary under such chapter who is enrolled in TRICARE Prime is referred by a network provider or military treatment facility to a provider or military treatment facility more than 100 miles outside the catchment area of a military treatment facility because a local provider is not available, or in any other respect not within the terms of a new managed care support contract, the beneficiary shall be reimbursed by the network provider or military treatment facility making the referral for the cost of personal automobile mileage, to be paid under standard reimbursement rates for Federal employees, or for the cost of air travel in amounts not to exceed standard contract fares for Federal employees.

SEC. 718. IMPROVEMENT OF REFERRAL PROCESS UNDER TRICARE.

(a) ELIMINATION OF PREAUTHORIZATION REQUIREMENTS FOR CERTAIN CARE.—Under regulations prescribed by the Secretary of Defense, and in all new managed care support contracts the Secretary shall eliminate requirements in certain cases under TRICARE Prime that network primary care managers preauthorize covered beneficiaries under chapter 55 of title 10, United States Code, to receive preventative health care services within the managed care support contract network without preauthorization from a primary care manager.

(b) COVERED SERVICES.—Should such a covered beneficiary choose to receive care from a provider in the network, the covered beneficiary shall not be required to have a referral from a primary care manager—

(1) for receipt of preventative obstetric or gynecological services by a network obstetrician or gynecologist;

(2) for mammograms performed by a network provider if the beneficiary is a female over the age of 35; or

(3) for provision of preventative specialty urology care from a network urologist if the beneficiary is a male over the age of 60.

(c) NOTICE.—The Secretary may require that the covered beneficiary provide appropriate notice to the primary care manager of the beneficiary.

(d) REGULATIONS.—The Secretary shall prescribe the regulations required by subsection (a) not later than May 1, 2000 and implement the regulations not later than October 1, 2000.

Subtitle C—Other Matters

SEC. 721. PHARMACY BENEFITS PROGRAM.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074f the following new section:

''§ 1074g. Pharmacy benefits program

''(a) PHARMACY BENEFITS.—(1) The Secretary of Defense, after consultation with the other administering Secretaries, shall establish an effective, efficient, integrated pharmacy benefits program under this chapter (hereinafter in this section referred to as the 'pharmacy benefits program').

''(2)(A) The pharmacy benefits program shall include a uniform formulary of pharmaceutical agents, which shall assure the availability of pharmaceutical agents in a complete range of therapeutic classes. The selection for inclusion on the uniform formulary of particular pharmaceutical agents in each therapeutic class shall be based on the relative clinical and cost effectiveness of the agents in such class.

''(B) The Secretary shall establish procedures for the selection of particular pharmaceutical agents for the uniform formulary, and shall begin to implement the uniform formulary not later than October 1, 2000.

''(C) Pharmaceutical agents included on the uniform formulary shall be available to eligible covered beneficiaries through—

''(i) facilities of the uniformed services, consistent with the scope of health care services offered in such facilities;

''(ii) retail pharmacies designated or eligible under the TRICARE program or the Civilian Health and Medical Program of the Uniformed Services to provide pharmaceutical agents to eligible covered beneficiaries; or

''(iii) the national mail order pharmacy program.

''(3) The pharmacy benefits program shall assure the availability of clinically appropriate pharmaceutical agents to members of the armed forces, including, if appropriate, agents not included on the uniform formulary described in paragraph (2).

''(4) The pharmacy benefits program may provide that prior authorization be required for certain categories of pharmaceutical agents to assure that the use of such agents is clinically appropriate. Such categories shall be the following:

''(A) High-cost injectable agents.

''(B) High-cost biotechnology agents.

''(C) Pharmaceutical agents with high potential for inappropriate use.

''(D) Pharmaceutical agents otherwise determined by the Secretary to require prior authorization.

''(5)(A) The pharmacy benefits program shall include procedures for eligible covered beneficiaries to receive pharmaceutical agents not included on the uniform formulary. Such procedures shall include peer review procedures under which the Secretary may determine that there is a clinical justification for the use of a pharmaceutical agent that is not on the uniform formulary, in which case the pharmaceutical agent shall be provided under the same terms and conditions as an agent on the uniform formulary.

''(B) If the Secretary determines that there is not a clinical justification for the use of a pharmaceutical agent that is not on the uniform formulary under the procedures established pursuant to subparagraph (A), such pharmaceutical agent shall be available through at least one of the means described in paragraph (2)(C) under terms and conditions that may include cost sharing by the eligible covered beneficiary in addition to any such cost sharing applicable to agents on the uniform formulary.

''(6) The Secretary of Defense shall, after consultation with the other administering Secretaries, promulgate regulations to carry out this subsection.

''(7) Nothing in this subsection shall be construed as authorizing a contractor to penalize an eligible covered beneficiary with respect to, or decline coverage for, a maintenance pharmaceutical that is not on the list of preferred pharmaceuticals of the contractor and that was prescribed for the beneficiary before the date of the enactment of

this section and stabilized the medical condition of the beneficiary.

''(b) ESTABLISHMENT OF COMMITTEE.—(1) The Secretary of Defense shall, in consultation with the Secretaries of the military departments, establish a pharmaceutical and therapeutics committee for the purpose of developing the uniform formulary of pharmaceutical agents required by subsection (a), reviewing such formulary on a periodic basis, and making additional recommendations regarding the formulary as the committee determines necessary and appropriate. The committee shall include representatives of pharmacies of the uniformed services facilities, contractors responsible for the TRICARE retail pharmacy program, contractors responsible for the national mail order pharmacy program, providers in facilities of the uniformed services, and TRICARE network providers. Committee members shall have expertise in treating the medical needs of the populations served through such entities and in the range of pharmaceutical and biological medicines available for treating such populations.

''(2) Not later than 90 days after the establishment of the pharmaceutical and therapeutics committee by the Secretary, the committee shall submit a proposed uniform formulary to the Secretary .

''(c) ADVISORY PANEL.—(1) Concurrent with the establishment of the pharmaceutical and therapeutics committee under subsection (b), the Secretary shall establish a Uniform Formulary Beneficiary Advisory Panel to review and comment on the development of the uniform formulary. The Secretary shall consider the comments of the panel before implementing the uniform formulary or implementing changes to the uniform formulary.

''(2) The Secretary shall determine the size and membership of the panel established under paragraph (1), which shall include members that represent nongovernmental organizations and associations that represent the views and interests of a large number of eligible covered beneficiaries.

''(d) PROCEDURES.—In the operation of the pharmacy benefits program under subsection (a), the Secretary of Defense shall assure through management and new contractual arrangements that financial resources are aligned such that the cost of prescriptions is borne by the organization that is financially responsible for the health care of the eligible covered beneficiary.

''(e) PHARMACY DATA TRANSACTION SERVICE.—Not later than April 1, 2000, the Secretary of Defense shall implement the use of the Pharmacy Data Transaction Service in all fixed facilities of the uniformed services under the jurisdiction of the Secretary, the TRICARE network retail pharmacy program, and the national mail order pharmacy program.

''(f) DEFINITION OF ELIGIBLE COVERED BENEFICIARY.—As used in this section, the term 'eligible covered beneficiary' means a covered beneficiary for whom eligibility to receive pharmacy benefits through the means described in subsection (a)(2)(C) is established under this chapter or another provision of law.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074f the following new item:

''1074g. Pharmacy benefits program.''.

(b) DEADLINE FOR ESTABLISHMENT OF COMMITTEE.—The Secretary shall establish the pharmaceutical and therapeutics committee required under section 1074g(b) of title 10, United States Code, not later than 30 days after the date of the enactment of this Act.

(c) REPORTS REQUIRED.—Not later than April 1 and October 1 of fiscal years 2000 and 2001, the Secretary of Defense shall submit to Congress a report on—

(1) implementation of the uniform formulary required under subsection (a) of section 1074g of title 10, United States Code (as added by subsection (a));

(2) the results of a confidential survey conducted by the Secretary of prescribers for military medical treatment facilities and TRICARE contractors to determine—

(A) during the most recent fiscal year, how often prescribers attempted to prescribe nonformulary or non-preferred prescription drugs, how often such prescribers were able to do so, and whether covered beneficiaries were able to fill such prescriptions without undue delay;

(B) the understanding by prescribers of the reasons that military medical treatment facilities or civilian contractors preferred certain pharmaceuticals to others; and

(C) the impact of any restrictions on access to non-formulary prescriptions on the clinical decisions of the prescribers and the aggregate cost, quality, and accessibility of health care provided to covered beneficiaries;

(3) the operation of the Pharmacy Data Transaction Service required by subsection (e) of such section 1074g; and

(4) any other actions taken by the Secretary to improve management of the pharmacy benefits program under such section.

(d) STUDY FOR DESIGN OF PHARMACY BENEFIT FOR CERTAIN COVERED BENEFICIARIES.—(1) Not later than April 15, 2001, the Secretary of Defense shall prepare and submit to Congress—

(A) a study on a design for a comprehensive pharmacy benefit for covered beneficiaries under chapter 55 of title 10, United States Code, who are entitled to benefits under part A, and enrolled under part B, of title XVIII of the Social Security Act; and

(B) an estimate of the costs of implementing and operating such design.

(2) The design described in paragraph (1)(A) shall incorporate the elements of the pharmacy benefits program required to be established under section 1074g of title 10, United States Code (as added by subsection (a)).

SEC. 722. IMPROVEMENTS TO THIRD-PARTY PAYER COLLECTION PROGRAM.

Section 1095 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking ''the reasonable costs of'' and inserting ''reasonable charges for'';

(B) by striking ''such costs'' and inserting ''such charges''; and

(C) by striking ''the reasonable cost of'' and inserting ''a reasonable charge for'';

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

''(f) The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section. Such regulations shall provide for the computation of reasonable charges for inpatient services, outpatient services, and other health care services. Computation of such reasonable charges may be based on—

''(1) per diem rates;

''(2) all-inclusive per visit rates;

''(3) diagnosis-related groups;

''(4) rates prescribed under the regulations prescribed to implement sections 1079 and 1086 of this title; or

''(5) such other method as may be appropriate.'';

(3) in subsection (g), by striking ''the costs of''; and

(4) in subsection (h)(1), by striking the first sentence and inserting ''The term 'third-party payer' means an entity that provides an insurance, medical service, or health plan by contract or agreement, including an automobile liability insurance or no fault insurance carrier, and any other plan or program that is designed to provide compensation or coverage for expenses incurred by a beneficiary for health care services or products.''.

SEC. 723. AUTHORITY OF ARMED FORCES MEDICAL EXAMINER TO CONDUCT FORENSIC PATHOLOGY INVESTIGATIONS.

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

''§ 130b. Authority of armed forces medical examiner to conduct forensic pathology investigations

''(a) IN GENERAL.—The Armed Forces Medical Examiner may conduct a forensic pathology investigation, including an autopsy, to determine the cause or manner of death of an individual in any case in which—

''(1) the individual was killed, or from any cause died an unnatural death;

''(2) the cause or manner of death is unknown;

''(3) there is reasonable suspicion that the death was by unlawful means;

''(4) the death appears to be from an infectious disease or the result of the effects of a hazardous material that may have an adverse effect on the installation or community in which the individual died or was found dead; or

''(5) the identity of the deceased individual is unknown.

''(b) LIMITATIONS ON AUTHORITY.—(1) The authority provided under subsection (a) may only be exercised with respect to an individual in a case in which—

''(A) the individual died or is found dead at an installation garrisoned by units of the armed forces and under the exclusive jurisdiction of the United States;

''(B) the individual was, at the time of death, a member of the armed forces on active duty or inactive duty for training or a member of the armed forces who recently retired under chapter 61 of this title and died as a result of an injury or illness incurred while on active duty;

''(C) the individual was a civilian dependent of a member of the armed forces and died or was found dead at a location outside the United States;

''(D) the Armed Forces Medical Examiner determines, pursuant to an authorized investigation by the Department of Defense of matters involving the death of an individual or individuals, that a factual determination of the cause or manner of the death of the individual is necessary; or

''(E) pursuant to an authorized investigation being conducted by the Federal Bureau of Investigation, the National Transportation Safety Board, or other Federal agency, an official of such agency with authority to direct a forensic pathology investigation requests that an investigation be conducted by the Armed Forces Medical Examiner.

''(2) The authority provided in subsection (a) shall be subject to the primary jurisdiction, to the extent exercised, of a State or local government with respect to the conduct of an investigation or, if outside the United States, of authority exercised under any applicable Status-of-Forces or other international agreement between the United States and the country in which the individual died or was found dead.

''(c) DESIGNATION OF PATHOLOGIST.—The Armed Forces Medical Examiner may designate any qualified pathologist to carry out the authority provided in subsection (a).''.

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

''130b. Authority of armed forces medical examiner to conduct forensic pathology investigations.''.

SEC. 724. TRAUMA TRAINING CENTER.

(a) START-UP COSTS.—Of the funds authorized to be appropriated in section 301(22) for the Defense Health Program, $4,000,000, shall be used for startup costs for a Trauma Training Center to enhance the capability of the Army to train forward surgical teams.

(b) AMENDMENT TO EXISTING AUTHORITY.—Section 742 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2074) is amended to read as follows:

"SEC. 742. AUTHORIZATION TO ESTABLISH A TRAUMA TRAINING CENTER.

''The Secretary of the Army is hereby authorized to establish a Trauma Training Center in order to provide the Army with a trauma center capable of training forward surgical teams.''.

SEC. 725. STUDY ON JOINT OPERATIONS FOR THE DEFENSE HEALTH PROGRAM.

Not later than October 1, 2000, the Secretary of Defense shall prepare and submit to Congress a study identifying areas with respect to the Defense Health Program for which joint operations might be increased, including organization, training, patient care, hospital management, and budgeting. The study shall include a discussion of the merits and feasibility of—

(1) establishing a joint command for the Defense Health Program as a military counterpart to the Assistant Secretary of Defense for Health Affairs;

(2) establishing a joint training curriculum for the Defense Health Program; and

(3) creating a unified chain of command and budgeting authority for the Defense Health Program.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

SEC. 801. SALE, EXCHANGE, AND WAIVER AUTHORITY FOR COAL AND COKE.

(a) IN GENERAL.—Section 2404 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''petroleum or natural gas'' and inserting ''a defined fuel source'';

(B) in paragraph (1)—

(i) by striking ''petroleum market conditions or natural gas market conditions, as the case may be,'' and inserting ''market conditions for the defined fuel source''; and

(ii) by striking ''acquisition of petroleum or acquisition of natural gas, respectively,'' and inserting ''acquisition of that defined fuel source''; and

(C) in paragraph (2), by striking ''petroleum or natural gas, as the case may be,'' and inserting ''that defined fuel source'';

(3) in subsection (b), by striking ''petroleum or natural gas'' in the second sentence and inserting ''a defined fuel source'';

(4) in subsection (c), by striking ''petroleum'' and all that follows through the period and inserting ''a defined fuel source or services related to a defined fuel source by exchange of a defined fuel source or services related to a defined fuel source.'';

(5) in subsection (d)—

(A) by striking ''petroleum or natural gas'' in the first sentence and inserting ''a defined fuel source''; and

(B) by striking ''petroleum'' in the second sentence and all that follows through the period and inserting ''a defined fuel source or services related to a defined fuel source.''; and

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

''(f) DEFINED FUEL SOURCES.—In this section, the term 'defined fuel source' means any of the following:

''(1) Petroleum.

''(2) Natural gas.

''(3) Coal.

''(4) Coke.''.

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

"§ 2404. Acquisition of certain fuel sources: authority to waive contract procedures; acquisition by exchange; sales authority".

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

''2404. Acquisition of certain fuel sources: authority to waive contract procedures; acquisition by exchange; sales authority.''.

SEC. 802. EXTENSION OF AUTHORITY TO ISSUE SOLICITATIONS FOR PURCHASES OF COMMERCIAL ITEMS IN EXCESS OF SIMPLIFIED ACQUISITION THRESHOLD.

Section 4202(e) of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 10 U.S.C. 2304 note) is amended by striking ''three years after the date on which such amendments take effect pursuant to section 4401(b)'' and inserting ''January 1, 2002''.

SEC. 803. EXPANSION OF APPLICABILITY OF REQUIREMENT TO MAKE CERTAIN PROCUREMENTS FROM SMALL ARMS PRODUCTION INDUSTRIAL BASE.

Section 2473(d) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(6) M2 machine gun.

''(7) M60 machine gun.''.

SEC. 804. REPEAL OF TERMINATION OF PROVISION OF CREDIT TOWARDS SUBCONTRACTING GOALS FOR PURCHASES BENEFITING SEVERELY HANDICAPPED PERSONS.

Section 2410d(c) of title 10, United States Code, is repealed.

SEC. 805. EXTENSION OF TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS.

Subsection (e) of section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 15 U.S.C. 637 note) is amended by striking ''2000.'' and inserting ''2003''.

SEC. 806. FACILITATION OF NATIONAL MISSILE DEFENSE SYSTEM.

(a) AUTHORIZATION OF WAIVER OF REQUIREMENT FOR COMPLETION OF INITIAL OT&E BEFORE PRODUCTION BEGINS.—Notwithstanding section 2399(a) of title 10, United States Code, the Secretary of Defense may make a determination to proceed with production of a national missile defense system without regard to whether initial operational testing and evaluation of the system has been completed.

(b) REQUIREMENT FOR COMPLETION OF INITIAL OT&E.—If the Secretary makes such a determination as provided by subsection (a), the Secretary shall ensure that such a national missile defense system successfully completes an adequate operational test and evaluation as soon as practicable following that determination and before the operational deployment of such system.

(c) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Secretary shall promptly notify the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, in writing, upon making a determination that production of a national missile defense system may be carried out before initial operational testing and evaluation of that system has been completed, as authorized by subsection (a).

SEC. 807. OPTIONS FOR ACCELERATED ACQUISITION OF PRECISION MUNITIONS.

(a) FINDINGS.—Congress finds the following:

(1) Current inventories of many precision munitions of the United States do not meet the requirements of the Department of Defense for two Major Theater Wars, and with respect to some precision munitions, such requirements will not be met even after planned acquisitions are made.

(2) Production lines for certain critical precision munitions have been shut down, and the start-up production of replacement precision munitions leaves a critical gap in acquisition of follow-on precision munitions.

(3) Shortages of conventional air-launched cruise missiles and Tomahawk missiles during Operation Allied Force indicate the critical need to maintain robust inventories of precision munitions.

(b) REPORTS.—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the requirements of the Department of Defense for quantities of precision munitions for two Major Theater Wars, and when such requirements will be met for each precision munition.

(2) Not later than March 15, 2000, the Secretary shall submit to the congressional defense committees a report on—

(A) the options recommended by the teams formed under subsection (c) for acceleration of acquisition of precision munitions; and

(B) a plan for implementing such options.

(c) RECOMMENDATIONS FOR OPTIONS.—The Secretary of Defense shall form teams of experts from industry and the military departments to recommend to the Secretary options for accelerating the acquisition of precision munitions in order that, with respect to any such munition for which the requirements of the Department of Defense for two Major Theater Wars are not expected to be met by October 1, 2002, such requirements may be met for such munitions by such date.

SEC. 808. PROGRAM TO INCREASE OPPORTUNITY FOR SMALL BUSINESS INNOVATION IN DEFENSE ACQUISITION PROGRAMS.

(a) REQUIREMENT TO IMPLEMENT PROGRAM.—The Secretary of Defense shall implement a program to provide for increased opportunity for small-business concerns to provide innovative technology for acquisition programs of the Department of Defense.

(b) ELEMENTS OF PROGRAM.—The program required by subsection (a) shall consist of the following elements:

(1) The Secretary shall establish procedures through which small-business concerns may submit challenge proposals to existing components of acquisition programs of the Department of Defense which shall be designed to encourage small-business concerns to recommend cost-saving and innovative ideas to acquisition program managers.

(2) The Secretary shall establish a challenge proposal review board, the purpose of which shall be to review and make recommendations on the merit and viability of the challenge proposals submitted under paragraph (1). The Secretary shall ensure that such recommendations receive active consideration for incorporation into applicable acquisition programs of the Department of Defense at the appropriate point in the acquisition cycle.

(c) REPORT.—The Secretary of Defense shall report to Congress annually on the implementation of this section and the progress of providing increased opportunity for small-business concerns to provide innovative technology for acquisition programs of the Department of Defense.

(d) SMALL-BUSINESS CONCERN DEFINED.—In this section, the term ''small-business concern'' has the same meaning as the meaning of such term as used in the Small Business Act (15 U.S.C. 631 et seq.).

SEC. 809. COMPLIANCE WITH BUY AMERICAN ACT.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized by this Act may be expended by an entity of the Department of Defense unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a et seq.).

(b) SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN–MADE EQUIPMENT AND PRODUCTS.—It is the sense of Congress that any entity of the Department of Defense, in expending funds authorized by this Act for the purchase of equipment or products, should purchase only American-made equipment and products.

(c) DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF ''MADE IN AMERICA'' LABELS.—If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription, or another inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

SEC. 901. LIMITATION ON AMOUNT AVAILABLE FOR CONTRACTED ADVISORY AND ASSISTANCE SERVICES.

(a) REDUCTION.—From amounts appropriated for the Department of Defense for fiscal year 2000, the total amount obligated for contracted advisory and assistance services may not exceed the amount equal to the sum of the amounts specified in the President's budget for fiscal year 2000 for those services for components of the Department of Defense reduced by $100,000,000.

(b) LIMITATION PENDING RECEIPT OF REQUIRED REPORT.—Not more than 90 percent of the amount available to the Department of Defense for fiscal year 2000 for contracted advisory and assistance services (taking into account the limitation under subsection (a)) may be obligated until the Secretary of Defense submits to Congress the first annual report under section 2212(c) of title 10, United States Code.

SEC. 902. RESPONSIBILITY FOR LOGISTICS AND SUSTAINMENT FUNCTIONS OF THE DEPARTMENT OF DEFENSE.

(a) UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY.—(1) The position of Under Secretary of Defense for Acquisition and Technology in the Department of Defense is hereby redesignated as the Under Secretary of Defense for Acquisition, Technology, and Logistics. Any reference in any law, regulation, document, or other record of the United States to the Under Secretary of Defense for Acquisition and Technology shall be treated as referring to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(2) Section 133 of title 10, United States Code, is amended—

(A) in subsections (a), (b), and (e)(1), by striking ''Under Secretary of Defense for Acquisition and Technology'' and inserting ''Under Secretary of Defense for Acquisition, Technology, and Logistics''; and

(B) in subsection (b)—

(i) by striking ''logistics,'' in paragraph (2);

(ii) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(iii) by inserting after paragraph (2) the following new paragraph (3):

''(3) establishing policies for logistics, maintenance, and sustainment support for all elements of the Department of Defense;''.

(b) NEW DEPUTY UNDER SECRETARY FOR LOGISTICS AND MATERIEL READINESS.—(1) Chapter 4 of title 10, United States Code, is amended by inserting after section 133a the following new section:

''§ 133b. Deputy Under Secretary of Defense for Logistics and Materiel Readiness

''(a) There is a Deputy Under Secretary of Defense for Logistics and Materiel Readiness, appointed from civilian life by the President by and with the advice and consent of the Senate. The Deputy Under Secretary shall be appointed from among persons with an extensive background in the sustainment of major weapon systems and combat support equipment.

''(b) The Deputy Under Secretary is the principal adviser to the Secretary and the Under Secretary of Defense for Acquisition, Technology, and Logistics on logistics and materiel readiness in the Department of Defense and is the principal logistics official within the senior management of the Department of Defense.

''(c) The Deputy Under Secretary shall perform such duties relating to logistics and materiel readiness as the Under Secretary of Defense for Acquisition, Technology and Logistics may assign, including—

''(1) prescribing, by authority of the Secretary of Defense, policies and procedures for the conduct of logistics, maintenance, materiel readiness, and sustainment support in the Department of Defense;

''(2) advising and assisting the Secretary of Defense, the Deputy Secretary of Defense, and the Under Secretary of Defense for Acquisition and Technology, and providing guidance to and consulting with the Secretaries of the military departments, with respect to logistics, maintenance, materiel readiness, and sustainment support in the Department of Defense; and

''(3) monitoring and reviewing all logistics, maintenance, materiel readiness, and sustainment support programs in the Department of Defense.''.

(2) Section 5314 of title 5, United States Code, is amended by inserting after the paragraph relating to the Deputy Under Secretary of Defense for Acquisition and Technology the following new paragraph:

''Deputy Under Secretary of Defense for Logistics and Materiel Readiness.''.

(c) REVISIONS TO LAW PROVIDING FOR DEPUTY UNDER SECRETARY FOR ACQUISITION AND TECHNOLOGY.—Section 133a(b) of title 10, United States Code, is amended—

(1) by striking ''his duties'' in the first sentence and inserting ''the Under Secretary's duties relating to acquisition and technology''; and

(2) by striking the second sentence.

(d) CONFORMING AMENDMENTS TO CHAPTER 4.—Chapter 4 of such title is further amended as follows:

(1) Sections 131(b)(2), 134(c), 137(b), and 139(b) are amended by striking ''Under Secretary of Defense for Acquisition and Technology'' each place it appears and inserting ''Under Secretary of Defense for Acquisition, Technology, and Logistics''.

(2) The heading of section 133 is amended to read as follows:

''§ 133. Under Secretary of Defense for Acquisition, Technology, and Logistics''.

(3) The table of sections at the beginning of the chapter is amended—

(A) by striking the item relating to section 133 and inserting the following:

''133. Under Secretary of Defense for Acquisition, Technology, and Logistics.'';

and

(B) by inserting after the item relating to section 133a the following new item:

''133b. Deputy Under Secretary of Defense for Logistics and Materiel Readiness.''.

(e) ADDITIONAL CONFORMING AMENDMENTS.—Section 5313 of title 5, United States Code, is amended by striking ''Under Secretary of Defense for Acquisition and Technology'' and inserting ''Under Secretary of Defense for Acquisition, Technology, and Logistics''.

SEC. 903. MANAGEMENT HEADQUARTERS AND HEADQUARTERS SUPPORT ACTIVITIES.

(a) REVISION TO DEFENSE DIRECTIVE RELATING TO MANAGEMENT HEADQUARTERS AND HEADQUARTERS SUPPORT ACTIVITIES.—Not later than October 1, 2000, the Secretary of Defense shall issue a revision to Department of Defense Directive 5100.73, entitled ''Department of Defense Management Headquarters and Headquarters Support Activities'', so as to incorporate in that directive the following:

(1) A threshold specified by command (or other organizational element) such that any headquarters activity below the threshold is not considered for the purpose of the directive to be a management headquarters or headquarters support activity.

(2) A definition of the term ''management headquarters and headquarters support activities'' that (A) is based upon function (rather than organization), and (B) includes any activity (other than an operational activity) that reports directly to such an activity.

(3) Uniform application of those definitions throughout the Department of Defense.

(b) TECHNICAL AMENDMENTS TO UPDATE LIMITATION ON OSD PERSONNEL.—Effective October 1, 1999, section 143 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''Effective October 1, 1999, the'' and inserting ''The''; and

(B) by striking ''75 percent of the baseline number'' and inserting ''3,767''.

(2) by striking subsections (b), (c), and (f); and

(3) by redesignating subsections (d) and (e) as subsections (b) and (c), respectively.

SEC. 904. FURTHER REDUCTIONS IN DEFENSE ACQUISITION AND SUPPORT WORKFORCE.

(a) REDUCTION OF DEFENSE ACQUISITION AND SUPPORT WORKFORCE.—The Secretary of Defense shall accomplish reductions in defense acquisition and support personnel positions during fiscal year 2000 so that the total number of such personnel as of October 1, 2000, is less than the total number of such personnel as of October 1, 1999, by at least 25,000.

(b) DEFENSE ACQUISITION AND SUPPORT PERSONNEL DEFINED.—For purposes of this section, the term ''defense acquisition and support personnel'' means military and civilian personnel (other than civilian personnel who are employed at a maintenance depot) who are assigned to, or employed in, acquisition organizations of the Department of Defense (as specified in Department of Defense Instruction numbered 5000.58 dated January 14, 1992), and any other organizations which the Secretary may determine to have a predominantly acquisition mission.

SEC. 905. CENTER FOR THE STUDY OF CHINESE MILITARY AFFAIRS.

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

(1) The strategic relationship between the United States and the People's Republic of China will be very important for future peace and security, not only in the Asia-Pacific region but around the world.

(2) The United States does not view China as an enemy, nor consider that the coming century necessarily will see a new great power competition between the two nations.

(3) The end of the cold war has eliminated what had been the one fundamental common strategic interest of the United States and China, that of containing the Soviet Union.

(4) The sustained economic rise, stated geopolitical ambitions, and increasingly confrontational actions of China cast doubt on whether the United States will be able to form a satisfactory strategic partnership with the People's Republic of China and will pose challenges that will require careful management in order to preserve peace and protect the national security interests of the United States.

(5) The ability of the Department of Defense, and the United States Government more generally, to develop sound security and military strategies is hampered by a limited understanding of Chinese strategic goals and military capabilities. The low priority accorded the study of Chinese strategic and military affairs within the Government and within the academic community has contributed to this limited understanding.

(6) There is a need for a United States national institute for research and assessment of political, strategic, and military affairs in the People's Republic of China. Such an institute should be capable of providing analysis for the purpose of shaping United States military strategy and policy with regard to China and should be readily accessible to senior leaders within the Department of Defense, but should maintain academic and intellectual independence so that that analysis is not first shaped by policy.

(b) ESTABLISHMENT OF CENTER FOR THE STUDY OF CHINESE MILITARY AFFAIRS.—(1) Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2166. National Defense University: Center for the Study of Chinese Military Affairs

''(a) ESTABLISHMENT.—(1) The Secretary of Defense shall establish a Center for the Study of Chinese Military Affairs (hereinafter in this section referred to as the 'Center') as part of the National Defense University. The Center shall be organized as an independent institute under the University.

''(2) The Director of the Center shall be appointed by the Secretary of Defense. The Secretary shall appoint as the Director an individual who is a distinguished scholar of proven academic, management, and leadership credentials with a superior record of achievement and publication regarding Chinese political, strategic, and military affairs.

''(b) MISSION.—The mission of the Center is to study the national goals and strategic posture of the People's Republic of China and the ability of that nation to develop, field, and deploy an effective military instrument in support of its national strategic objectives.

''(c) AREAS OF STUDY.—The Center shall conduct research relating to the People's Republic of China as follows:

''(1) To assess the potential of that nation to act as a global great power, the Center shall conduct research that considers the policies and capabilities of that nation in a regional and world-wide context, including Central Asia, Southwest Asia, Europe, and Latin America, as well as the Asia-Pacific region.

''(2) To provide a fuller assessment of the areas of study referred to in paragraph (1), the Center shall conduct research on—

''(A) economic trends relative to strategic goals and military capabilities;

''(B) strengths and weaknesses in the scientific and technological sector; and

''(C) relevant demographic and human resource factors on progress in the military sphere.

''(3) The Center shall conduct research on the armed forces of the People's Republic of China, taking into account the character of those armed forces and their role in Chinese society and economy, the degree of their technological sophistication, and their organizational and doctrinal concepts. That research shall include inquiry into the following matters:

''(A) Concepts concerning national interests, objectives, and strategic culture.

''(B) Grand strategy, military strategy, military operations, and tactics.

''(C) Doctrinal concepts at each of the four levels specified in subparagraph (B).

''(D) The impact of doctrine on China's force structure choices.

''(E) The interaction of doctrine and force structure at each level to create an integrated system of military capabilities through procurement, officer education, training, and practice and other similar factors.

''(d) FACULTY OF THE CENTER.—(1) The core faculty of the Center should comprise scholars capable of providing diverse perspectives on Chinese political, strategic, and military thought. Center scholars shall demonstrate the following competencies and capabilities:

''(A) Analysis of national strategy, military strategy, and doctrine.

''(B) Analysis of force structure and military capabilities.

''(C) Analysis of—

''(i) issues relating to weapons of mass destruction, military intelligence, defense economics, trade, and international economics; and

''(ii) the relationship between those issues and grand strategy, science and technology, the sociology of human resources and demography, and political science.

''(2) A substantial number of Center scholars shall be competent in the Chinese language. The Center shall include a core of junior scholars capable of providing linguistics and translation support to the Center.

''(e) ACTIVITIES OF THE CENTER.—The activities of the Center shall include other elements appropriate to its mission, including the following:

''(1) The Center should include an active conference program with an international reach.

''(2) The Center should conduct an international competition for a Visiting Fellowship in Chinese Military Affairs and Chinese Security Issues. The term of the fellowship should be for one year, renewable for a second.

''(3) The Center shall provide funds to support at least one trip per analyst per year to China and the region and to support visits of Chinese military leaders to the Center.

''(4) The Center shall support well defined, distinguished, signature publications.

''(5) Center scholars shall have appropriate access to intelligence community assessments of Chinese military affairs.

''(f) STUDIES AND REPORTS.—The Director may contract for studies and reports from the private sector to supplement the work of the Center.''.

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

''2166. National Defense University: Center for the Study of Chinese Military Affairs.''.

(c) IMPLEMENTATION REPORT.—Not later than January 1, 2000, the Secretary of Defense shall submit to Congress a report stating the timetable and organizational plan for establishing the Center for the Study of Chinese Military Affairs under section 2166 of title 10, United States Code, as added by subsection (b).

(d) STARTUP OF CENTER.—The Secretary shall establish the Center for the Study of Chinese Military Affairs under section 2166 of title 10, United States Code, as added by subsection (b), not later than March 1, 2000, and shall appoint the first Director of the Center not later than June 1, 2000.

SEC. 906. RESPONSIBILITY WITHIN OFFICE OF THE SECRETARY OF DEFENSE FOR MONITORING OPTEMPO AND PERSTEMPO.

Section 136 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d) The Under Secretary of Defense for Personnel and Readiness is responsible, subject to the authority, direction, and control of the Secretary of Defense, for the monitoring of the operations tempo and personnel tempo of the armed forces. The Under Secretary shall establish, to the extent practicable, uniform standards within the Department of Defense for terminology and policies relating to deployment of units and personnel away from their assigned duty stations (including the length of time units or personnel may be away for such a deployment) and shall establish uniform reporting systems for tracking deployments.''.

SEC. 907. REPORT ON MILITARY SPACE ISSUES.

(a) REPORT.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on United States military space policy. The report shall address current and projected United States efforts to fully exploit space in preparation for possible conflicts in 2010 and beyond. The report shall specifically address the following:

(1) The general organization of the Department of Defense for addressing space issues, the functions of the various Department of Defense and military agencies, components, and elements with responsibility for military space issues, the practical effect of creating a new military service with responsibility for military operations in space, and the advisability of establishing an Assistant Secretary of Defense for Space.

(2) The manner in which current national military space policy is incorporated into overall United States national space policy.

(3) The manner in which the Department of Defense is organized to develop doctrine for the military use of space.

(4) The manner in which military space issues are addressed by professional military education institutions, to include a listing of specific courses offered at those institutions that focuses on military space policy.

(5) The manner in which space control issues are incorporated into current and planned experiments and exercises.

(6) The manner in which military space assets are being fully exploited to provide support for United States contingency operations.

(7) United States policy toward the use of commercial launch vehicles and facilities for the launch of military assets.

(8) The current interagency coordination process regarding the operation of military space assets, including identification of interoperability and communications issues.

(9) Policies and procedures for sharing missile launch early warning data with United States allies and friendly countries.

(10) Issues regarding the capability to detect threats to United States space assets.

(11) The manner in which the presence of space debris is expected to affect United States military space launch policy and the future design of military spacecraft.

(12) Whether military space programs should be funded separately from other service programs and whether the Global Positioning System should be funded through a Defense-wide appropriation account.

(b) CLASSIFICATION AND DEADLINE FOR REPORT.—The report required by subsection (a) shall be prepared in both classified and unclassified form and shall be submitted not later than March 1, 2000.

SEC. 908. EMPLOYMENT AND COMPENSATION OF CIVILIAN FACULTY MEMBERS OF DEPARTMENT OF DEFENSE AFRICAN CENTER FOR STRATEGIC STUDIES.

(a) FACULTY.—Subsection (c) of section 1595 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) The African Center for Strategic Studies.''.

(b) DIRECTOR AND DEPUTY DIRECTOR.—Subsection (e) of such section is amended by adding at the end the following new paragraph:

''(4) The African Center for Strategic Studies.''.

SEC. 909. ADDITIONAL MATTERS FOR ANNUAL REPORT ON JOINT WARFIGHTING EXPERIMENTATION.

Section 485(b) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(5) With respect to interoperability of equipment and forces, any recommendations that the commander considers appropriate, developed on the basis of joint warfighting experimentation, for reducing unnecessary redundancy of equipment and forces, including guidance regarding the synchronization of the fielding of advanced technologies among the armed forces to enable the development and execution of joint operational concepts.

''(6) Recommendations for mission needs statements and operational requirements related to the joint experimentation and evaluation process.

''(7) Recommendations based on the results of joint experimentation for the relative priorities for acquisition programs to meet joint requirements.''.

SEC. 910. DEFENSE TECHNOLOGY SECURITY ENHANCEMENT.

(a) REORGANIZATION OF TECHNOLOGY SECURITY FUNCTIONS OF DEPARTMENT OF DEFENSE.—The Secretary of Defense shall establish the Technology Security Directorate of the Defense Threat Reduction Agency as a separate Defense Agency named the Defense Technology Security Agency. The Agency shall be under the authority, direction, and control of the Under Secretary of Defense for Policy.

(b) DIRECTOR.—The Director of the Defense Technology Security Agency shall also serve as Deputy Under Secretary of Defense for Technology Security Policy.

(c) FUNCTIONS.—The Director shall advise the Secretary of Defense and the Deputy Secretary of Defense, through the Under Secretary of Defense for Policy, on policy issues related to the transfer of strategically sensitive technology, including the following:

(1) Strategic trade.

(2) Defense cooperative programs.

(3) Science and technology agreements and exchanges.

(4) Export of munitions items.

(5) International Memorandums of Understanding.

(6) Industrial base and competitiveness concerns.

(7) Foreign acquisitions.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2000 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,000,000,000.

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on Armed Services of the House of Representatives to accompany its report on the bill H.R. 1401 of the One Hundred Sixth Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 1003. AUTHORIZATION OF PRIOR EMERGENCY MILITARY PERSONNEL APPROPRIATIONS.

There is authorized to be appropriated the amount of $1,838,426,000 appropriated to the Department of Defense for military personnel accounts in section 2012 of the 1999 Emergency Supplemental Appropriations Act.

SEC. 1004. REPEAL OF REQUIREMENT FOR TWO-YEAR BUDGET CYCLE FOR THE DEPARTMENT OF DEFENSE.

Section 1405 of the Department of Defense Authorization Act, 1986 (31 U.S.C. 1105 note), is repealed.

SEC. 1005. CONSOLIDATION OF VARIOUS DEPARTMENT OF THE NAVY TRUST AND GIFT FUNDS.

(a) CONSOLIDATION OF NAVAL ACADEMY GENERAL GIFT FUND AND MUSEUM FUND.—(1) Subsection (a) of section 6973 of title 10, United States Code, is amended to read as follows:

''(a)(1) The Secretary of the Navy may accept, hold, administer, and spend gifts and bequests of personal property, and loans of personal property other than money, made on the condition that the personal property be used for the benefit of, or in connection with, the Naval Academy or the Naval Academy Museum, its collection, or its services.

''(2) Gifts or bequests of money, and the proceeds from the sales of property received as a gift or bequest, shall be deposited in the Treasury in the fund called 'United States Naval Academy Gift and Museum Fund'. The Secretary may disburse funds deposited under this paragraph for the benefit or use of the Naval Academy or the Naval Academy Museum subject to the terms of the gift or bequest.''.

(2) Subsection (c) of such section is amended by striking ''United States Naval Academy general gift fund'' both places it appears and inserting ''United States Naval Academy Gift and Museum Fund''.

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

''(d) The Secretary shall develop written guidelines to be used in determining whether the acceptance of money, personal property, or loans of personal property under subsection (a) would—

''(1) reflect unfavorably upon the ability of the Department of the Navy to carry out its responsibilities in a fair and objective manner;

''(2) reflect unfavorably upon the ability of any employee of the Department of the Navy to carry out the employee's official duties in a fair and objective manner; or

''(3) compromise the integrity, or the appearance of the integrity, of Navy programs or any employee involved in such programs.''.

(b) REPEAL OF NAVAL ACADEMY MUSEUM FUND.—Section 6974 of title 10, United States Code, is repealed.

(c) REPEAL OF NAVAL HISTORICAL CENTER FUND.—Section 7222 of such title is repealed.

(d) TRANSFER OF FUNDS.—The Secretary of the Navy shall transfer—

(1) all funds in the United States Naval Academy Museum Fund as of the date of the enactment of this Act to the United States Naval Academy Gift and Museum Fund established by section 6973(a) of title 10, United States Code, as amended by subsection (a); and

(2) all funds in the Naval Historical Center Fund as of the date of the enactment of this Act to the Department of the Navy General Gift Fund established by section 2601(b)(2) of such title.

(e) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 603 of title 10, United States Code, is amended by striking the item relating to section 6974.

(2) The table of sections at the beginning of chapter 631 of such title is amended by striking the item relating to section 7222.

SEC. 1006. SUPPLEMENTAL APPROPRIATIONS REQUEST FOR OPERATIONS IN YUGOSLAVIA.

If the President determines that it is in the national security interest of the United States to conduct combat or peacekeeping operations in the Federal Republic of Yugoslavia during fiscal year 2000, the President shall transmit to the Congress a supplemental appropriations request for the Department of Defense for such amounts as are necessary for the costs of any such operation.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. REVISION TO CONGRESSIONAL NOTICE-AND-WAIT PERIOD REQUIRED BEFORE TRANSFER OF A VESSEL STRICKEN FROM THE NAVAL VESSEL REGISTER.

Section 7306(d) of title 10, United States Code, is amended to read as follows:

''(d) CONGRESSIONAL NOTICE-AND-WAIT PERIOD.—(1) A transfer under this section may not take effect until—

''(A) the Secretary submits to Congress notice of the proposed transfer; and

''(B) 30 days of session of Congress have expired following the date on which the notice is sent to Congress.

''(2) For purposes of paragraph (1)(B)—

''(A) the period of a session of Congress is broken only by an adjournment of Congress

sine die at the end of the final session of a Congress; and

''(B) any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain, or because of an adjournment sine die at the end of the first session of a Congress, shall be excluded in the computation of such 30-day period.''.

SEC. 1012. AUTHORITY TO CONSENT TO RETRANSFER OF FORMER NAVAL VESSEL.

(a) IN GENERAL.—Subject to subsection (b), the President may consent to the retransfer by the Government of Greece of HS Rodos (ex-USS BOWMAN COUNTY (LST 391)) to the USS LST Ship Memorial, Inc., a not-for-profit organization operating under the laws of the State of Pennsylvania.

(b) CONDITIONS FOR CONSENT.—The President should not exercise the authority under subsection (a) unless the USS LST Memorial, Inc. agrees—

(1) to use the vessel for public, nonprofit, museum-related purposes; and

(2) to comply with applicable law with respect to the vessel, including those requirements related to facilitating monitoring by the United States of, and mitigating potential environmental hazards associated with, aging vessels, and has a demonstrated financial capability to so comply.

SEC. 1013. REPORT ON NAVAL VESSEL FORCE STRUCTURE REQUIREMENTS.

(a) REQUIREMENT.—Not later than February, 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Service of the Senate and the Committee on Armed Services of the House of Representatives a report on naval vessel force structure requirements.

(b) MATTERS TO BE INCLUDED.— The report shall provide—

(1) a statement of the naval vessel force structure required to carry out the National Military Strategy, including that structure required to meet joint and combined warfighting requirements and missions relating to crisis response, overseas presence, and support to contingency operations; and

(2) a statement of the naval vessel force structure that is supported and funded in the President's budget for fiscal year 2001 and in the current future-years defense program.

SEC. 1014. AUXILIARY VESSELS ACQUISITION PROGRAM FOR THE DEPARTMENT OF DEFENSE.

(a) PROGRAM AUTHORIZATION.—(1) Chapter 631 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 7233. Auxiliary vessels: extended lease authority

''(a) AUTHORIZED CONTRACTS.—After September 30, 1999, the Secretary of the Navy, subject to subsection (b), may enter into contracts with private United States shipyards for the construction of new surface vessels to be long-term leased by the United States from the shipyard or other private person for any of the following:

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

''(2) The strategic sealift force of the Navy.

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

''(b) CONTRACTS REQUIRED TO BE AUTHORIZED BY LAW.—A contract may be entered into under subsection (a) with respect to a specific vessel only if the Secretary is specifically authorized by law to enter into such a contract with respect to that vessel.

''(c) FUNDS FOR CONTRACT PAYMENTS.—The Secretary may make payments for contracts entered into under subsection (a) and under subsection (g) using funds available for obligation from operation and maintenance accounts during the fiscal year for which the payments are required to be made. Any such contract shall provide that the United States is not required to make a payment under the contract (other than a termination payment, if required) before October 1, 2001.

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

''(e) OPTION TO BUY.—A contract entered into under subsection (a) may include options for the United States to purchase one or more of the vessels covered by the contract at any time during, or at the end of, the contract period (including any option period) upon payment of an amount equal to the lesser of (1) the unamortized portion of the cost of the vessel plus amounts incurred in connection with the termination of the financing arrangements associated with the vessel, or (2) the fair market value of the vessel.

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

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

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

''(g) VESSEL OPERATION.—(1) The Secretary shall operate a vessel held by the Secretary under a long-term lease under this section through a contract with a United States domiciled corporation with experience in the operation of vessels for the United States. Any such contract shall be for a term as determined by the Secretary.

''(2) The Secretary may provide a crew for any such vessel using civil service mariners only after an evaluation and competition taking into account—

''(A) the fully burdened cost of a civil service crew over the expected useful life of the vessel;

''(B) the effect on the private sector manpower pool; and

''(C) the operational requirements of the Department of the Navy.

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

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

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

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

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

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

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

''(3) funds appropriated for those costs.''.

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

''7233. Auxiliary vessels: extended lease authority.''.

(b) DEFINITION OF DEPARTMENT OF DEFENSE SEALIFT VESSEL.—Section 2218(k)(2) of title 10, United States Code, is amended—

(1) by striking ''that is—'' in the matter preceding subparagraph (A) and inserting ''that is any of the following:'';

(2) by striking ''a'' at the beginning of subparagraphs (A), (B), and (E) and inserting ''A'';

(3) by striking ''an'' at the beginning of subparagraphs (C) and (D) and inserting ''An'';

(4) by striking the semicolon at the end of subparagraphs (A), (B), and (C) and inserting a period;

(5) by striking ''; or'' at the end of subparagraph (D) and inserting a period; and

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

''(F) A large medium-speed roll-on/roll-off ship.

''(G) A combat logistics force ship.

''(H) Any other auxiliary support vessel.''.

SEC. 1015. AUTHORITY TO PROVIDE ADVANCE PAYMENTS FOR THE NATIONAL DEFENSE FEATURES PROGRAM.

(a) IN GENERAL.—Section 2218 of title 10, United States Code, is amended—

(1) by redesignating subsection (k) as subsection (l); and

(2) by inserting after subsection (j) the following new subsection (k):

''(k)(1) The Secretary of Defense, after making a determination of economic soundness for any proposed offer, may provide advance payments to a contractor by lump sum or annual payments (or a combination thereof) for the following costs associated with inclusion or incorporation of defense features in a commercial vessel:

''(A) Costs to build, procure, and install the defense features in the vessel.

''(B) Costs to periodically maintain and test the defense features on the vessel.

''(C) Any increased costs of operation or any loss of revenue attributable to the inclusion or incorporation of the defense feature on the vessel.

''(D) Any additional costs associated with the terms and conditions of the contract to install and incorporate defense features.

''(2) For any contract under which the United States provides advance payments under paragraph (1) for the costs associated with incorporation or inclusion of defense features in a commercial vessel, the contractor shall provide to the United States such security interests, which may include a preferred mortgage under section 31322 of title 46, on the vessel as the Secretary may prescribe to project the interests of the United States relating to all costs associated with incorporation or inclusion of defense features in such vessel or vessels.

''(3) The functions of the Secretary under this subsection may not be delegated to an officer or employee in a position below the head of the procuring activity, as defined in section 2304(f)(6)(A) of this title.''.

(b) EFFECTIVE DATE.—Subsection (j) of section 2218 of title 10, United States Code, as added by subsection (a), shall apply to contracts entered into after September 30, 1999.

Subtitle C—Matters Relating to Counter Drug Activities

SEC. 1021. SUPPORT FOR DETECTION AND MONITORING ACTIVITIES IN THE EASTERN PACIFIC OCEAN.

(a) OPERATION CAPER FOCUS.—Of the amount authorized to be appropriated by section 301(20) for drug interdiction and counter-drug activities, $6,000,000 shall be available for the purpose of conducting the counter-drug operation known as Caper Focus, which targets the maritime movement of cocaine on vessels in the eastern Pacific Ocean.

(b) FUNDS FOR CONVERSION OF WIDE APERTURE RADAR FACILITY TO OPERATIONAL STATUS.—Of the amount authorized to be appropriated by such section, $17,500,000 shall be available for the purpose of—

(1) converting the Over-The-Horizon Radar facility known as the Wide Aperture Radar Facility in southern California from a research to operational status; and

(2) using the facility on a full-time basis to detect and track both air and maritime drug traffic in the eastern Pacific Ocean and to monitor the international border in the southwestern United States.

(c) CONTRIBUTION OF ASSETS.—The Secretary of the Air Force shall make available for use at the Wide Aperture Radar Facility described in subsection (b) two OTH-B Continental 100 KW transmitters and necessary spare parts to ensure the conversion of the facility to operational status.

(d) TEST AGAINST GO-FAST BOATS.—As part of the conversion of the Wide Aperture Radar Facility described in subsection (b) to operational status, the Secretary of Defense shall evaluate the ability of the facility to detect and track the high-speed maritime vessels typically used in the transportation of illegal drugs by water.

(e) PROGRESS REPORT.—Not later than April 15, 2000, the Secretary of Defense shall submit a report to Congress evaluating the effectiveness of the Wide Aperture Radar Facility described in subsection (b) in counter-drug detection monitoring and border surveillance.

SEC. 1022. CONDITION ON DEVELOPMENT OF FORWARD OPERATING LOCATIONS FOR UNITED STATES SOUTHERN COMMAND COUNTER-DRUG DETECTION AND MONITORING FLIGHTS.

None of the funds appropriated or otherwise made available to the Department of Defense for any fiscal year may be obligated or expended for the purpose of improving the physical infrastructure at any proposed forward operating location outside the United States from which the United States Southern Command may conduct counter-drug detection and monitoring flights until a formal agreement regarding the extent and use of, and host nation support for, the forward operating location is executed by both the host nation and the United States.

SEC. 1023. UNITED STATES MILITARY ACTIVITIES IN COLOMBIA.

Section 1033(f) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 U.S.C. 1881) is amended—

(1) by redesignating paragraph (4) as paragraph (5) and, in such paragraph, by striking ''National Security'' and inserting ''Armed Services''; and

(2) by inserting after paragraph (3) the following new paragraph:

''(4) Not later than January 1 of each year, the Secretary shall submit to the congressional committees a report detailing the number of United States military personnel deployed or otherwise assigned to duty in Colombia at any time during the preceding year, the length and purpose of the deployment or assignment, and the costs and force protection risks associated with such deployments and assignments.''.

SEC. 1024. ASSIGNMENT OF MEMBERS TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

''§ 374a. Assignment of members to assist border patrol and control

''(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

''(1) the Immigration and Naturalization Service in preventing the entry of terrorists and drug traffickers into the United States; and

''(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

''(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

''(1) the assignment is at the request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service, or the Secretary of the Treasury, in the case of an assignment to the United States Customs Service; and

''(2) the request of the Attorney General or the Secretary of the Treasury (as the case may be) is accompanied by a certification by the President that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

''(c) TRAINING PROGRAM.—If the assignment of members is requested under subsection (b), the Attorney General or the Secretary of the Treasury (as the case may be), together with the Secretary of Defense, shall establish a training program to ensure that members to be assigned receive general instruction regarding issues affecting law enforcement in the border areas in which the members will perform duties under the assignment. A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

''(d) CONDITIONS ON USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Immigration and Naturalization Service or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

''(2) Nothing in this section shall be construed to—

''(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

''(B) supersede section 1385 of title 18 (popularly known as the 'Posse Comitatus Act').

''(e) NOTIFICATION REQUIREMENTS.—The Attorney General or the Secretary of the Treasury (as the case may be) shall notify the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a), and local governments in the deployment area, of the deployment of the members to assist the Immigration and Naturalization Service or the United States Customs Service (as the case may be) and the types of tasks to be performed by the members.

''(f) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members assigned under subsection (a).

''(g) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2002.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

''374a. Assignment of members to assist border patrol and control.''.

Subtitle D—Other Matters

SEC. 1031. IDENTIFICATION IN BUDGET MATERIALS OF AMOUNTS FOR DECLASSIFICATION ACTIVITIES AND LIMITATION ON EXPENDITURES FOR SUCH ACTIVITIES.

(a) IN GENERAL.—(1) Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 229. Amounts for declassification of records

''(a) SPECIFIC IDENTIFICATION IN BUDGET.—The Secretary of Defense shall include in the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) specific identification, as a budgetary line item, of the amounts required to carry out programmed activities during that fiscal year to declassify records pursuant to Executive Order 12958 (50 U.S.C. 435 note), or any successor Executive order, or to comply with any statutory requirement to declassify Government records.''.

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

''229. Amounts for declassification of records.''.

(b) LIMITATION ON EXPENDITURES.—The total amount expended by the Department of Defense during fiscal year 2000 to carry out activities to declassify records pursuant to Executive Order 12958 (50 U.S.C. 435 note), or any successor Executive order, or to comply with any statutory requirement to declassify Government records may not exceed $20,000,000.

SEC. 1032. NOTICE TO CONGRESSIONAL COMMITTEES OF COMPROMISE OF CLASSIFIED INFORMATION WITHIN DEFENSE PROGRAMS OF THE UNITED STATES.

(a) IN GENERAL.—The Secretary of Defense shall notify the committees specified in subsection (c) of any information, regardless of its origin, that the Secretary receives that indicates that classified information relating to any defense operation, system, or technology of the United States is being, or may have been, disclosed in an unauthorized manner to a foreign power or an agent of a foreign power.

(b) MANNER OF NOTIFICATION.—A notification under subsection (a) shall be provided, in writing, not later than 30 days after the date of the initial receipt of such information by the Department of Defense.

(c) SPECIFIED COMMITTEES.—The committees referred to in subsection (a) are the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives.

(d) FOREIGN POWER.—For purposes of this section, the terms ''foreign power'' and ''agent of a foreign power'' have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

SEC. 1033. REVISION TO LIMITATION ON RETIREMENT OR DISMANTLEMENT OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.

(a) REVISED LIMITATION.—Subsections (a) and (b) of section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) are amended to read as follows:

''(a) FUNDING LIMITATION.—(1) Except as provided in paragraph (2), funds available to the Department of Defense may not be obligated or expended for retiring or dismantling, or for preparing to retire or dismantle, any of the following strategic nuclear delivery systems below the specified levels:

''(A) 76 B–52H bomber aircraft.

''(B) 18 Trident ballistic missile submarines.

''(C) 500 Minuteman III intercontinental ballistic missiles.

''(D) 50 Peacekeeper intercontinental ballistic missiles.

''(2) The limitation in paragraph (1) shall cease to apply upon a certification by the President to Congress of the following:

''(A) That the effectiveness of the United States strategic deterrent will not be decreased by reductions in strategic nuclear delivery systems.

''(B) That the requirements of the Single Integrated Operational Plan can be met with a reduced number of strategic nuclear delivery systems.

''(C) That reducing the number of strategic nuclear delivery systems will not, in the judgment of the President, provide a disincentive for Russia to ratify the START II treaty or serve to undermine future arms control negotiations.

''(3) If the Presidents submits the certification described in paragraph (2), then effective upon the submission of that certification, funds available to the Department of Defense may not be obligated or expended to maintain a United States force structure of strategic nuclear delivery systems with a total capacity in warheads that is less than 98 percent of the 6,000 warhead limitation applicable to the United States and in effect under the Strategic Arms Reduction Treaty.

''(b) WAIVER AUTHORITY.—If the START II treaty enters into force, the President may waive the application of the limitation in effect under paragraph (1) or (3) of subsection (a), as the case may be, to the extent that the President determines such a waiver to be necessary in order to implement the treaty.''.

(b) COVERED SYSTEMS.—(1) Subsection (e) of such section is amended to read as follows:

''(e) STRATEGIC NUCLEAR DELIVERY SYSTEMS DEFINED.—For purposes of this section, the term 'strategic nuclear delivery systems' means the following:

''(1) B–52H bomber aircraft.

''(2) Trident ballistic missile submarines.

''(3) Minuteman III intercontinental ballistic missiles.

''(4) Peacekeeper intercontinental ballistic missiles.''.

(2) Subsection (c)(2) of such section is amended by striking ''specified in subsection (a)''.

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

(1) in subsection (c)(2), by striking ''during the strategic delivery systems retirement limitation period'' and inserting ''during the fiscal year during which the START II Treaty enters into force''; and

(2) by striking subsection (g).

SEC. 1034. ANNUAL REPORT BY CHAIRMAN OF JOINT CHIEFS OF STAFF ON THE RISKS IN EXECUTING THE MISSIONS CALLED FOR UNDER THE NATIONAL MILITARY STRATEGY.

Section 153 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c) RISKS UNDER NATIONAL MILITARY STRATEGY.—(1) Not later than January 1 each year, the Chairman shall submit to the Secretary of Defense a report providing the Chairman's assessment of the nature and magnitude of the strategic and military risks associated with executing the missions called for under the current National Military Strategy.

''(2) The Secretary shall forward the report received under paragraph (1) in any year, with the Secretary's comments thereon (if any), to Congress with the Secretary's next transmission to Congress of the annual Department of Defense budget justification materials in support of the Department of Defense component of the budget of the President submitted under section 1105 of title 31 for the next fiscal year. If the Chairman's assessment in such report in any year is that risk associated with executing the missions called for under the National Military Strategy is significant, the Secretary shall include with the report as submitted to Congress the Secretary's plan for mitigating that risk.''.

SEC. 1035. REQUIREMENT TO ADDRESS UNIT OPERATIONS TEMPO AND PERSONNEL TEMPO IN DEPARTMENT OF DEFENSE ANNUAL REPORT.

(a) REPORTING REQUIREMENTS.—Chapter 23 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 486. Unit operations tempo and personnel tempo: annual report

''(a) INCLUSION IN ANNUAL REPORT.—The Secretary of Defense shall include in the annual report required by section 113(c) of this title a description of the operations tempo and personnel tempo of the armed forces.

''(b) SPECIFIC REPORTING REQUIREMENTS.—To satisfy subsection (a), the report shall include the following:

''(1) A description of the methods by which each of the armed forces measures operations tempo and personnel tempo.

''(2) A description of the personnel tempo policies of each of the armed forces and any changes to these policies since the preceding report.

''(3) A table depicting the active duty end strength for each of the armed forces for each of the preceding five years and also depicting the number of members of each of the armed forces deployed over the same period, as determined by the Secretary concerned.

''(4) An identification of the active and reserve component units of the armed forces participating at the battalion, squadron, or an equivalent level (or a higher level) in contingency operations, major training events, and other exercises and contingencies of such a scale that the exercises and contingencies receive an official designation, that were conducted during the period covered by the report and the duration of their participation.

''(5) For each of the armed forces, the average number of days a member of that armed force was deployed away from the member's home station during the period covered by the report as compared to recent previous years for which such information is available.

''(6) For each of the armed forces, the number of days that high demand, low density units (as defined by the Chairman of the Joint Chiefs of Staff) were deployed during the period covered by the report, and whether these units met the force goals for limiting deployments, as described in the personnel tempo policies applicable to that armed force.

''(c) DEFINITIONS.—In this section:

''(1) The term 'operations tempo' means the rate at which units of the armed forces are involved in all military activities, including contingency operations, exercises, and training deployments.

''(2) The term 'personnel tempo' means the amount of time members of the armed forces are engaged in their official duties, including the rate at which members are required, as a result of these duties, to spend nights away from home.

''(3) The term 'armed forces' does not include the Coast Guard when it is not operating as a service in the Department of the Navy.''.

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

''486. Unit operations tempo and personnel tempo: annual report.''.

SEC. 1036. PRESERVATION OF CERTAIN DEFENSE REPORTING REQUIREMENTS.

Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following provisions of law:

(1) The following sections of title 10, United States Code: sections 113, 115a, 116, 139(f), 221, 226, 401(d), 667, 2011(e), 2391(c), 2431(a), 2432, 2457(d), 2537, 2662(b), 2706(b), 2861, 2902(g)(2), 4542(g)(2), 7424(b), 7425(b), 10541, 10542, and 12302(d).

(2) Sections 301a(f) and 1008 of title 37, United States Code.

(3) Sections 11 and 14 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h–2, 98h–5).

(4) Section 4(a) of Public Law 85–804 (50 U.S.C. 1434(a)).

(5) Section 10(g) of the Military Selective Service Act (50 U.S.C. App. 460(g)).

(6) Section 3134 of the National Defense Authorization Act, Fiscal Year 1991 (42 U.S.C. 7274c).

(7) Section 822(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 6687(b)).

(8) Section 1097 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (22 U.S.C. 2751 note).

(9) Sections 208, 901(b)(2), and 1211 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1118, 1241(b)(2), 1291).

(10) Section 12 of the Act of March 9, 1920 (popularly known as the ''Suits in Admiralty Act'') (46 App. U.S.C. 752).

SEC. 1037. TECHNICAL AND CLERICAL AMENDMENTS.

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 136(a) is amended by inserting ''advice and'' after ''by and with the''.

(2) Section 180(d) is amended by striking ''grade GS–18 of the General Schedule under section 5332 of title 5'' and inserting ''Executive Schedule Level IV under section 5376 of title 5''.

(3) Section 192(d) is amended by striking ''the date of the enactment of this subsection'' and inserting ''October 17, 1998''.

(4) Section 374(b) is amended—

(A) in paragraph (1), by aligning subparagraphs (C) and (D) with subparagraphs (A) and (B); and

(B) in paragraph (2)(F), by striking the second semicolon at the end of clause (i).

(5) Section 664(i)(2)(A) is amended by striking ''the date of the enactment of this subsection'' and inserting ''February 10, 1996''.

(6) Section 777(d)(1) is amended by striking ''may not exceed'' and all that follows and inserting ''may not exceed 35.''.

(7) Section 977(d)(2) is amended by striking ''the lesser of'' and all that follows through ''(B)''.

(8) Section 1073 is amended by inserting ''(42 U.S.C. 14401 et seq.)'' before the period at the end of the second sentence.

(9) Section 1076a(j)(2) is amended by striking ''1 year'' and inserting ''one year''.

(10) Section 1370(d) is amended—

(A) in paragraph (1), by striking ''chapter 1225'' and inserting ''chapter 1223''; and

(B) in paragraph (5), by striking ''the date of the enactment of this paragraph'' and inserting ''October 17, 1998,''.

(11) Section 1401a(b)(2) is amended—

(A) by striking ''MEMBERS'' and all that follows through ''The Secretary shall'' and inserting ''MEMBERS.—The Secretary shall'';

(B) by striking subparagraphs (B) and (C); and

(C) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B) and realigning those subparagraphs, as so redesignated, so as to be indented four ems from the left margin.

(12) Section 1406(i)(2) is amended by striking ''on or after the date of the enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999'' and inserting ''after October 16, 1998''.

(13) Section 1448(b)(3)(E)(ii) is amended by striking ''on or after the date of the enactment of the subparagraph'' and inserting ''after October 16, 1998,''.

(14) Section 1501(d) is amended by striking ''prescribed'' in the first sentence and inserting ''described''.

(15) Section 1509(a)(2) is amended by striking ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998'' in subparagraphs (A) and (B) and inserting ''November 18, 1997,''.

(16) Section 1513(1) is amended by striking '', under the circumstances specified in the last sentence of section 1509(a) of this title'' and inserting ''who is required by section 1509(a)(1) of this title to be considered a missing person''.

(17) Section 2208(l)(2)(A) is amended by inserting ''of'' after ''during a period''.

(18) Section 2212(f) is amended—

(A) in paragraphs (2) and (3), by striking ''after the date of the enactment of this section'' and inserting ''after October 17, 1998,''; and

(B) in paragraphs (2), (3) and (4), by striking ''as of the date of the enactment of this section'' and inserting ''as of October 17, 1998''.

(19) Section 2302c(b) is amended by striking ''section 2303'' and inserting ''section 2303(a)''.

(20) Section 2325(a)(1) is amended by inserting ''that occurs after November 18, 1997,'' after ''of the contractor'' in the matter that precedes subparagraph (A).

(21) Section 2469a(c)(3) is amended by striking ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998'' and inserting ''November 18, 1997''.

(22) Section 2486(c) is amended by striking ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998,'' in the second sentence and inserting ''November 18, 1997,''.

(23) Section 2492(b) is amended by striking ''the date of the enactment of this section'' and inserting ''October 17, 1998''.

(24) Section 2539b(a) is amended by striking ''secretaries of the military departments'' and inserting ''Secretaries of the military departments''.

(25) Section 2641a is amended—

(A) by striking '', United States Code,'' in subsection (b)(2); and

(B) by striking subsection (d).

(26) Section 2692(b) is amended—

(A) by striking ''apply to—'' in the matter preceding paragraph (1) and inserting ''apply to the following:'';

(B) by striking ''the'' at the beginning of each of paragraphs (1) through (11) and inserting ''The'';

(C) by striking the semicolon at the end of each of paragraphs (1) through (9) and inserting a period; and

(D) by striking ''; and'' at the end of paragraph (10) and inserting a period.

(27) Section 2696 is amended—

(A) in subsection (a), by inserting ''enacted after December 31, 1997,'' after ''any provision of law'';

(B) in subsection (b)(1), by striking ''required by paragraph (1)'' and inserting ''referred to in subsection (a)''; and

(C) in subsection (e)(4), by striking ''the date of enactment of the National Defense Authorization Act for Fiscal Year 1998'' and inserting ''November 18, 1997''.

(28) Section 2703(c) is amended by striking ''United States Code,''.

(29) Section 2837(d)(2)(C) is amended by striking ''the National Defense Authorization Act for Fiscal Year 1996'' and inserting ''this section''.

(30) Section 7315(d)(2) is amended by striking ''the date of the enactment of the National Defense Authorization Act for Fiscal Year 1998'' and inserting ''November 18, 1997,''.

(31) Section 7902(e)(5) is amended by striking '', United States Code,''.

(32) The item relating to section 12003 in the table of sections at the beginning of chapter 1201 is amended by inserting ''in an'' after ''officers''.

(33) Section 14301(g) is amended by striking ''1 year'' both places it appears and inserting ''one year''.

(34) Section 16131(b)(1) is amended by inserting ''in'' after ''Except as provided''

(b) PUBLIC LAW 105–261.—Effective as of October 17, 1998, and as if included therein as enacted, the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1920 et seq.) is amended as follows:

(1) Section 402(b) (112 Stat. 1996) is amended by striking the third comma in the first quoted matter and inserting a period.

(2) Section 511(b)(2) (112 Stat. 2007) is amended by striking ''section 1411'' and inserting ''section 1402''.

(3) Section 513(a) (112 Stat. 2007) is amended by striking ''section 511'' and inserting ''section 512(a)''.

(4) Section 525(b) (112 Stat. 2014) is amended by striking ''subsection (i)'' and inserting ''subsection (j)''.

(5) Section 568 (112 Stat. 2031) is amended by striking ''1295(c)'' in the matter preceding paragraph (1) and inserting ''1295b(c)''.

(6) Section 722(c)(1)(D) (112 Stat. 2067) is amended by striking ''subsection (c)'' and inserting ''subsection (d)''.

(c) PUBLIC LAW 105–85.—The National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) is amended as follows:

(1) Section 557(b) (111 Stat. 1750) is amended by inserting ''to'' after ''with respect''.

(2) Section 563(b) (111 Stat. 1754) is amended by striking ''title'' and inserting ''subtitle''.

(3) Section 644(d)(2) (111 Stat. 1801) is amended by striking ''paragraphs (3) and (4)'' and inserting ''paragraphs (7) and (8)''.

(4) Section 934(b) (111 Stat. 1866) is amended by striking ''of'' after ''matters concerning''.

(d) OTHER LAWS.—

(1) Effective as of April 1, 1996, section 647(b) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 370) is amended by inserting ''of such title'' after ''Section 1968(a)''.

(2) Section 414 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 12001 note) is amended—

(A) by striking ''pilot'' in subsection (a), ''PILOT'' in the heading of subsection (a), and ''**pilot**'' in the section heading; and

(B) in subsection (c)(1)—

(i) by striking ''2,000'' in the first sentence and inserting ''5,000''; and

(ii) by striking the second sentence.

(3) Sections 8334(c) and 8422(a)(3) of title 5, United States Code, are each amended in the item for nuclear materials couriers—

(A) by striking ''to the day before the date of the enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999'' and inserting ''to October 16, 1998''; and

(B) by striking ''The date of the enactment of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999'' and inserting ''October 17, 1998''.

(4) Section 113(b)(2) of title 32, United States Code, is amended by striking ''the date of the enactment of this subsection'' and inserting ''October 17, 1998''.

(5) Section 1007(b) of title 37, United States Code, is amended by striking the second sentence.

(6) Section 845(b)(1) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2371 note) is amended by striking ''(e)(2) and (e)(3) of such section 2371'' and inserting ''(e)(1)(B) and (e)(2) of such section 2371''.

SEC. 1038. CONTRIBUTIONS FOR SPIRIT OF HOPE ENDOWMENT FUND OF UNITED SERVICE ORGANIZATIONS, INCORPORATED.

(a) GRANTS AUTHORIZED.—Subject to subsection (c), the Secretary of Defense may make grants to the United Service Organizations, Incorporated, a federally chartered corporation under chapter 2201 of title 36, United States Code, to contribute funds for the USO's Spirit of Hope Endowment Fund.

(b) GRANT INCREMENTS.—The amount of the first grant under subsection (a) may not exceed $2,000,000. The amount of the second grant under such subsection may not exceed $3,000,000, and subsequent grants may not exceed $5,000,000.

(c) MATCHING REQUIREMENT.—Each grant under subsection (a) may not be made until after the United Service Organizations, Incorporated, certifies to the Secretary of Defense that sufficient funds have been raised from non-Federal sources for deposit in the Spirit of Hope Endowment Fund to match, on a dollar-for-dollar basis, the amount of that grant.

(d) FUNDING.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $25,000,000 shall be available to the Secretary of Defense for the purpose of making grants under subsection (a).

SEC. 1039. CHEMICAL DEFENSE TRAINING FACILITY.

(a) AUTHORITY TO TRANSFER AGENTS.—(1) The Secretary of Defense may transfer to the Attorney General quantities of non-stockpile lethal chemical agents required to support training at the Chemical Defense Training Facility at the Center for Domestic Preparedness in Fort McClellan, Alabama. The quantity of non-stockpile lethal chemical agents that may be transferred under this section may not exceed that required to support training for emergency first-response personnel in addressing the health, safety and law enforcement concerns associated with potential terrorist incidents that might involve the use of lethal chemical weapons or agents, or other training designated by the Attorney General.

(2) The Secretary of Defense, in coordination with the Attorney General, shall determine the amount of non-stockpile lethal chemical agents that shall be transferred under this section. Such amount shall be transferred from quantities of non-stockpile lethal chemical agents that are maintained by the Department of Defense for research, development, test, and evaluation of chemical defense material and for live-agent training of chemical defense personnel and other individuals by the Department of Defense.

(3) The Secretary of Defense may not transfer non-stockpile lethal chemical agents under this section until—

(A) the Chemical Defense Training Facility referred to in paragraph (1) is transferred from the Department of Defense to the Department of Justice; and

(B) the Secretary certifies that the Attorney General is prepared to receive such agents.

(4) Quantities of non-stockpile lethal chemical agents transferred under this section shall meet all applicable requirements for transportation, storage, treatment, and disposal of such agents and for any resulting hazardous waste products.

(b) ANNUAL REPORT.—The Secretary of Defense, in consultation with Attorney General and the Administrator of the Environmental Protection Agency, shall report annually to Congress regarding the disposition of non-stockpile lethal chemical agents transferred under this section.

(c) NON-STOCKPILE LETHAL CHEMICAL AGENTS.—In this section, the term ''non-stockpile lethal chemical agents'' includes those chemicals in the possession of the Department of Defense that are not part of the chemical weapons stockpile and that are applied to research, medical, pharmaceutical, or protective purposes in accordance with Article VI of the Conventional Weapons Convention Treaty.

SEC. 1040. ASIA-PACIFIC CENTER FOR SECURITY STUDIES.

(a) WAIVER OF CHARGES.—(1) The Secretary of Defense may waive reimbursement of the costs of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for military officers and civilian officials of foreign nations of the Asia-Pacific region if the Secretary determines that attendance by such persons without reimbursement is in the national security interest of the United States.

(2) In this section, the term ''Asia-Pacific Center'' means the Department of Defense organization within the United States Pacific Command known as the Asia-Pacific Center for Security Studies.

(b) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.—(1) Subject to paragraph (2), the Secretary of Defense may accept, on behalf of the Asia-Pacific Center, foreign gifts or donations in order to defray the costs of, or enhance the operation of, the Asia-Pacific Center.

(2) The Secretary may not accept a gift or donation under paragraph (1) if the acceptance of the gift or donation would compromise or appear to compromise—

(A) the ability of the Department of Defense, any employee of the Department, or members of the Armed Forces to carry out any responsibility or duty of the Department in a fair and objective manner; or

(B) the integrity of any program of the Department of Defense or of any person involved in such a program.

(3) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether the acceptance of a foreign gift or donation would have a result described in paragraph (2).

(4) Funds accepted by the Secretary under paragraph (1) shall be credited to appropriations available to the Department of Defense for the Asia-Pacific Center. Funds so credited shall be merged with the appropriations to which credited and shall be available to the Asia-Pacific Center for the same purposes and same period as the appropriations with which merged.

(5) If the total amount of funds accepted under paragraph (1) in any fiscal year exceeds $2,000,000, the Secretary shall notify Congress of the amount of those donations for that fiscal year. Any such notice shall list each of the contributors of such amounts and the amount of each contribution in that fiscal year.

(6) For purposes of this subsection, a foreign gift or donation is a gift or donation of funds, materials (including research materials), property, or services (including lecture services and faculty services) from a foreign government, a foundation or other charitable organization in a foreign country, or an individual in a foreign country.

SEC. 1041. REPORT ON EFFECT OF CONTINUED BALKAN OPERATIONS ON ABILITY OF UNITED STATES TO SUCCESSFULLY MEET OTHER REGIONAL CONTINGENCIES.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the effect of continued operations by the Armed Forces in the Balkans region on the ability of the United States, through the period covered by the current Future-Years Defense Plan of the Department of Defense, to prosecute to a successful conclusion a major contingency in the Asia-Pacific region or to prosecute to a successful conclusion two nearly simultaneous major theater wars, in accordance with the most recent Quadrennial Defense Review.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall set forth the following:

(1) In light of continued Balkan operations, the capabilities and limitations of United States combat, combat support, and combat service support forces (at national, operational, and tactical levels and operating in a joint and coalition environment) to expeditiously respond to, prosecute, and achieve United States strategic objectives in the event of—

(A) a contingency on the Korean peninsula; or

(B) two nearly simultaneous major theater wars.

(2) The confidence level of the Secretary of Defense in United States military capabilities to successfully prosecute a Pacific contingency, and to successfully prosecute two nearly simultaneous major theater wars, while remaining engaged at current or greater force levels in the Balkans, together with the rationale and justification for each such confidence level.

(3) Identification of high-value platforms, systems, capabilities, and skills that—

(A) during a Pacific contingency, would be stressed or broken and at what point such stressing or breaking would occur; and

(B) during two nearly simultaneous major theater wars, would be stressed or broken and at what point such stressing or breaking would occur.

(4) During continued military operations in the Balkans, the effect on the ''operations tempo'', and on the ''personnel tempo'', of the Armed Forces—

(A) of a Pacific contingency; and

(B) of two nearly simultaneous major theater wars.

(5) During continued military operations in the Balkans, the required type and quantity of high-value platforms, systems, capabilities, and skills to prosecute successfully—

(A) a Pacific contingency; and

(B) two nearly simultaneous major theater wars.

(c) CONSULTATION.—In preparing the report under this section, the Secretary of Defense shall use the resources and expertise of the unified commands, the military departments, the combat support agencies, and the defense components of the intelligence community and shall consult with non-Department elements of the intelligence community, as required, and other such entities within the Department of Defense as the Secretary considers necessary.

SEC. 1042. REPORT ON SPACE LAUNCH FAILURES.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the President and the specified congressional committees a report on the factors involved in the three recent failures of the Titan IV space launch vehicle and the systemic and management reforms that the Secretary is implementing to minimize future failures of that vehicle and future launch systems. The report shall be submitted not later than February 15, 2000. The Secretary shall include in the report all information from the reviews of those failures conducted by the Secretary of the Air Force and launch contractors.

(b) MATTERS TO BE INCLUDED.—The report shall include the following information:

(1) An explanation for the failure of a Titan IVA launch vehicle on August 12, 1998, the failure of a Titan IVB launch vehicle on April 9, 1999, and the failure of a Titan IVB launch vehicle on April 30, 1999, as well as any information from civilian launches which may provide information on systemic problems in current Department of Defense launch systems, including, in addition to a detailed technical explanation and summary of financial costs for each such failure, a one-page summary for each such failure indicating any commonality between that failure and other military or civilian launch failures.

(2) A review of management and engineering responsibility for the Titan, Inertial Upper Stage, and Centaur systems, with an explanation of the respective roles of the Government and the private sector in ensuring mission success and identification of the responsible party (Government or private sector) for each major stage in production and launch of the vehicles.

(3) A list of all contractors and subcontractors for each of the Titan, Inertial Upper Stage, and Centaur systems and their responsibilities and five-year records for meeting program requirements.

(4) A comparison of the practices of the Department of Defense, the National Aeronautics and Space Administration, and the commercial launch industry regarding the management and oversight of the procurement and launch of expendable launch vehicles.

(5) An assessment of whether consolidation in the aerospace industry has affected mission success, including whether cost-saving efforts are having an effect on quality and whether experienced workers are being replaced by less experienced workers for cost-saving purposes.

(6) Recommendations on how Government contracts with launch service companies could be improved to protect the taxpayer, together with the Secretary's assessment of whether the withholding of award and incentive fees is a sufficient incentive to hold contractors to the highest possible quality standards and the Secretary's overall evaluation of the award fee system.

(7) A short summary of what went wrong technically and managerially in each launch failure and what specific steps are being taken by the Department of Defense and space launch contractors to ensure that those errors do not reoccur.

(8) An assessment of the role of the Department of Defense in the management and technical oversight of the launches that failed and whether the Department of Defense, in that role, contributed to the failures.

(9) An assessment of the effect of the launch failures on the schedule for Titan launches, on the schedule for development and first launch of the Evolved Expendable Launch Vehicle, and on the ability of industry to meet Department of Defense requirements.

(10) An assessment of the impact of the launch failures on assured access to space by the United States, and a consideration of means by which access to space by the United States can be better assured.

(11) An assessment of any systemic problems that may exist at the eastern launch range, whether these problems contributed to the launch failures, and what means would be most effective in addressing these problems.

(12) An assessment of the potential benefits and detriments of launch insurance and the impact of such insurance on the estimated net cost of space launches.

(13) A review of the responsibilities of the Department of Defense and industry representatives in the launch process, an examination of the incentives of the Department and industry representatives throughout the launch process, and an assessment of whether the incentives are appropriate to maximize the probability that launches will be timely and successful.

(14) Any other observations and recommendations that the Secretary considers relevant.

(c) INTERIM REPORT.—Not later than December 15, 1999, the Secretary shall submit to the specified congressional committees an interim report on the progress in the preparation of the report required by this section, including progress with respect to each of the matters required to be included in the report under subsection (b).

(d) SPECIFIED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term ''specified congressional committees'' means the following:

(1) The Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate.

(2) The Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

SEC. 1043. REPORT ON AIRLIFT REQUIREMENTS TO SUPPORT NATIONAL MILITARY STRATEGY.

(a) REPORT REQUIRED.—Not later than June 1, 2000, the Secretary of Defense shall submit to Congress a report, in both classified and unclassified form, describing the airlift requirements necessary to execute the full range of missions called for under the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff under the postures of force engagement anticipated through 2015.

(b) CONTENT OF REPORT.—The report shall address the following:

(1) The identity, size, structure, and capabilities of the airlift requirements necessary for the full range of shaping, preparing, and responding missions demanded under the National Military Strategy.

(2) The required support and infrastructure required to successfully execute the full range of missions required under the National Military Strategy, on the deployment schedules outlined in the plans of the relevant commanders-in-chief from expected and increasingly dispersed postures of engagement.

(3) The anticipated effect of enemy use of weapons of mass destruction, other asymmetrical attacks, expected rates of peacekeeping and other contingency missions, and other similar factors on the mobility force and its required infrastructure and on mobility requirements.

(4) The effect on mobility requirements of new service force structures, such as the Air Force's Air Expeditionary Force and the Army's Strike Force, and any foreseeable force structure modifications through 2015.

(5) The need to deploy forces strategically and employ them tactically using the same airlift platform.

(6) The need for an increased airlift platform capable of deploying outsize equipment or large volumes of supplies and equipment.

(7) The anticipated role of host nation, foreign, and coalition airlift support and requirements through 2015.

(8) Alternatives to the current mobility program or required modifications to the 1998 Air Mobility Master Plan update.

SEC. 1044. OPERATIONS OF NAVAL ACADEMY DAIRY FARM.

Section 6976 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

''(c) LEASE PROCEEDS.—All money received from a lease entered into under subsection (b) shall be retained by the Superintendent of the Naval Academy and shall be available to cover expenses related to the property described in subsection (a), including reimbursing nonappropriated fund instrumentalities of the Naval Academy.''.

SEC. 1045. INSPECTOR GENERAL INVESTIGATION OF COMPLIANCE WITH BUY AMERICAN ACT IN PURCHASES OF FREE WEIGHT STRENGTH TRAINING EQUIPMENT.

(a) INVESTIGATION REQUIRED.—The Inspector General of the Department of Defense shall conduct an investigation to determine whether the purchases described in subsection (b) are being made in compliance with the Buy American Act (41 U.S.C. 10a et seq.).

(b) PURCHASES COVERED.—The investigation shall cover purchases made during the three-year period ending on the date of the enactment of this Act of free weights for use in strength training by members of the Armed Forces stationed at defense installations located in the United States (including its territories and possessions).

(c) REPORT.—The Inspector General shall prepare a report for the Secretary of Defense on the investigation. Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress such report, together with such additional comments and recommendations as the Secretary considers appropriate.

(d) DEFINITION.—For purposes of this section, the term ''free weights'' means dumbbells or solid metallic disks balanced on crossbars, designed to be lifted for strength training or athletic competition.

SEC. 1046. PERFORMANCE OF THREAT AND RISK ASSESSMENTS.

Section 1404 of the Defense Against Weapons of Mass Destruction Act of 1999 (title XIV of Public Law 105–261; 50 U.S.C. 2301 note) is amended to read as follows:

''SEC. 1404. THREAT AND RISK ASSESSMENTS.

''(a) THREAT AND RISK ASSESSMENTS.—(1) Assistance to Federal, State, and local agencies provided under the program under section 1402 shall include the performance of assessments of the threat and risk of terrorist employment of weapons of mass destruction against cities and other local areas. Such assessments shall be used by Federal, State, and local agencies to determine the training and equipment requirements under this program and shall be performed as a collaborative effort with State and local agencies.

''(2) The Department of Justice, as lead Federal agency for crisis management in response to terrorism involving weapons of mass destruction, shall conduct any threat and risk assessment performed under paragraph (1) in coordination with appropriate Federal, State, and local agencies, and shall develop procedures and guidance for conduct of the threat and risk assessment in consultation with officials from the intelligence community.

''(b) PILOT TEST.—(1) Before prescribing final procedures and guidance for the performance of threat and risk assessments under this section, the Attorney General shall conduct a pilot test of any proposed method or model by which such assessments are to be performed. The Attorney General shall conduct the pilot test in coordination with appropriate Federal, State, and local agencies.

''(2) The pilot test shall be performed in cities or local areas selected by the Attorney General in consultation with appropriate Federal, State, and local agencies.

''(3) The pilot test shall be completed not later than one month after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000.''.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

SEC. 1101. INCREASE OF PAY CAP FOR NONAPPROPRIATED FUND SENIOR EXECUTIVE EMPLOYEES.

Section 5373 of title 5, United States Code, is amended—

(1) in the first sentence, by striking ''Except as provided'' and inserting ''(a) Except as provided in subsection (b) and''; and

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

''(b) Subsection (a) shall not affect the authority of the Secretary of Defense or the Secretary of a military department to fix the pay of a civilian employee paid from nonappropriated funds, except that the annual rate of basic pay (including any portion of such pay attributable to comparability with private-sector pay in a locality) of such an employee may not be fixed at a rate greater than the rate for level III of the Executive Schedule.''.

SEC. 1102. RESTORATION OF LEAVE FOR CERTAIN DEPARTMENT OF DEFENSE EMPLOYEES WHO DEPLOY TO A COMBAT ZONE OUTSIDE THE UNITED STATES.

Section 6304(d) of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(4)(A) For purposes of this subsection, the deployment of an emergency essential employee of the Department of Defense to a combat zone outside the United States shall be deemed an exigency of the public business, and any leave that is lost by an employee as a result of such deployment (regardless of whether such leave was scheduled) shall be—

''(i) restored to the employee; and

''(ii) credited and available in accordance with paragraph (2).

''(B) For purposes of this paragraph, the term 'Department of Defense emergency essential employee'—

''(i) means a civilian employee of the Department of Defense, including a nonappropriated fund instrumentality employee (as defined by section 1587(a)(1) of title 10) whose assigned duties and responsibilities would be necessary during a period that follows the evacuation of nonessential personnel during a declared emergency or the outbreak of combat operations or war; and

''(ii) includes an employee who is hired on a temporary or permanent basis.''.

SEC. 1103. EXPANSION OF GUARD-AND-RESERVE PURPOSES FOR WHICH LEAVE UNDER SECTION 6323 OF TITLE 5, UNITED STATES CODE, MAY BE USED.

(a) IN GENERAL.—Section 6323 of title 5, United States Code, is amended in the first sentence by inserting '', inactive-duty training (as defined in section 101 of title 37),'' after ''active duty''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply with respect to any inactive-duty training (as defined in such amendment) occurring before the date of the enactment of this Act.

SEC 1104. TEMPORARY AUTHORITY TO PROVIDE EARLY RETIREMENT AND SEPARATION INCENTIVES FOR CERTAIN CIVILIAN EMPLOYEES.

(a) EARLY RETIREMENT INCENTIVE.—(1) An employee of the Department of Defense is entitled to an annuity under chapter 83 or 84 of title 5, United States Code, as applicable, if the employee—

(A) has been employed continuously by the Department of Defense for more than 30 days before the date that the Secretary of Defense made the determination under subparagraph (D);

(B) is serving under an appointment that is not time-limited;

(C) is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance;

(D) is separated voluntarily;

(E) has completed 25 years of service or is at least 50 years of age and has completed 20 years of service; and

(F) retires under this subsection before October 1, 2000.

(2) As used in this subsection, the terms ''employee'' and ''annuity'' shall have the same meaning as the meaning of those terms as used in chapters 83 and 84 of title 5, United States Code, as applicable.

(b) VOLUNTARY SEPARATION INCENTIVE.—(1) The Secretary of Defense may, to restructure the workforce to meet mission needs, correct skill imbalances, or reduce high-grade, managerial, or supervisory positions, offer separation pay to an employee under this subsection subject to such limitations or conditions as the Secretary may require. Such separation pay—

(A) shall be paid, at the option of the employee, in a lump sum or equal installment payments;

(B) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

(ii) $25,000;

(C) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit;

(D) shall not be taken into account for purposes of determining the amount of any severance pay to which an individual may be entitled under section 5595 of title 5, United States Code, based on any other separation; and

(E) shall terminate, upon reemployment in the Federal Government, during receipt of installment payments.

(2) For purposes of this subsection, the term ''employee'' means an employee serving under an appointment without time limitation, who has been currently employed for a continuous period of at least 12 months, except that such term does not include—

(A) a reemployed annuitant under subchapter III of chapter 83, chapter 84, or another retirement system for employees of the Government; or

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A).

(c) ADDITIONAL CONTRIBUTIONS TO RETIREMENT FUND.—(1) In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, the Department of Defense shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 26 percent of the final basic pay of each employee of the Department of Defense who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) For purposes of this subsection, the term ''final basic pay'', with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, with appropriate adjustments if the employee last served on other than a full-time basis.

(d) APPLICABILITY.—The provisions in this section shall only apply with respect to a civilian employee of the Department of Defense who—

(1) is employed at the military base designated by the Secretary of Defense under subsection (e), or who is identified by the Secretary as part of a competitive area of the civilian personnel service population of such military base, during the period beginning on October 1, 1999, and ending on October 1, 2000;

(2) is one of 300 employees designated by the Secretary of the military department with jurisdiction over the designated base; and

(3) elects to receive an annuity or separation incentive pursuant to such provisions during such period.

(e) DESIGNATION OF MILITARY BASE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate a military base to which the provisions of this section shall apply. The base designated by the Secretary shall—

(1) be a base that is undergoing a major workforce restructuring to meet mission needs, correct skill imbalances, or reduce high-grade, managerial, supervisory, or similar positions; and

(2) employ the largest number of scientists and engineers of any other base of the military department that has jurisdiction over the base.

SEC. 1105. EXTENSION OF AUTHORITY TO CONTINUE HEALTH INSURANCE COVERAGE FOR CERTAIN DEPARTMENT OF DEFENSE EMPLOYEES.

(a) EXTENSION OF AUTHORITY.—Clauses (i) and (ii) of section 8905a(d)(4)(B) of title 5, United States Code, are amended to read as follows:

''(i) October 1, 2003; or

''(ii) February 1, 2004, if specific notice of such separation was given to such individual before October 1, 2003.''.

(b) OFFSET.—Of the amount authorized to be appropriated in section 301(5) for Defense-wide activities—

(1) $9,100,000 shall be available to continue health insurance coverage pursuant to the authority provided in section 8905a(d)(4)(B) of title 5, United States Code (as amended by subsection (a)); and

(2) the amount available for the Defense Contract Audit Agency shall be reduced by $9,100,000.

TITLE XII—MATTERS RELATING TO OTHER NATIONS

SEC. 1201. REPORT ON STRATEGIC STABILITY UNDER START III.

(a) REPORT.—Not later than September 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report, to be prepared by the Defense Science Board in consultation with the Director of Central Intelligence, on the strategic stability of the future nuclear balance between (1) the United States, and (2) Russia and other potential nuclear adversaries.

(b) MATTERS TO BE INCLUDED.—The Secretary shall include in the report the following:

(1) The policy guidance defining the military-political objectives of the United States against potential nuclear adversaries under various nuclear conflict scenarios.

(2) The target sets and damage goals of the United States against potential nuclear adversaries under various nuclear conflict scenarios and how those target sets and damage goals relate to the achievement of the military-political objectives identified under paragraph (1).

(3) The strategic nuclear force posture of the United States and of Russia that may emerge under a further Strategic Arms Reduction Treaty (referred to as ''START III'') and how capable the United States forces envisioned under that posture would be for the achievement of the damage goals and the military objectives against potential nuclear adversaries referred to in paragraphs (1) and (2).

(4) The Secretary's assessment of (A) whether Russian strategic forces under a START III treaty would, or would not, likely be smaller, more vulnerable, and less capable of launch-on-tactical-warning than at present, and (B) in light of such assessment, whether incentives for Russia to carry out a first strike against the United States during a future crisis probably would, or would not, be greater than at present under a START III treaty.

(5) The Secretary's assessment of (A) whether China and so-called nuclear rogue states probably will, or will not, remain incapable in the foreseeable future of carrying out a launch-on-tactical-warning and be more vulnerable to United States conventional or nuclear attack than at present, and (B) in light of such assessment, whether incentives for China and nuclear rogue states to carry out a first strike against the United States during a future crisis probably would, or would not, be greater than at present.

(6) The Secretary's assessment of whether asymmetries between the United States and Russia that are favorable to Russia in active and passive defenses may be a significant strategic advantage to Russia under a START III treaty.

(7) The Secretary's assessment of whether asymmetries between the United States and Russia that are highly favorable to Russia in tactical nuclear weapons might erode strategic stability.

(8) The Secretary's assessment of whether a combination of Russia and China against the United States in a nuclear conflict could erode strategic stability under a START III treaty.

(9) The Secretary's assessment of whether doctrinal asymmetries between the United States and Russia, such as the expansion by Russia of the warfighting role of nuclear weapons while the United States is de-emphasizing the utility and purpose of nuclear weapons, could erode strategic stability.

(c) CLASSIFICATION.—The report shall be submitted in classified form and, to the extent possible, in unclassified form.

SEC. 1202. ONE-YEAR EXTENSION OF COUNTERPROLIFERATION AUTHORITIES FOR SUPPORT OF UNITED NATIONS WEAPONS INSPECTION REGIME IN IRAQ.

Effective October 1, 1999, section 1505(f) of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a(f)) is amended by striking ''1999'' and inserting ''2000''.

SEC. 1203. LIMITATION ON MILITARY-TO-MILITARY EXCHANGES WITH CHINA'S PEOPLE'S LIBERATION ARMY.

(a) LIMITATION.—The Secretary of Defense may not authorize any military-to-military exchange or contact described in subsection (b) to be conducted by the Armed Forces with representatives of the People's Liberation Army of the People's Republic of China.

(b) COVERED EXCHANGES AND CONTACTS.—Subsection (a) applies to any military-to-

military exchange or contact that includes any of the following:

(1) Force projection operations.

(2) Nuclear operations.

(3) Field operations.

(4) Logistics.

(5) Chemical and biological defense and other capabilities related to weapons of mass destruction.

(6) Surveillance, and reconnaissance operations.

(7) Joint warfighting experiments and other activities related to warfare.

(8) Military space operations.

(9) Other warfighting capabilities of the Armed Forces.

(10) Arms sales or military-related technology transfers.

(11) Release of classified or restricted information.

(12) Access to a Department of Defense laboratory.

(c) EXCEPTIONS.—Subsection (a) does not apply to any search and rescue exercise or any humanitarian exercise.

(d) CERTIFICATION BY SECRETARY.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives, not later than December 31 of each year, a certification in writing as to whether or not any military-to-miltary exchange or contact during that calandar year was conducted in violation of subsection (a).

(e) ANNUAL REPORT.—Not later than June 1 each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report providing the Secretary's assessment of the current state of military-to-military contacts with the People's Liberation Army. The report shall include the following:

(1) A summary of all such military-to-military contacts during the period since the last such report, including a summary of topics discussed and questions asked by the Chinese participants in those contacts.

(2) A description of the military-to-military contacts scheduled for the next 12-month period and a five-year plan for those contacts.

(3) The Secretary's assessment of the benefits the Chinese expect to gain from those military-to-military contacts.

(4) The Secretary's assessment of the benefits the Department of Defense expects to gain from those military-to-military contacts.

(5) The Secretary's assessment of how military-to-military contacts with the People's Liberation Army fit into the larger security relationship between United States and the People's Republic of China.

SEC. 1204. REPORT ON ALLIED CAPABILITIES TO CONTRIBUTE TO MAJOR THEATER WARS.

(a) REPORT.—The Secretary of Defense shall prepare a report, in both classified and unclassified form, on the current military capabilities of allied nations to contribute to the successful conduct of the major theater wars as anticipated in the Quadrennial Defense Review of 1997.

(b) MATTERS TO BE INCLUDED.—The report shall set forth the following:

(1) The identity, size, structure, and capabilities of the armed forces of the allies expected to participate in the major theater wars anticipated in the Quadrennial Defense Review.

(2) The priority accorded in the national military strategies and defense programs of the anticipated allies to contributing forces to United States-led coalitions in such major theater wars.

(3) The missions currently being conducted by the armed forces of the anticipated allies and the ability of the allied armed forces to conduct simultaneously their current missions and those anticipated in the event of major theater war.

(4) Any Department of Defense assumptions about the ability of allied armed forces to deploy or redeploy from their current missions in the event of a major theater war, including any role United States Armed Forces would play in assisting and sustaining such a deployment or redeployment.

(5) Any Department of Defense assumptions about the combat missions to be executed by such allied forces in the event of major theater war.

(6) The readiness of allied armed forces to execute any such missions.

(7) Any risks to the successful execution of the military missions called for under the National Military Strategy of the United States related to the capabilities of allied armed forces.

(c) SUBMISSION OF REPORT.—The report shall be submitted to Congress not later than June 1, 2000.

SEC. 1205. LIMITATION ON FUNDS FOR BOSNIA PEACEKEEPING OPERATIONS FOR FISCAL YEAR 2000.

(a) LIMITATION.—(1) Of the amounts authorized to be appropriated by section 301(24) of this Act for the Overseas Contingency Operations Transfer Fund, no more than $1,824,400,000 may be obligated for incremental costs of the Armed Forces for Bosnia peacekeeping operations.

(2) The President may waive the limitation in paragraph (1) after submitting to Congress the following:

(A) The President's written certification that the waiver is necessary in the national security interests of the United States.

(B) The President's written certification that exercising the waiver will not adversely affect the readiness of United States military forces.

(C) A report setting forth the following:

(i) The reasons that the waiver is necessary in the national security interests of the United States.

(ii) The specific reasons that additional funding is required for the continued presence of United States military forces participating in, or supporting, Bosnia peacekeeping operations for fiscal year 2000.

(iii) A discussion of the impact on the military readiness of United States Armed Forces of the continuing deployment of United States military forces participating in, or supporting, Bosnia peacekeeping operations.

(D) A supplemental appropriations request for the Department of Defense for such amounts as are necessary for the additional fiscal year 2000 costs associated with United States military forces participating in, or supporting, Bosnia peacekeeping operations.

(b) BOSNIA PEACEKEEPING OPERATIONS DEFINED.—For the purposes of this section, the term ''Bosnia peacekeeping operations'' has the meaning given such term in section 1204(e) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2112).

SEC. 1206. LIMITATION ON DEPLOYMENT OF UNITED STATES ARMED FORCES IN HAITI.

(a) LIMITATION ON DEPLOYMENT.—Except as provided in subsection (b), no funds available to the Department of Defense may be expended for the deployment of United States Armed Forces in Haiti.

(b) EXCEPTIONS.—Subsection (a) does not apply to the deployment of United States Armed Forces in Haiti for any of the following purposes:

(1) Deployment pursuant to Operation Uphold Democracy until December 31, 1999.

(2) Deployment for periodic, noncontinuous theater engagement activities on or after January 1, 2000.

(3) Deployment for a limited, customary presence necessary to ensure the security of United States diplomatic facilities in Haiti and to carry out defense liaison activities under the auspices of the United States embassy.

(c) REPORT REQUIREMENT.—Whenever there is a deployment of United States Armed Forces described in subsection (b)(2), the President shall, not later than 48 hours after the deployment, transmit a written report regarding the deployment to the Committee on Armed Services and the Committee on International Relations of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to restrict in any way the authority of the President in emergency circumstances to protect the lives of United States citizens or to protect United States facilities or property in Haiti.

SEC. 1207. GOALS FOR THE CONFLICT WITH THE FEDERAL REPUBLIC OF YUGOSLAVIA.

(a) FINDING.—Article I, section 8 of the United States Constitution provides that: ''The Congress shall have Power To . . . provide for the common Defence . . . To declare War. . . To raise and support Armies . . . To provide and maintain a Navy . . . To make Rules for the Government and Regulation of the land and naval Forces . . .''.

(b) GOALS FOR THE CONFLICT WITH YUGOSLAVIA.—Congress declares the following to be the goals of the United States for the conflict with the Federal Republic of Yugoslavia:

(1) Cessation by the Federal Republic of Yugoslavia of all military action against the people of Kosovo and termination of the violence and repression against the people of Kosovo.

(2) Withdrawal of all military, police, and paramilitary forces of the Federal Republic of Yugoslavia from Kosovo.

(3) Agreement by the Government of the Federal Republic of Yugoslavia to the stationing of an international military presence in Kosovo to ensure the peace.

(4) Agreement by the Government of the Federal Republic of Yugoslavia to the unconditional and safe return to Kosovo of all refugees and displaced persons.

(5) Agreement by the Government of the Federal Republic of Yugoslavia to allow humanitarian aid organizations to have unhindered access to these refugees and displaced persons.

(6) Agreement by the Government of the Federal Republic of Yugoslavia to work for the establishment of a political framework agreement for Kosovo which is in conformity with international law.

(7) President Slobodan Milosevic will be held accountable for his actions while President of the Federal Republic of Yugoslavia in initiating four armed conflicts and taking actions leading to the deaths of tens of thousands of people and responsibility for murder, rape, terrorism, destruction, and ethnic cleansing.

(8) Bringing to justice through the International Criminal Tribunal of Yugoslavia individuals in the Federal Republic of Yugoslavia who are guilty of war crimes in Kosovo.

SEC. 1208. REPORT ON THE SECURITY SITUATION ON THE KOREAN PENINSULA.

(a) REPORT.—Not later than February 1, 2000, the Secretary of Defense shall submit to the appropriate congressional committees

a report on the security situation on the Korean peninsula. The report shall be submitted in both classified and unclassified form.

(b) MATTERS TO BE INCLUDED.—The Secretary shall include in the report under subsection (a) the following:

(1) A net assessment analysis of the warfighting capabilities of the Combined Forces Command (CFC) of the United States and the Republic of Korea compared with the armed forces of North Korea.

(2) An assessment of challenges posed by the armed forces of North Korea to the defense of the Republic of Korea and to United States forces deployed to the region.

(3) An assessment of the current status and the future direction of weapons of mass destruction programs and ballistic missile programs of North Korea, including a determination as to whether or not North Korea—

(A) is continuing to pursue a nuclear weapons program;

(B) is seeking equipment and technology with which to enrich uranium; and

(C) is pursuing an offensive biological weapons program.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on International Relations and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

SEC. 1209. ANNUAL REPORT ON MILITARY POWER OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) ANNUAL REPORT.—The Secretary of Defense shall prepare an annual report, in both classified and unclassified form, on the current and future military strategy and capabilities of the People's Republic of China. The report shall address the current and probable future course of military-technological development in the People's Liberation Army and the tenets and probable development of Chinese grand strategy, security strategy, and military strategy, and of military organizations and operational concepts, through 2020.

(b) MATTERS TO BE INCLUDED.—The report shall include analyses and forecasts of the following:

(1) The goals of Chinese grand strategy, security strategy, and military strategy.

(2) Trends in Chinese political grand strategy meant to establish the People's Republic of China as the leading political power in the Asia-Pacific region and as a political and military presence in other regions of the world.

(3) The size, location, and capabilities of Chinese strategic, land, sea, and air forces.

(4) Developments in Chinese military doctrine, focusing on (but not limited to) efforts to exploit a transformation in military affairs or to conduct preemptive strikes.

(5) Efforts, including technology transfers and espionage, by the People's Republic of China to develop, acquire, or gain access to information, communication, space, and other advanced technologies that would enhance military capabilities.

(c) SUBMISSION OF REPORT.—The report under this section shall be submitted to Congress not later than March 15 each year.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2000 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2000 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301, and any other funds appropriated after the date of the enactment of this Act, for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $444,100,000 authorized to be appropriated to the Department of Defense for fiscal year 2000 in section 301(23) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $177,300,000.

(2) For strategic nuclear arms elimination in Ukraine, $43,000,000.

(3) For activities to support warhead dismantlement processing in Russia, $9,300,000.

(4) For security enhancements at chemical weapons storage sites in Russia, $24,600,000.

(5) For weapons transportation security in Russia, $15,200,000.

(6) For planning, design, and construction of a storage facility for Russian fissile material, $60,900,000.

(7) For weapons storage security in Russia, $90,000,000.

(8) For development of a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium at Russian reactors, $20,000,000.

(9) For biological weapons proliferation prevention activities in Russia, $2,000,000.

(10) For activities designated as Other Assessments/Administrative Support, $1,800,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2000 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2000 or any subsequent fiscal year for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose. However, the total amount obligated for Cooperative Threat Reduction programs for such fiscal year may not, by reason of the use of the authority provided in the preceding sentence, exceed the total amount authorized for such programs for such fiscal year.

(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for the purposes stated in any of paragraphs (3) through (10) of subsection (a) in excess of 115 percent of the amount specifically authorized for such purposes.

SEC. 1303. PROHIBITION ON USE OF FUNDS FOR SPECIFIED PURPOSES.

(a) IN GENERAL.—No fiscal year 2000 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs after the date of the enactment of this Act, may be obligated or expended for any of the following purposes:

(1) Conducting with Russia any peacekeeping exercise or other peacekeeping-related activity.

(2) Provision of housing.

(3) Provision of assistance to promote environmental restoration.

(4) Provision of assistance to promote job retraining.

(b) LIMITATION WITH RESPECT TO DEFENSE CONVERSION ASSISTANCE.—None of the funds appropriated pursuant to this Act, and no funds appropriated to the Department of Defense in any other Act enacted after the date of the enactment of this Act, may be obligated or expended for the provision of assistance to Russia or any other state of the former Soviet Union to promote defense conversion.

(c) LIMITATION WITH RESPECT TO CONVENTIONAL WEAPONS.—No fiscal year 2000 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs after the date of the enactment of this Act, may be obligated or expended for elimination of conventional weapons or the delivery vehicles of such weapons.

SEC. 1304. LIMITATIONS ON USE OF FUNDS FOR FISSILE MATERIAL STORAGE FACILITY.

(a) LIMITATIONS ON USE OF FISCAL YEAR 2000 FUNDS.—No fiscal year 2000 Cooperative Threat Reduction funds may be used—

(1) for construction of a second wing for the storage facility for Russian fissile material referred to in section 1302(6); or

(2) for design or planning with respect to such facility until 15 days after the date that the Secretary of Defense submits to Congress notification that Russia and the United States have signed a written transparency agreement that provides that the United States may verify that material stored at the facility is of weapons origin.

(b) LIMITATION ON CONSTRUCTION.—No funds appropriated for Cooperative Threat Reduction programs may be used for construction of the storage facility referred to in subsection (a) until the Secretary of Defense submits to Congress the following:

(1) A certification that additional capacity is necessary at such facility for storage of Russian weapons-origin fissile material.

(2) A detailed cost estimate for a second wing for the facility.

SEC. 1305. LIMITATION ON USE OF FUNDS FOR CHEMICAL WEAPONS DESTRUCTION.

No fiscal year 2000 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs after the date of the enactment of this Act, may be obligated or expended for planning, design, or construction of a chemical weapons destruction facility in Russia.

SEC. 1306. LIMITATION ON USE OF FUNDS FOR BIOLOGICAL WEAPONS PROLIFERATION PREVENTION ACTIVITIES.

No fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended

for biological weapons proliferation prevention activities in Russia until the Secretary of Defense submits to the congressional defense committees the reports described in sections 1305 and 1308 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2164, 2166).

SEC. 1307. LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF REPORT AND MULTIYEAR PLAN.

No fiscal year 2000 Cooperative Threat Reduction funds may be obligated or expended until the Secretary of Defense submits to Congress—

(1) a report describing—

(A) with respect to each purpose listed in section 1302, whether the Department of Defense is the appropriate executive agency to carry out Cooperative Threat Reduction programs for such purpose, and if so, why; and

(B) for any purpose that the Secretary determines is not appropriately carried out by the Department of Defense, a plan for migrating responsibility for carrying out such purpose to the appropriate agency; and

(2) an updated version of the multiyear plan for fiscal year 2000 required to be submitted under section 1205 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2883).

SEC. 1308. REQUIREMENT TO SUBMIT REPORT.

Not later than December 31, 1999, the Secretary of Defense shall submit to Congress a report including—

(1) an explanation of the strategy of the Department of Defense for encouraging states of the former Soviet Union that receive funds through Cooperative Threat Reduction programs to contribute financially to the threat reduction effort;

(2) a prioritization of the projects carried out by the Department of Defense under Cooperative Threat Reduction programs; and

(3) an identification of any limitations that the United States has imposed or will seek to impose, either unilaterally or through negotiations with recipient states, on the level of assistance provided by the United States for each of such projects.

SEC. 1309. REPORT ON EXPANDED THREAT REDUCTION INITIATIVE.

Not later than December 31, 1999, the President shall submit to Congress a report on the Expanded Threat Reduction Initiative. Such report shall include a description of the plans for ensuring effective coordination between executive agencies in carrying out the Expanded Threat Reduction Initiative to minimize duplication of efforts.

TITLE XIV—PROLIFERATION AND EXPORT CONTROL MATTERS

SEC. 1401. REPORT ON COMPLIANCE BY THE PEOPLE'S REPUBLIC OF CHINA AND OTHER COUNTRIES WITH THE MISSILE TECHNOLOGY CONTROL REGIME.

(a) REPORT REQUIRED.—Not later than October 31, 1999, the President shall transmit to Congress a report on the compliance, or lack of compliance (both as to acquiring and transferring missile technology), by the People's Republic of China, with the Missile Technology Control Regime, and on any actual or suspected transfer by Russia or any other country of missile technology to the People's Republic of China in violation of the Missile Technology Control Regime. The report shall include a list specifying each actual or suspected violation of the Missile Technology Control Regime by the People's Republic of China, Russia, or other country and, for each such violation, a description of the remedial action (if any) taken by the United States or any other country.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall also include information concerning—

(1) actual or suspected use by the People's Republic of China of United States missile technology;

(2) actual or suspected missile proliferation activities by the People's Republic of China;

(3) actual or suspected transfer of missile technology by Russia or other countries to the People's Republic of China: and

(4) United States actions to enforce the Missile Technology Control Regime with respect to the People's Republic of China, including actions to prevent the transfer of missile technology from Russia and other countries to the People's Republic of China.

SEC. 1402. ANNUAL REPORT ON TECHNOLOGY TRANSFERS TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) ANNUAL REPORT.—The President shall transmit to Congress an annual report on transfers to the People's Republic of China by the United States and other countries of technology with potential military applications, during the 1-year period preceding the transmittal of the report.

(b) INITIAL REPORT.—The initial report under this section shall be transmitted not later than October 31, 1999.

SEC. 1403. REPORT ON IMPLEMENTATION OF TRANSFER OF SATELLITE EXPORT CONTROL AUTHORITY.

Not later than August 31, 1999, the President shall transmit to Congress a report on the implementation of subsection (a) of section 1513 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2174; 22 U.S.C. 2778 note), transferring satellites and related items from the Commerce Control List of dual-use items to the United States Munitions List. The report shall update the information provided in the report under subsection (d) of that section.

SEC. 1404. SECURITY IN CONNECTION WITH SATELLITE EXPORT LICENSING.

(a) SECURITY AT FOREIGN LAUNCHES.—As a condition of the export license for any satellite to be launched outside the jurisdiction of the United States, the Secretary of State shall require the following:

(1) That the technology transfer control plan required by section 1514(a)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2175; 22 U.S.C. 2778 note) be prepared by the Department of Defense, and agreed to by the licensee, and that the plan set forth the security arrangements for the launch of the satellite, both before and during launch operations, and include enhanced security measures if the launch site is within the jurisdiction of the People's Republic of China or any other country that is subject to section 1514 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.

(2) That each person providing security for the launch of that satellite—

(A) be employed by, or under a contract with, the Department of Defense;

(B) have received appropriate training in the regulations prescribed by the Secretary of State known as the International Trafficking in Arms Regulations (hereafter in this section referred to as ''ITAR'');

(C) have significant experience and expertise with satellite launches; and

(D) have been investigated in a manner at least as comprehensive as the investigation required for the issuance of a security clearance at the level designated as ''Secret''.

(3) That the number of such persons providing security for the launch of the satellite shall be sufficient to maintain 24-hour security of the satellite and related launch vehicle and other sensitive technology.

(4) That the licensee agree to reimburse the Department of Defense for all costs associated with the provision of security for the launch of the satellite.

(b) DEFENSE DEPARTMENT MONITORS.—The Secretary of Defense shall—

(1) ensure that persons assigned as space launch campaign monitors are provided sufficient training and have adequate experience in the ITAR and have significant experience and expertise with satellite technology, launch vehicle technology, and launch operations technology;

(2) ensure that adequate numbers of such monitors are assigned to space launch campaigns so that 24-hour, 7-day per week coverage is provided;

(3) take steps to ensure, to the maximum extent possible, the continuity of service by monitors for the entire space launch campaign period (from satellite marketing to launch and, if necessary, completion of a launch failure analysis); and

(4) adopt measures designed to make service as a space launch campaign monitor an attractive career opportunity.

SEC. 1405. REPORTING OF TECHNOLOGY PASSED TO PEOPLE'S REPUBLIC OF CHINA AND OF FOREIGN LAUNCH SECURITY VIOLATIONS.

(a) MONITORING OF INFORMATION.—The Secretary of Defense shall require that space launch monitors of the Department of Defense assigned to monitor launches in the People's Republic of China maintain records of all information authorized to be transmitted to the People's Republic of China, including copies of any documents authorized for such transmission, and reports on launch-related activities.

(b) TRANSMISSION TO OTHER AGENCIES.—The Secretary of Defense shall ensure that records under subsection (a) are transmitted on a current basis to appropriate elements of the Department of Defense and to the Department of State, the Department of Commerce, and the Central Intelligence Agency.

(c) RETENTION OF RECORDS.—Records described in subsection (a) shall be retained for at least the period of the statute of limitations for violations of the Arms Export Control Act.

(d) GUIDELINES.—The Secretary of Defense shall prescribe guidelines providing space launch monitors of the Department of Defense with the responsibility and the ability to report serious security violations, problems, or other issues at an overseas launch site directly to the headquarters office of the responsible Department of Defense component.

SEC. 1406. REPORT ON NATIONAL SECURITY IMPLICATIONS OF EXPORTING HIGH-PERFORMANCE COMPUTERS TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) REVIEW.—The Secretary of Energy, the Secretary of Defense, and the Secretary of State, in consultation with other appropriate departments and agencies, shall conduct a comprehensive review of the national security implications of exporting high-performance computers to the People's Republic of China. As part of the review, the Secretary shall conduct empirical testing of the extent to which national security-related operations can be performed using clustered, massively-parallel processing or other combinations of computers.

(b) REPORT.—The Secretary of Energy shall submit to Congress a report on the results of the review under subsection (a). The report shall be submitted not later than six months after the date of the enactment of this Act and shall be updated not later than the end of each subsequent 1-year period.

SEC. 1407. END-USE VERIFICATION FOR USE BY PEOPLE'S REPUBLIC OF CHINA OF HIGH-PERFORMANCE COMPUTERS.

(a) REVISED HPC VERIFICATION SYSTEM.—The President shall seek to enter into an

agreement with the People's Republic of China to revise the existing verification system with the People's Republic of China with respect to end-use verification for high-performance computers exported or to be exported to the People's Republic of China 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) DEFINITION.—As used in this section and section 1406, 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).

(c) ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS FOR POST-SHIPMENT VERIFICATION.—Section 1213 of the National Defense Authorization Act for Fiscal Year 1998 is amended by adding at the end the following:

''(e) ADJUSTMENT OF PERFORMANCE LEVELS.—Whenever a new composite theoretical performance level is established under section 1211(d), that level shall apply for purposes of subsection (a) of this section in lieu of the level set forth in that subsection.''.

SEC. 1408. PROCEDURES FOR REVIEW OF EXPORT OF CONTROLLED TECHNOLOGIES AND ITEMS.

(a) RECOMMENDATIONS FOR PRIORITIZATION OF NATIONAL SECURITY CONCERNS.—The President shall submit to Congress the President's recommendations for the establishment of a mechanism to identify, on a continuing basis, those controlled technologies and items the export of which is of greatest national security concern relative to other controlled technologies and items.

(b) RECOMMENDATIONS FOR EXECUTIVE DEPARTMENT APPROVALS FOR EXPORTS OF GREATEST NATIONAL SECURITY CONCERN.—With respect to controlled technologies and items identified under subsection (a), the President shall submit to Congress the President's recommendations for the establishment of a mechanism to identify procedures for export of such technologies and items so as to provide—

(1) that the period for review by an executive department or agency of a license application for any such export shall be extended to a period longer than that otherwise required when such longer period is considered necessary by the head of that department or agency for national security purposes; and

(2) that a license for such an export may be approved only with the agreement of each executive department or agency that reviewed the application for the license, subject to appeal procedures to be established by the President.

(c) RECOMMENDATIONS FOR STREAMLINED LICENSING PROCEDURES FOR OTHER EXPORTS.—With respect to controlled technologies and items other than those identified under subsection (a), the President shall submit to Congress the President's recommendations for modifications to licensing procedures for export of such technologies and items so as to streamline the licensing process and provide greater transparency, predictability, and certainty.

SEC. 1409. NOTICE OF FOREIGN ACQUISITION OF UNITED STATES FIRMS IN NATIONAL SECURITY INDUSTRIES.

Section 721(b) of the Defense Production Act of 1950 (50 U.S.C. 2170(b)) is amended—

(1) by inserting ''(1)'' before ''The President'';

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

(3) by adding at the end the following:

''(2) Whenever a person engaged in interstate commerce in the United States is the subject of a merger, acquisition, or takeover described in paragraph (1), that person shall promptly notify the President, or the President's designee, of such planned merger, acquisition, or takeover. Whenever any executive department or agency becomes aware of any such planned merger, acquisition, or takeover, the head of that department or agency shall promptly notify the President, or the President's designee, of such planned merger, acquisition, or takeover.''.

SEC. 1410. FIVE-AGENCY INSPECTORS GENERAL EXAMINATION OF COUNTERMEASURES AGAINST ACQUISITION BY THE PEOPLE'S REPUBLIC OF CHINA OF MILITARILY SENSITIVE TECHNOLOGY.

Not later than January 1, 2000, the Inspectors General of the Departments of State, Defense, the Treasury, and Commerce and the Inspector General of the Central Intelligence Agency shall submit to Congress a report on the adequacy of current export controls and counterintelligence measures to protect against the acquisition by the People's Republic of China of militarily sensitive United States technology. Such report shall include a description of measures taken to address any deficiencies found in such export controls and counterintelligence measures.

SEC. 1411. OFFICE OF TECHNOLOGY SECURITY IN DEPARTMENT OF DEFENSE.

(a) ENHANCED MULTILATERAL EXPORT CONTROLS.—

(1) NEW INTERNATIONAL CONTROLS.—The President shall work (in the context of the scheduled 1999 review of the Wassenaar Arrangement and otherwise) to establish new binding international controls on technology transfers that threaten international peace and United States national security.

(2) IMPROVED SHARING OF INFORMATION.—The President shall take appropriate actions (in the context of the scheduled 1999 review of the Wassenaar Arrangement and otherwise) to improve the sharing of information by nations that are major exporters of technology so that the United States can track movements of technology and enforce technology controls and re-export requirements.

(b) OFFICE OF TECHNOLOGY SECURITY.—(1) There is hereby established in the Department of Defense an Office of Technology Security. The Office shall support United States Government efforts to—

(1) establish new binding international controls on technology transfers that threaten international peace and United States national security; and

(2) improve the sharing of information by nations that are major exporters of technology so that the United States can track movements of technology and enforce technology controls and re-export requirements.

SEC. 1412. ANNUAL AUDIT OF DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY POLICIES WITH RESPECT TO TECHNOLOGY TRANSFERS TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) ANNUAL AUDIT.—The Inspectors General of the Department of Defense and the Department of Energy, in consultation with the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, shall each conduct an annual audit of the policies and procedures of the Department of Defense and the Department of Energy, respectively, with respect to the export of technologies and the transfer of scientific and technical information, to the People's Republic of China in order to assess the extent to which the Department of Defense or the Department of Energy, as the case may be, is carrying out its activities to ensure that any technology transfer, including a transfer of scientific or technical information, will not measurably improve the weapons systems or space launch capabilities of the People's Republic of China.

(b) REPORT TO CONGRESS.—The Inspectors General of the Department of Defense and the Department of Energy shall each submit to Congress a report each year describing the results of the annual audit under subsection (a).

SEC. 1413. RESOURCES FOR EXPORT LICENSE FUNCTIONS.

(a) OFFICE OF DEFENSE TRADE CONTROLS.—

(1) IN GENERAL.—The Secretary of State shall take the necessary steps to ensure that, in any fiscal year, adequate resources are allocated to the functions of the Office of Defense Trade Controls of the Department of State relating to the review and processing of export license applications so as to ensure that those functions are performed in a thorough and timely manner.

(2) AVAILABILITY OF EXISTING APPROPRIATIONS.—The Secretary of State shall take the necessary steps to ensure that those funds made available under the heading ''Administration of Foreign Affairs, Diplomatic and Consular Programs'' in title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as contained in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105-277) are made available, upon the enactment of this Act, to the Office of Defense Trade Controls of the Department of State to carry out the purposes of the Office.

(b) DEFENSE THREAT REDUCTION AGENCY.—The Secretary of Defense shall take the necessary steps to ensure that, in any fiscal year, adequate resources are allocated to the functions of the Defense Threat Reduction Agency of the Department of Defense relating to the review of export license applications so as to ensure that those functions are performed in a thorough and timely manner.

SEC. 1414. NATIONAL SECURITY ASSESSMENT OF EXPORT LICENSES.

(a) REPORT TO CONGRESS.—The Secretary of Defense, in consultation with the Joint Chiefs of Staff, shall provide to Congress a report assessing the cumulative impact of individual licenses granted by the United States for exports, goods, or technology to countries of concern.

(b) CONTENTS OF REPORT.—Each report under subsection (a) shall include an assessment of—

(1) the cumulative impact of exports of technology on improving the military capabilities of countries of concern;

(2) the impact of exports of technology which would be harmful to United States military capabilities, as well as countermeasures necessary to overcome the use of such technology; and

(3) those technologies, systems, and components which have applications to conventional military and strategic capabilities.

(c) TIMING OF REPORTS.—The first report under subsection (a) shall be submitted to Congress not later than 1 year after the date of the enactment of this Act, and shall assess the cumulative impact of exports to countries of concern in the previous 5-year period. Subsequent reports under subsection (a) shall be submitted to Congress at the end of each 1-year period after the submission of the first report. Each such subsequent report shall include an assessment of the cumulative impact of technology exports based on analyses contained in previous reports under this section.

(d) SUPPORT OF OTHER FEDERAL AGENCIES.—The Secretary of Commerce, the Secretary of State, and the heads of other departments and agencies shall make available to the Secretary of Defense information necessary to carry out this section, including information on export licensing.

(e) DEFINITION.—As used in this section, the term ''country of concern'' means—

(1) a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 or other applicable law, to have repeatedly provided support for acts of international terrorism; and

(2) a country on the list of covered countries under section 1211(b) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note).

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2000''.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Redstone Arsenal	$9,800,000
Alaska	Fort Richardson	$14,600,000
	Fort Wainwright	$32,500,000
California	Fort Irwin	$32,400,000
	Presidio of Monterey	$7,100,000
Colorado	Fort Carson	$4,400,000
	Peterson Air Force Base	$25,000,000
District of Columbia	Fort McNair	$1,250,000
	Walter Reed Medical Center	$6,800,000
Georgia	Fort Benning	$48,400,000
	Fort Stewart	$71,700,000
Hawaii	Schofield Barracks	$95,000,000
Kansas	Fort Leavenworth	$34,100,000
	Fort Riley	$3,900,000
Kentucky	Blue Grass Army Depot	$6,000,000
	Fort Campbell	$39,900,000
	Fort Knox	$1,300,000
Louisiana	Fort Polk	$6,700,000
Maryland	Fort Meade	$22,450,000
Massachusetts	Westover Air Reserve Base	$4,000,000
Missouri	Fort Leonard Wood	$27,100,000
New York	Fort Drum	$23,000,000
North Carolina	Fort Bragg	$125,400,000
	Sunny Point Military Ocean Terminal	$3,800,000
Oklahoma	Fort Sill	$33,200,000
	McAlester Army Ammunition	$16,600,000
Pennsylvania	Carlisle Barracks	$5,000,000
	Letterkenny Army Depot	$3,650,000
South Carolina	Fort Jackson	$7,400,000
Texas	Fort Bliss	$52,350,000
	Fort Hood	$84,500,000
Virginia	Fort Belvoir	$3,850,000
	Fort Eustis	$43,800,000
	Fort Myer	$2,900,000
	Fort Story	$8,000,000
Washington	Fort Lewis	$23,400,000
CONUS Various	CONUS Various	$36,400,000
	Total	$967,550,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Ansbach	$21,000,000
	Bamberg	$23,200,000
	Mannheim	$4,500,000
Korea	Camp Casey	$31,000,000
	Camp Howze	$3,050,000
	Camp Stanley	$3,650,000
	Total	$86,400,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation or location	Purpose	Amount
Korea	Camp Humphreys	60 Units	$24,000,000
Virginia	Fort Lee	97 Units	$16,500,000
		Total	$40,500,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carryout architectural and engineering services and construction design activities with respect to

the construction or improvement of family housing units in an amount not to exceed $4,300,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in sections 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $35,400,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $2,384,417,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $879,550,000.

(2) For the military construction projects outside the United States authorized by section 2101(b), $86,400,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $9,500,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $87,205,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $80,200,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $1,089,812,000.

(6) For the construction of the United States Disciplinary Barracks, Fort Leavenworth, Kansas, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1967), $18,800,000.

(7) For the construction of the force XXI soldier development center, Fort Hood, Texas, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1966), $14,000,000.

(8) For the construction of the railhead facility, Fort Hood, Texas, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $14,800,000.

(9) For the construction of the cadet development center, United States Military Academy, West Point, New York, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $28,500,000.

(10) For the construction of the whole barracks complex renewal, Fort Campbell, Kentucky, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $32,000,000.

(11) For the construction of the multi-purpose digital training range, Fort Knox, Kentucky, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $16,000,000.

(12) For the construction of the power plant, Roi Namur Island, Kwajalein Atoll, Kwajalein, authorized in section 2101(b) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2183), $35,400,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $46,000,000 (the balance of the amount authorized under section 2101(a) for the construction of the whole barracks complex renewal at Schofield Barracks, Hawaii);

(3) $22,000,000 (the balance of the amount authorized under section 2101(a) for the construction of the whole barracks complex renewal at Fort Bragg, North Carolina);

(4) $10,000,000 (the balance of the amount authorized under section 2101(a) for the construction of tank trail erosion mitigation at the Yakima Training Center, Fort Lewis, Washington); and

(5) $10,100,000 (the balance of the amount authorized under section 2101(a) for the construction of a tactical equipment shop at Fort Sill, Oklahoma).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (12) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $7,750,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma	$24,220,000
	Navy Detachment, Camp Navajo	$7,560,000
California	Marine Corps Air-Ground Combat Center, Twentynine Palms	$34,760,000
	Marine Corps Base, Camp Pendleton	$38,460,000
	Marine Corps Logistics Base, Barstow	$4,670,000
	Marine Corps Recruit Depot, San Diego	$3,200,000
	Naval Air Station, Lemoore	$24,020,000
	Naval Air Station, North Island	$54,420,000
	Naval Air Warfare Center, China Lake	$4,000,000
	Naval Air Warfare Center, Corona	$7,070,000
	Naval Air Warfare Center, Point Magu	$6,190,000
	Naval Hospital, San Diego	$21,590,000
	Naval Hospital, Twentynine Palms	$7,640,000
	Naval Postgraduate School	$5,100,000
Florida	Naval Air Station, Whiting Field, Milton	$5,350,000
	Naval Station, Mayport	$9,560,000
Georgia	Marine Corps Logistics Base, Albany	$6,260,000
Hawaii	Marine Corps Air Station, Kaneohe Bay	$5,790,000
	Naval Shipyard, Pearl Harbor	$10,610,000
	Naval Station, Pearl Harbor	$18,600,000
	Naval Submarine Base, Pearl Harbor	$29,460,000
Idaho	Naval Surface Warfare Center, Bayview	$10,040,000
Illinois	Naval Training Center, Great Lakes	$57,290,000
Indiana	Naval Surface Warfare Center, Crone	$7,270,000
Maine	Naval Air Station, Brunswick	$16,890,000
Maryland	Naval Air Warfare Center, Patuxent River	$4,560,000
	Naval Surface Warfare Center, Indian Head	$10,070,000
Mississippi	Naval Air Station, Meridian	$7,280,000
	Naval Construction Battalion Center Gulfport	$19,170,000
Nevada	Naval Air Station, Fallon	$7,000,000
New Jersey	Naval Air Warfare Center Aircraft Division, Lakehurst	$15,710,000
North Carolina	Marine Corps Air Station, New River	$5,470,000
	Marine Corps Base, Camp Lejeune	$21,380,000
Pennsylvania	Navy Ships Parts Control Center, Mechanicsburg	$2,990,000
	Norfolk Naval Shipyard Detachment, Philadelphia	$13,320,000
South Carolina	Naval Weapons Station, Charleston	$7,640,000
	Marine Corps Air Station, Beaufort	$18,290,000
Texas	Naval Station, Ingleside	$11,780,000
Virginia	Marine Corps Combat Development Command, Quantico	$20,820,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
Washington	Naval Air Station, Oceana	$11,490,000
	Naval Shipyard, Norfolk	$17,630,000
	Naval Station, Norfolk	$69,550,000
	Naval Weapons Station, Yorktown	$25,040,000
	Tactical Training Group Atlantic, Dam Neck	$10,310,000
	Naval Ordnance Center Pacific Division Detachment, Port Hadlock	$3,440,000
	Naval Undersea Warfare Center, Keyport	$6,700,000
	Puget Sound Naval Shipyard, Bremerton	$15,610,000
	Strategic Weapons Facility Pacific, Bremerton	$6,300,000
	Total	$751,570,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	Administrative Support Unit,	$83,090,000
Diego Garcia	Naval Support Facility, Diego Garcia	$8,150,000
Greece	Naval Support Activity, Souda Bay	$6,380,000
Italy	Naval Support Activity, Naples	$26,750,000
	Total	$124,370,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or location	Purpose	Amount
Hawaii	Marine Corps Air Station, Kaneohe Bay	100 Units	$26,615,000
	Naval Base Pearl Harbor	133 Units	$30,168,000
	Naval Base Pearl Harbor	96 Units	$19,167,000
		Total	$75,950,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriation in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $17,715,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $162,350,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,084,107,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $737,910,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $124,370,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,342,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $70,010,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $256,015,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $895,070,000.

(6) For the construction of berthing wharf, Naval Station Norfolk, Virginia, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2189), $12,690,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $13,660,000 (the balance of the amount authorized under section 2201(a) for the construction of a berthing wharf at Naval Air Station, North Island, California).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $19,300,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2205. AUTHORIZATION TO ACCEPT ELECTRICAL SUBSTATION IMPROVEMENTS, GUAM.

The Secretary of the Navy may accept from the Guam Power Authority various improvements to electrical transformers at the Agana and Harmon Substations in Guam, which are valued at approximately $610,000 and are to be performed in accordance with plans and specifications acceptable to the Secretary.

SEC. 2206. CORRECTION IN AUTHORIZED USE OF FUNDS, MARINE CORPS COMBAT DEVELOPMENT COMMAND, QUANTICO, VIRGINIA.

The Secretary of the Navy may carry out a military construction project involving infrastructure development at the Marine Corps Combat Development Command, Quantico, Virginia, in the amount of $8,900,000, using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2769) for a military construction project involving a sanitary landfill at that installation, as authorized by section 2201(a) of that Act (110 Stat. 2767).

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	$10,600,000
Alaska	Eielson Air Force Base	$24,100,000
	Elmendorf Air Force Base	$32,800,000
Arizona	Davis-Monthan Air Force Base	$7,800,000
Arkansas	Little Rock Air Force Base	$7,800,000
California	Beale Air Force Base	$8,900,000
	Edwards Air Force Base	$5,500,000
	Travis Air Force Base	$11,200,000
Colorado	Peterson Air Force Base	$40,000,000
	Schriever Air Force Base	$16,100,000
	U.S. Air Force Academy	$17,500,000
CONUS Classified	Classified Location	$16,870,000
Florida	Eglin Air Force Base	$18,300,000
	Eglin Auxiliary Field 9	$18,800,000
	MacDill Air Force Base	$5,500,000
	Patrick Air Force Base	$17,800,000
	Tyndall Air Force Base	$10,800,000
Georgia	Fort Benning	$3,900,000
	Moody Air Force Base	$5,950,000
	Robins Air Force Base	$3,350,000
Hawaii	Hickam Air Force Base	$3,300,000
Idaho	Mountain Home Air Force Base	$17,000,000
Kansas	McConnell Air Force Base	$9,600,000
Kentucky	Fort Campbell	$6,300,000
Mississippi	Columbus Air Force Base	$5,100,000
	Keesler Air Force Base	$27,000,000
Missouri	Whiteman Air Force Base	$24,900,000
Nebraska	Offutt Air Force Base	$8,300,000
Nevada	Nellis Air Force Base	$18,600,000
New Jersey	McGuire Air Force Base	$11,800,000
New York	Rome Research Site	$3,002,000
New Mexico	Kirtland Air Force Base	$14,000,000
North Carolina	Fort Bragg	$4,600,000
	Pope Air Force Base	$7,700,000
North Dakota	Minot Air Force Base	$3,000,000
Ohio	Wright-Patterson Air Force Base	$35,100,000
Oklahoma	Tinker Air Force Base	$23,800,000
	Vance Air Force Base	$12,600,000
South Carolina	Charleston Air Force Base	$18,200,000
Tennessee	Arnold Air Force Base	$7,800,000
Texas	Dyess Air Force Base	$5,400,000
	Lackland Air Force Base	$13,400,000
	Laughlin Air Force Base	$3,250,000
	Randolph Air Force Base	$3,600,000
Utah	Hill Air Force Base	$4,600,000
Virginia	Langley Air Force Base	$6,300,000
Washington	Fairchild Air Force Base	$15,550,000
	McChord Air Force Base	$7,900,000
	Total	$635,272,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Guam	Andersen Air Force Base	$8,900,000
Italy	Aviano Air Base	$3,700,000
Korea	Osan Air Base	$19,600,000
Portugal	Lajes Field, Azores	$1,800,000
United Kingdom	Ascension Island	$2,150,000
	Royal Air Force Feltwell	$3,000,000
	Royal Air Force Lakenheath	$18,200,000
	Royal Air Force Mildenhall	$17,600,000
	Royal Air Force Molesworth	$1,700,000
	Total	$76,650,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
Arizona	Davis-Monthan Air Force Base	64 Units	$10,000,000
California	Beale Air Force Base	60 Units	$8,500,000
	Edwards Air Force Base	188 Units	$32,790,000
	Vandenberg Air Force Base	91 Units	$16,800,000
District of Columbia	Bolling Air Force Base	72 Units	$9,375,000
Florida	Eglin Air Force Base	130 Units	$14,080,000
	MacDill Air Force Base	54 Units	$9,034,000
Kansas	McConnell Air Force Base	Safety Improvements.	$1,363,000
Mississippi	Columbus Air Force Base	100 Units	$12,290,000
Montana	Malmstrom Air Force Base	34 Units	$7,570,000
Nebraska	Offutt Air Force Base	72 Units	$12,352,000

Air Force: Family Housing—Continued

State	Installation or location	Purpose	Amount
New Mexico	Hollomon Air Force Base	76 Units	$9,800,000
North Carolina	Seymour Johnson Air Force Base	78 Units	$12,187,000
North Dakota	Grand Forks Air Force Base	42 Units	$10,050,000
	Minot Air Force Base	72 Units	$10,756,000
Texas	Lackland Air Force Base	48 Units	$7,500,000
Portugal	Lajes Field, Azores	75 Units	$12,964,000
		Total	$197,411,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $17,093,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, Unites States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $124,492,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,874,053,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $605,272,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $76,650,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $8,741,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $32,104,000.

(5) For military housing functions:

(A) For construction and acquisition, planning and design and improvement of military family housing and facilities, $338,996,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $821,892,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $9,602,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2305. PLAN FOR COMPLETION OF PROJECT TO CONSOLIDATE AIR FORCE RESEARCH LABORATORY, ROME RESEARCH SITE, NEW YORK.

(a) PLAN REQUIRED.—Not later than January 1, 2000, the Secretary of the Air Force shall submit to Congress a plan for the completion of multi-phase efforts to consolidate research and technology development activities conducted at the Air Force Research Laboratory located at the Rome Research Site at former Griffiss Air Force Base in Rome, New York. The plan shall include details on how the Air Force will complete the multi-phase construction and renovation of the consolidated building 2/3 complex at the Rome Research Site, by January 1, 2005, including the cost of the project and options for financing it.

(b) RELATION TO STATE CONTRIBUTIONS.—Nothing in this section shall be construed to limit or expand the authority of the Secretary of a military department to accept funds from a State for the purpose of consolidating military functions within a military installation.

TITLE XXIV—DEFENSE AGENCIES

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Chemical Demilitarization	Blue Grass Army Depot, Kentucky	$206,800,000
Defense Education Activity	Laurel Bay, South Carolina	$2,874,000
	Marine Corps Base, Camp LeJeune, North Carolina	$10,570,000
Defense Logistics Agency	Defense Distribution New Cumberland,Pennsylvania	$5,000,000
	Elmendorf Air Force Base, Alaska	$23,500,000
	Eielson Air Force Base, Alaska	$26,000,000
	Fairchild Air Force Base, Washington	$12,400,000
	Various Locations	$1,300,000
Defense Manpower Data Center	Presidio, Monterey, California	$28,000,000
National Security Agency	Fort Meade, Maryland	$2,946,000
Special Operations Command	Fleet Combat Training Center, Dam Neck, Virginia	$4,700,000
	Fort Benning, Georgia	$10,200,000
	Fort Bragg, North Carolina	$20,100,000
	Mississippi Army Ammunition Plant, Mississippi	$9,600,000
	Naval Amphibious Base, Coronado, California	$6,000,000
TRICARE Management Agency	Andrews Air Force Base, Maryland	$3,000,000
	Cheatham Annex, Virginia	$1,650,000
	Davis-Monthan Air Force Base, Arizona	$10,000,000
	Fort Lewis, Washington	$5,500,000
	Fort Riley, Kansas	$6,000,000
	Fort Sam Houston, Texas	$5,800,000
	Fort Wainwright, Alaska	$133,000,000
	Los Angeles Air Force Base, California	$13,600,000
	Marine Corps Air Station, Cherry Point, North Carolina	$3,500,000
	Moody Air Force Base, Georgia	$1,250,000
	Naval Air Station, Jacksonville, Florida	$3,780,000
	Naval Air Station, Norfolk, Virginia	$4,050,000
	Naval Air Station, Patuxent River, Maryland	$4,150,000
	Naval Air Station, Pensacola, Florida	$4,300,000
	Naval Air Station, Whidbey Island, Washington	$4,700,000
	Patrick Air Force Base, Florida	$1,750,000
	Travis Air Force Base, California	$7,500,000
	Wright-Patterson Air Force Base, Ohio	$3,900,000
	Total	$587,420,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations

and locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Drug Interdiction and Counter-Drug Activities	Manta, Ecuador	$25,000,000
	Curacao, Netherlands Antilles	$11,100,000
Defense Education Activity	Andersen Air Force Base, Guam	$44,170,000
	Naval Station Rota, Spain	$17,020,000
	Royal Air Force, Feltwell, United Kingdom	$4,570,000
	Royal Air Force, Lakenheath, United Kingdom	$3,770,000
Defense Logistics Agency	Andersen Air Force Base, Guam	$24,300,000
	Moron Air Base, Spain	$15,200,000
National Security Agency	Royal Air Force, Menwith Hill Station, United Kingdom	$500,000
Tri-Care Management Agency	Naval Security Group Activity, Sabana Seca, Puerto Rico	$4,000,000
	Ramstein Air Force Base, Germany	$7,100,000
	Royal Air Force, Lakenheath, United Kingdom	$7,100,000
	Yongsan, Korea	$41,120,000
	Total	$204,950,000

SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriation in section 2405(a)(8)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed $50,000.

SEC. 2403. MILITARY HOUSING IMPROVEMENT PROGRAM.

Of the amount authorized to be appropriated by section 2405(a)(8)(C), $78,756,000 shall be available for credit to the Department of Defense Family Housing Fund established by section 2883(a)(1) of title 10, United States Code.

SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(6), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code, in the amount of $6,558,000.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $1,618,965,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $288,420,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $204,950,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, $18,618,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $938,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $49,024,000.

(6) For Energy Conservation projects authorized by section 2404 of this Act, $6,558,000.

(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $705,911,000.

(8) For military family housing functions:

(A) For improvement of military family housing and facilities, $50,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $41,440,000 of which not more than $35,639,000 may be obligated or expended for the leasing of military family housing units worldwide.

(C) For credit to the Department of Defense Family Housing Improvement Fund as authorized by section 2403 of this Act, $78,756,000.

(9) For the construction of the Ammunition Demilitarization Facility, Anniston Army Depot, Alabama, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1758), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1992 and 1993 (division B of Public Law 102–190; 105 Stat. 1508), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2586); and section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337, 108 Stat. 3040), $7,000,000.

(10) For the construction of the Ammunition Demilitarization Facility, Pine Bluff Arsenal, Arkansas, authorized in section 2401 of Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the National Defense Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982), and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), $61,800,000.

(11) For the construction of the Ammunition Demilitarization Facility, Umatilla Army Depot, Oregon, authorized in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982); and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), $35,900,000.

(12) For the construction of the Ammunition Demilitarization Facility, Aberdeen Proving Ground, Maryland, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), $66,600,000.

(13) For the construction of the Ammunition Demilitarization Facility at Newport Army Depot, Indiana, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), $61,200,000.

(14) For the construction of the Ammunition Demilitarization Facility, Pueblo Army Depot, Colorado, authorized in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of this Act, $11,800,000.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $115,000,000 (the balance of the amount authorized under section 2401(a) for the construction of a replacement hospital at Fort Wainwright, Alaska); and

(3) $184,000,000 (the balance of the amount authorized under section 2401(a) for the construction of a chemical demilitarization facility at Blue Grass Army Depot, Kentucky).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (14) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs reduced by $20,000,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

SEC. 2406. INCREASE IN FISCAL YEAR 1997 AUTHORIZATION FOR MILITARY CONSTRUCTION PROJECTS AT PUEBLO CHEMICAL ACTIVITY, COLORADO.

The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), is amended—

(1) in the item relating to Pueblo Chemical Activity, Colorado, under the agency heading relating to Chemical Demilitarization Program by striking ''$179,000,000'' in the amount column and inserting ''$203,500,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$549,954,000''.

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of that Act (110 Stat. 2779) is amended by striking ''$179,000,000'' and inserting ''$203,500,000''.

SEC. 2407. CONDITION ON OBLIGATION OF MILITARY CONSTRUCTION FUNDS FOR DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES.

In addition to the conditions specified in section 1022 on the development of forward operating locations for United States Southern Command counter-drug detection and monitoring flights, amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(2) for the projects set forth in the table in section 2401(b) under the heading ''Drug Interdiction and Counter-

Drug Activities'' may not be obligated until after the end of the 30-day period beginning on the date on which the Secretary of Defense submits to Congress a report describing in detail the purposes for which the amounts will be obligated and expended.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1999, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $191,000,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1999, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $123,878,000; and

(B) for the Army Reserve, $92,515,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $21,574,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $151,170,000; and

(B) for the Air Force Reserve, $48,564,000.

TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2002; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2003.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2002; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2003 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1997 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2782), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2201, 2202, or 2601 of that Act and amended by section 2406 of this Act, shall remain in effect until October 1, 2000, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2001, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Army: Extension of 1997 Project Authorization

State	Installation or location	Project	Amount
Colorado	Pueblo Army Depot	Ammunition Demilitarization Facility	$203,500,000

Navy: Extension of 1997 Project Authorization

State	Installation or location	Project	Amount
Virginia	Marine Corps Combat Development Command	Infrastructure Development	$8,900,000

Navy: Extension of 1997 Family Housing Authorizations

State	Installation or location	Family Housing	Amount
Florida	Mayport Naval Station	100 units	$10,000,000
Maine	Brunswick Naval Air Station	92 units	$10,925,000
North Carolina	Camp Lejuene	94 units	$10,110,000
South Carolina	Beaufort Marine Corps Air Station	140 units	$14,000,000
Texas	Corpus Christi Naval Complex	104 units	$11,675,000
	Kingsville Naval Air Station	48 units	$7,550,000
Washington	Everett Naval Station	100 units	$15,015,000

Army National Guard: Extension of 1997 Project Authorization

State	Installation or location	Project	Amount
Mississippi	Camp Shelby	Multi-Purpose Range (Phase II)	$5,000,000

SEC. 2703. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1996 PROJECTS.

(a) EXTENSIONS.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 541), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2202 or 2601 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2199), shall remain in effect until October 1, 2000, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2001, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

Navy: Extension of 1996 Family Housing Authorization

State	Installation or location	Family Housing	Amount
California	Camp Pendleton	138 units	$20,000,000

Army National Guard: Extension of 1996 Project Authorizations

State	Installation or location	Project	Amount
Mississippi	Camp Shelby	Multipurpose Range Complex (Phase I)	$5,000,000

Army National Guard: Extension of 1996 Project Authorizations—Continued

State	Installation or location	Project	Amount
Missouri	National Guard Training Site, Jefferson City	Multipurpose Range	$2,236,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

(1) October 1, 1999; or

(2) the date of the enactment of this Act.

TITLE XXVIII—GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. CONTRIBUTIONS FOR NORTH ATLANTIC TREATY ORGANIZATIONS SECURITY INVESTMENT.

Section 2806(a) of title 10, United States Code, is amended by inserting before the period at the end the following: '', including support for the actual implementation of a military operations plan approved by the North Atlantic Council''.

SEC. 2802. DEVELOPMENT OF FORD ISLAND, HAWAII.

(a) CONDITIONAL AUTHORITY TO DEVELOP.—(1) Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2814. Special authority for development of Ford Island, Hawaii

''(a) IN GENERAL.—(1) Subject to paragraph (2), the Secretary of the Navy may exercise any authority or combination of authorities in this section for the purpose of developing or facilitating the development of Ford Island, Hawaii, to the extent that the Secretary determines the development is compatible with the mission of the Navy.

''(2) The Secretary of the Navy may not exercise any authority under this section until—

''(A) the Secretary submits to the appropriate committees of Congress a master plan for the development of Ford Island, Hawaii; and

''(B) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

''(b) CONVEYANCE AUTHORITY.—(1) The Secretary of the Navy may convey to any public or private person or entity all right, title, and interest of the United States in and to any real property (including any improvements thereon) or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

''(A) is excess to the needs of the Navy and all of the other armed forces; and

''(B) will promote the purpose of this section.

''(2) A conveyance under this subsection may include such terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

''(c) LEASE AUTHORITY.—(1) The Secretary of the Navy may lease to any public or private person or entity any real property or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

''(A) is excess to the needs of the Navy and all of the other armed forces; and

''(B) will promote the purpose of this section.

''(2) A lease under this subsection shall be subject to section 2667(b)(1) of this title and may include such others terms as the Secretary considers appropriate to protect the interests of the United States.

''(3) A lease of real property under this subsection may provide that, upon termination of the lease term, the lessee shall have the right of first refusal to acquire the real property covered by the lease if the property is then conveyed under subsection (b).

''(4)(A) The Secretary may provide property support services to or for real property leased under this subsection.

''(B) To the extent provided in appropriations Acts, any payment made to the Secretary for services provided under this paragraph shall be credited to the appropriation, account, or fund from which the cost of providing the services was paid.

''(d) ACQUISITION OF LEASEHOLD INTEREST BY SECRETARY.—(1) The Secretary of the Navy may acquire a leasehold interest in any facility constructed under subsection (f) as consideration for a transaction authorized by this section upon such terms as the Secretary considers appropriate to promote the purpose of this section.

''(2) The term of a lease under paragraph (1) may not exceed 10 years, unless the Secretary of Defense approves a term in excess of 10 years for purposes of this section.

''(3) A lease under this subsection may provide that, upon termination of the lease term, the United States shall have the right of first refusal to acquire the facility covered by the lease.

''(4) The Secretary of the Navy may enter into a lease under this subsection only if the lease is specifically authorized by a law enacted after the date of the enactment of this section.

''(e) REQUIREMENT FOR COMPETITION.—The Secretary of the Navy shall use competitive procedures for purposes of selecting the recipient of real or personal property under subsection (b) and the lessee of real or personal property under subsection (c).

''(f) CONSIDERATION.—(1) As consideration for the conveyance of real or personal property under subsection (b), or for the lease of real or personal property under subsection (c), the Secretary of the Navy shall accept cash, real property, personal property, or services, or any combination thereof, in an aggregate amount equal to not less than the fair market value of the real or personal property conveyed or leased.

''(2) Subject to subsection (i), the services accepted by the Secretary under paragraph (1) may include the following:

''(A) The construction or improvement of facilities at Ford Island.

''(B) The restoration or rehabilitation of real property at Ford Island.

''(C) The provision of property support services for property or facilities at Ford Island.

''(g) NOTICE AND WAIT REQUIREMENTS.—The Secretary of the Navy may not carry out a transaction authorized by this section until—

''(1) the Secretary submits to the appropriate committees of Congress a notification of the transaction, including—

''(A) a detailed description of the transaction; and

''(B) a justification for the transaction specifying the manner in which the transaction will meet the purposes of this section; and

''(2) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

''(h) FORD ISLAND IMPROVEMENT ACCOUNT.—(1) There is established on the books of the Treasury an account to be known as the 'Ford Island Improvement Account'.

''(2) There shall be deposited into the account the following amounts:

''(A) Amounts authorized and appropriated to the account.

''(2) Except as provided in subsection (c)(4)(B), the amount of any cash payment received by the Secretary for a transaction under this section.

''(i) USE OF ACCOUNT.—(1) Subject to paragraph (2), to the extent provided in advance in appropriation Acts, funds in the Ford Island Improvement Account may be used as follows:

''(A) To carry out or facilitate the carrying out of a transaction authorized by this section.

''(B) To carry out improvements of property or facilities at Ford Island.

''(C) To obtain property support services for property or facilities at Ford Island.

''(2) To extent that the authorities provided under subchapter IV of this chapter are available to the Secretary of the Navy, the Secretary may not use the authorities in this section to acquire, construct, or improve family housing units, military unaccompanied housing units, or ancillary supporting facilities related to military housing.

''(3)(A) The Secretary may transfer funds from the Ford Island Improvement Account to the following funds:

''(i) The Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of this title.

''(ii) The Department of Defense Military Unaccompanied Housing Improvement Fund established by section 2883(a)(2) of this title.

''(B) Amounts transferred under subparagraph (A) to a fund referred to in that subparagraph shall be available in accordance with the provisions of section 2883 of this title for activities authorized under subchapter IV of this chapter at Ford Island.

''(j) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—Except as otherwise provided in this section, transactions under this section shall not be subject to the following:

''(1) Sections 2667 and 2696 of this title.

''(2) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

''(3) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

''(k) SCORING.—Nothing in this section shall be construed to waive the applicability to any lease entered into under this section of the budget scorekeeping guidelines used to measure compliance with the Balanced Budget Emergency Deficit Control Act of 1985.

''(l) PROPERTY SUPPORT SERVICE DEFINED.—In this section, the term 'property support service' means the following:

''(1) Any utility service or other service listed in section 2686(a) of this title.

''(2) Any other service determined by the Secretary to be a service that supports the operation and maintenance of real property, personal property, or facilities.''.

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

''2814. Special authority for development of Ford Island, Hawaii.''.

(b) CONFORMING AMENDMENTS.—Section 2883(c) of title 10, United States Code, is amended—

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

''(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to

section 2814(i)(3) of this title, subject to the restrictions on the use of the transferred amounts specified in that section.''; and

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

''(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2814(i)(3) of this title, subject to the restrictions on the use of the transferred amounts specified in that section.''.

SEC. 2803. RESTRICTION ON AUTHORITY TO ACQUIRE OR CONSTRUCT ANCILLARY SUPPORTING FACILITIES FOR HOUSING UNITS.

Section 2881 of title 10, United States Code, is amended—

(1) by inserting ''(a) AUTHORITY TO ACQUIRE OR CONSTRUCT.—'' before ''Any project''; and

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

''(b) RESTRICTION.—The ancillary supporting facilities authorized by subsection (a) may not be in direct competition with any resale activities provided by the Defense Commissary Agency or the Army and Air Force Exchange Service, the Navy Exchange Service Command, Marine Corps exchanges, or any other nonappropriated fund instrumentality of the United States under the jurisdiction of the armed forces which is conducted for the morale, welfare and recreation of members of the armed forces.''.

SEC. 2804. PLANNING AND DESIGN FOR MILITARY CONSTRUCTION PROJECTS FOR RESERVE COMPONENTS.

Section 18233(f)(1) of title 10, United States Code, is amended by inserting ''design,'' after ''planning,''.

SEC. 2805. LIMITATIONS ON AUTHORITY TO CARRY OUT SMALL PROJECTS FOR ACQUISITION OF FACILITIES FOR RESERVE COMPONENTS.

(a) UNSPECIFIED MINOR CONSTRUCTION PROJECTS TO CORRECT LIFE, HEALTH, OR SAFETY THREATS.—Subsection (a)(2) of section 18233a of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(C) An unspecified minor construction project intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening, except that the expenditure or contribution for the project may not exceed $3,000,000.''.

(b) USE OF OPERATION AND MAINTENANCE FUNDS TO CORRECT LIFE, HEALTH, OR SAFETY THREATS.—Subsection (b) of such section is amended by inserting after ''or less'' the following: ''(or $1,000,000 or less if the project is intended solely to correct a deficiency that is life-threatening, health-threatening, or safety-threatening).''.

SEC. 2806. EXPANSION OF ENTITIES ELIGIBLE TO PARTICIPATE IN ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.

(a) DEFINITION OF ELIGIBLE ENTITY.—Section 2871 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (5) through (7) as paragraphs (6) through (8) respectively; and

(2) by inserting after paragraph (4) the following new paragraph:

''(5) The term 'eligible entity' means any individual, corporation, firm, partnership, company, State or local government, or housing authority of a State or local government.''.

(b) GENERAL AUTHORITY.—Section 2872 of such title is amended by striking ''private persons'' and inserting ''eligible entities''.

(c) DIRECT LOANS AND LOAN GUARANTEES.—Section 2873 of such title is amended—

(1) in subsection (a)(1)—

(A) by striking ''persons in the private sector'' and inserting ''an eligible entity''; and

(B) by striking ''such persons'' and inserting ''the eligible entity''; and

(2) in subsection (b)(1)—

(A) by striking ''any person in the private sector'' and inserting ''an eligible entity''; and

(B) by striking ''the person'' and inserting ''the eligible entity''.

(d) INVESTMENTS.—Section 2875 of such title is amended—

(1) in subsection (a), by striking ''nongovernmental entities'' and inserting ''an eligible entity'';

(2) in subsection (c)—

(A) by striking ''a nongovernmental entity'' both places it appears and inserting ''an eligible entity''; and

(B) by striking ''the entity'' each place it appears and inserting ''the eligible entity'';

(3) in subsection (d), by striking ''nongovernmental'' and inserting ''eligible''; and

(4) in subsection (e), by striking ''a nongovernmental entity'' and inserting ''an eligible entity''.

(e) RENTAL GUARANTEES.—Section 2876 of such title is amended by striking ''private persons'' and inserting ''eligible entities''.

(f) DIFFERENTIAL LEASE PAYMENTS.—Section 2877 of such title is amended by striking ''private''.

(g) CONVEYANCE OR LEASE OF EXISTING PROPERTY AND FACILITIES.—Section 2878(a) of such title is amended by striking ''private persons'' and inserting ''eligible entities''.

(h) CLERICAL AMENDMENTS.—(1) The heading of section 2875 of such title is amended to read as follows:

''§ 2875. Investments''.

(2) The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to such section and inserting the following new item:

''2875. Investments.''.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. EXTENSION OF AUTHORITY FOR LEASE OF LAND FOR SPECIAL OPERATIONS ACTIVITIES.

Section 2680(d) of title 10, United States Code, is amended by striking ''September 30, 2000'' and inserting ''September 30, 2005''.

SEC. 2812. UTILITY PRIVATIZATION AUTHORITY.

(a) EXTENDED CONTRACTS FOR UTILITY SERVICES.—Subsection (c) of section 2688 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) A contract for the receipt of utility services as consideration under paragraph (1), or any other contract for utility services entered into by the Secretary concerned in connection with the conveyance of a utility system under this section, may be for a period not to exceed 50 years.''.

(b) DEFINITION OF UTILITY SYSTEM.—Subsection (g)(2)(B) of such section is amended by striking ''Easements'' and inserting ''Real property, easements,''.

(c) FUNDS TO FACILITATE PRIVATIZATION.—Such section is further amended—

(1) by redesignating subsections (g) and (h) as subsections (i) and (j); and

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

''(g) ASSISTANCE FOR CONSTRUCTION, REPAIR, OR REPLACEMENT OF UTILITY SYSTEMS.—In lieu of carrying out a military construction project to construct, repair, or replace a utility system, the Secretary concerned may use funds authorized and appropriated for the project to facilitate the conveyance of the utility system under this section by making a contribution toward the cost of construction, repair, or replacement of the utility system by the entity to which the utility system is being conveyed. The Secretary concerned shall consider any such contribution in the economic analysis required under subsection (e).''.

SEC. 2813. ACCEPTANCE OF FUNDS TO COVER ADMINISTRATIVE EXPENSES RELATING TO CERTAIN REAL PROPERTY TRANSACTIONS.

Section 2695(b) of title 10, United States Code, is amended—

(1) by inserting ''involving real property under the control of the Secretary of a military department'' after ''transactions''; and

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

''(4) The disposal of real property of the United States for which the Secretary will be the disposal agent.''.

SEC. 2814. STUDY AND REPORT ON IMPACTS TO MILITARY READINESS OF PROPOSED LAND MANAGEMENT CHANGES ON PUBLIC LANDS IN UTAH.

(a) UTAH NATIONAL DEFENSE LANDS DEFINED.—In this section, the term ''Utah national defense lands'' means public lands under the jurisdiction of the Bureau of Land Management in the State of Utah that are adjacent to or near the Utah Test and Training Range and Dugway Proving Ground or beneath the Military Operating Areas, Restricted Areas, and airspace that make up the Utah Test and Training Range.

(b) READINESS IMPACT STUDY.—The Secretary of Defense shall conduct a study to evaluate the impact upon military training, testing, and operational readiness of any proposed changes in land management of the Utah national defense lands. In conducting the study, the Secretary of Defense shall consider the following:

(1) The present military requirements for and missions conducted at Utah Test and Training Range, as well as projected requirements for the support of aircraft, unmanned aerial vehicles, missiles, munitions and other military requirements.

(2) The future requirements for force structure and doctrine changes, such as the Expeditionary Aerospace Force concept, that could require the use of the Utah Test and Training Range.

(3) All other pertinent issues, such as overflight requirements, access to electronic tracking and communications sites, ground access to respond to emergency or accident locations, munitions safety buffers, noise requirements, ground safety and encroachment issues.

(c) COOPERATION AND COORDINATION.—The Secretary of Defense shall conduct the study in cooperation with the Secretary of the Air Force and the Secretary of the Army and coordinate the study with the Secretary of the Interior.

(d) EFFECT OF STUDY.—Until the Secretary of Defense submits to Congress a report containing the results of the study, the Secretary of the Interior may not proceed with the amendment of any individual resource management plan for Utah national defense lands, or any statewide environmental impact statement or statewide resource management plan amendment package for such lands, if the statewide environmental impact statement or statewide resource management plan amendment addresses wilderness characteristics or wilderness management issues affecting such lands.

Subtitle C—Defense Base Closure and Realignment

SEC. 2821. CONTINUATION OF AUTHORITY TO USE DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990 FOR ACTIVITIES REQUIRED TO CLOSE OR REALIGN MILITARY INSTALLATIONS.

(a) DURATION OF ACCOUNT.—Subsection (a) of section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

''(3) The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code. Unobligated funds which remain in the Account upon closure shall be held by the Secretary of the Treasury until transferred by law after the congressional defense committees receive the final report transmitted under subsection (c)(2).''.

(b) EFFECT OF CONTINUATION ON USE OF ACCOUNT.—Subsection (b)(1) of such section is amended by adding at the end the following new sentence: ''After July 13, 2001, the Account shall be the sole source of Federal funds for environmental restoration, property management, and other caretaker costs associated with any real property at military installations closed or realigned under this part or such title II.''.

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

(1) in subsection (c)—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2) and, in such paragraph, by inserting after ''this part'' the following: ''and no later than 60 days after the closure of the Account under subsection (a)(3)''; and

(2) in subsection (e), by striking ''the termination of the authority of the Secretary to carry out a closure or realignment under this part'' and inserting ''the closure of the Account under subsection (a)(3)''.

Subtitle D—Land Conveyances

PART I—ARMY CONVEYANCES

SEC. 2831. TRANSFER OF JURISDICTION, FORT SAM HOUSTON, TEXAS.

(a) TRANSFER OF LAND FOR INCLUSION IN NATIONAL CEMETERY.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property, including any improvements thereon, consisting of approximately 152 acres and comprising a portion of Fort Sam Houston, Texas.

(b) USE OF LAND.—The Secretary of Veterans Affairs shall include the real property transferred under subsection (a) in the Fort Sam Houston National Cemetery and use the conveyed property as a national cemetery under chapter 24 of title 38, United States Code.

(c) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the Secretary of Veterans Affairs.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.

SEC. 2832. LAND CONVEYANCE, ARMY RESERVE CENTER, KANKAKEE, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the City of Kankakee, Illinois (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 1600 Willow Street in Kankakee, Illinois, and contains the vacant Stefaninch Army Reserve Center for the purpose of permitting the City to use the parcel for economic development and other public purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. LAND CONVEYANCE, FORT DES MOINES, IOWA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Fort Des Moines Black Officers Memorial, Inc., a nonprofit corporation organized in the State of Iowa (in this section referred to as the ''Corporation''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, located at Fort Des Moines, Iowa, and containing the post chapel (building #49) and Clayton Hall (building #46) for the purpose of permitting the Corporation to develop and use the parcel as a memorial and for educational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Corporation.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2834. LAND CONVEYANCE, ARMY MAINTENANCE SUPPORT ACTIVITY (MARINE) NUMBER 84, MARCUS HOOK, PENNSYLVANIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Borough of Marcus Hook, Pennsylvania (in this section referred to as the ''Borough''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 5 acres that is located at 7 West Delaware Avenue in Marcus Hook, Pennsylvania, and contains the facility known as the Army Maintenance Support Activity (Marine) Number 84, for the purpose of permitting the Borough to develop the parcel for recreational or economic development purposes.

(b) CONDITION OF CONVEYANCE.—The conveyance under subsection (a) shall be subject to the condition that the Borough—

(1) use the conveyed property, directly or through an agreement with a public or private entity, for recreational or economic purposes; or

(2) convey the property to an appropriate public or private entity for use for such purposes.

(c) REVERSION.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used for recreational or economic development purposes, as required by subsection (b), all right, title, and interest in and to the property conveyed under subsection (a), including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Borough.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2835. LAND CONVEYANCES, ARMY DOCKS AND RELATED PROPERTY, ALASKA.

(a) JUNEAU NATIONAL GUARD DOCK.—The Secretary of the Army may convey, without consideration, to the City of Juneau, Alaska, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, located at 1030 Thane Highway in Juneau, Alaska, and consisting of approximately 0.04 acres and the appurtenant facility known as the Juneau National Guard Dock.

(b) WHITTIER DELONG DOCK.—The Secretary may convey, without consideration, to the Alaska Railroad Corporation all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, located in Whittier, Alaska, and consisting of approximately 6.13 acres and the appurtenant facility known as the DeLong Dock.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the recipient of the real property.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) and (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2836. LAND CONVEYANCE, FORT HUACHUCA, ARIZONA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Veterans Services Commission of the State of Arizona (in this section referred to as the ''Commission''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 130 acres at Fort Huachuca, Arizona, for the purpose of permitting the Commission to establish a State-run cemetery for veterans.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Commission.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2837. LAND CONVEYANCE, ARMY RESERVE CENTER, CANNON FALLS, MINNESOTA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Cannon Falls Area Schools, Minnesota Independent School District Number 252 (in this section referred to as the ''District''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 710 State Street East in Cannon Falls, Minnesota, and contains an Army Reserve Center for the purpose of permitting the District to develop the parcel for educational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional

terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2838. LAND CONVEYANCE, NIKE BATTERY 80 FAMILY HOUSING SITE, EAST HANOVER TOWNSHIP, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Township Council of East Hanover, New Jersey (in this section referred to as the ''Township''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 13.88 acres located near the unincorporated area of Hanover Neck in East Hanover, New Jersey, and was a former family housing site for Nike Battery 80, for the purpose of permitting the Township to develop the parcel for affordable housing and for recreational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Township.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2839. LAND EXCHANGE, ROCK ISLAND ARSENAL, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey to the City of Moline, Illinois (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately .3 acres at the Rock Island Arsenal for the purpose of permitting the City to construct a new entrance and exit ramp for the bridge that crosses the southeast end of the island containing the Arsenal.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall convey to the Secretary all right, title, and interest of the City in and to a parcel of real property consisting of approximately .2 acres and located in the vicinity of the parcel to be conveyed under subsection (a).

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2840. MODIFICATION OF LAND CONVEYANCE, JOLIET ARMY AMMUNITION PLANT, ILLINOIS.

Section 2922(c) of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 605) is amended—

(1) by inserting ''(1)'' before ''The conveyance''; and

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

''(2) The landfill established on the real property conveyed under subsection (a) may contain only waste generated in the county in which the landfill is established and waste generated in municipalities located at least in part in that county. The landfill shall be closed and capped after 23 years of operation.''.

SEC. 2841. LAND CONVEYANCES, TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.

(a) CONVEYANCE TO CITY AUTHORIZED.—The Secretary of the Army may convey to the City of Arden Hills, Minnesota (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 4 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the City to construct a city hall complex on the parcel.

(b) CONVEYANCE TO COUNTY AUTHORIZED.—The Secretary of the Army may convey to Ramsey County, Minnesota (in this section referred to as the ''County''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 35 acres at the Twin Cities Army Ammunition Plant, for the purpose of permitting the County to construct a maintenance facility on the parcel.

(c) CONSIDERATION.—As consideration for the conveyances under this section, the City shall make the city hall complex available for use by the Minnesota National Guard for public meetings, and the County shall make the maintenance facility available for use by the Minnesota National Guard, as detailed in agreements entered into between the City, County, and the Commanding General of the Minnesota National Guard. Use of the city hall complex and maintenance facility by the Minnesota National Guard shall be without cost to the Minnesota National Guard.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the real property.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under this section as the Secretary considers appropriate to protect the interests of the United States.

PART II—NAVY CONVEYANCES

SEC. 2851. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT NO. 387, DALLAS, TEXAS.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Navy may convey to the City of Dallas, Texas (in this section referred to as the ''City''), all right, title, and interest of the United States in and to parcels of real property consisting of approximately 314 acres and comprising the Naval Weapons Industrial Reserve Plant No. 387, Dallas, Texas.

(2)(A) As part of the conveyance authorized by paragraph (1), the Secretary may convey to the City such improvements, equipment, fixtures, and other personal property located on the parcels referred to in that paragraph as the Secretary determines to be not required by the Navy for other purposes.

(B) The Secretary may permit the City to review and inspect the improvements, equipment, fixtures, and other personal property located on the parcels referred to in paragraph (1) for purposes of the conveyance authorized by this paragraph.

(b) AUTHORITY TO CONVEY WITHOUT CONSIDERATION.—The conveyance authorized by subsection (a) may be made without consideration if the Secretary determines that the conveyance on that basis would be in the best interests of the United States.

(c) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the City—

(1) use the parcels, directly or through an agreement with a public or private entity, for economic purposes or such other public purposes as the City determines appropriate; or

(2) convey the parcels to an appropriate public entity for use for such purposes.

(d) REVERSION.—If, during the 5-year period beginning on the date the Secretary makes the conveyance authorized by subsection (a), the Secretary determines that the conveyed real property is not being used for a purpose specified in subsection (c), all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property.

(e) LIMITATION ON CERTAIN SUBSEQUENT CONVEYANCES.—(1) Subject to paragraph (2), if at any time after the Secretary makes the conveyance authorized by subsection (a) the City conveys any portion of the parcels conveyed under that subsection to a private entity, the City shall pay to the United States an amount equal to the fair market value (as determined by the Secretary) of the portion conveyed at the time of its conveyance under this subsection.

(2) Paragraph (1) applies to a conveyance described in that paragraph only if the Secretary makes the conveyance authorized by subsection (a) without consideration.

(3) The Secretary shall cover over into the General Fund of the Treasury as miscellaneous receipts any amounts paid the Secretary under this subsection.

(f) INTERIM LEASE.—(1) Until such time as the real property described in subsection (a) is conveyed by deed under this section, the Secretary may continue to lease the property, together with improvements thereon, to the current tenant under the existing terms and conditions of the lease for the property.

(2) If good faith negotiations for the conveyance of the property continue under this section beyond the end of the third year of the term of the existing lease for the property, the Secretary shall continue to lease the property to the current tenant of the property under the terms and conditions applicable to the first three years of the lease of the property pursuant to the existing lease for the property.

(g) MAINTENANCE OF PROPERTY.—(1) Subject to paragraph (2), the Secretary shall be responsible for maintaining the real property to be conveyed under this section in its condition as of the date of the enactment of this Act until such time as the property is conveyed by deed under this section.

(2) The current tenant of the property shall be responsible for any maintenance required under paragraph (1) to the extent of the activities of that tenant at the property during the period covered by that paragraph.

(h) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2852. LAND CONVEYANCE, NAVAL AND MARINE CORPS RESERVE CENTER, ORANGE, TEXAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the Orange County Navigation and Port District of Orange County, Texas (in this section referred to as the ''District''), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, at the Naval and Marine Corps Reserve Center in

Orange, Texas, which consists of approximately 2.4 acres and contains the facilities designated as Buildings 135 and 163, for the purpose of permitting the District to develop the parcel for economic development, educational purposes, and the furtherance of navigation-related commerce.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the District.

(c) REVERSIONARY INTEREST.—During the five-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed real property is not being used in accordance with the purpose of the conveyance specified in such subsection, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2853. LAND CONVEYANCE, MARINE CORPS AIR STATION, CHERRY POINT, NORTH CAROLINA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the State of North Carolina (in this section referred to as the ''State''), all right, title, and interest of the United States in and to a parcel of unimproved real property consisting of approximately 20 acres at the Marine Corps Air Station, Cherry Point, North Carolina, for the purpose of permitting the State to develop the parcel for educational purposes.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the condition that the State convey to the United States such easements and rights-of-way regarding the parcel as the Secretary considers necessary to ensure use of the parcel by the State is compatible with the use of the Marine Corps Air Station.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

PART III—AIR FORCE CONVEYANCES

SEC. 2861. CONVEYANCE OF FUEL SUPPLY LINE, PEASE AIR FORCE BASE, NEW HAMPSHIRE.

(a) CONVEYANCE AUTHORIZED.—In conjunction with the disposal of property at former Pease Air Force Base, New Hampshire, under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), the Secretary of the Air Force may convey to the redevelopment authority for Pease Air Force Base all right, title, and interest of the United States in and to the deactivated fuel supply line at Pease Air Force Base, including the approximately 14.87 acres of real property associated with such supply line.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized by subsection (a) may only be made if the redevelopment authority agrees to make the fuel supply line available for use by the New Hampshire Air National Guard under terms and conditions acceptable to the Secretary.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the redevelopment authority.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2862. LAND CONVEYANCE, TYNDALL AIR FORCE BASE, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey to Panama City, Florida (in this section referred to as the ''City''), all right, title, and interest, of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 33.07 acres in Bay County, Florida, and containing the military family housing project for Tyndall Air Force Base known as Cove Garden.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the real property to be conveyed, as determined by the Secretary.

(c) USE OF PROCEEDS.—In such amounts as are provided in advance in appropriations Acts, the Secretary may use the funds paid by the City under subsection (b) to construct or improve military family housing units at Tyndall Air Force Base and to improve ancillary supporting facilities related to such housing.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2863. LAND CONVEYANCE, PORT OF ANCHORAGE, ALASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force and the Secretary of the Interior may convey, without consideration, to the Port of Anchorage, an entity of the City of Anchorage, Alaska (in this section referred to as the ''Port''), all right, title, and interest of the United States in and to two parcels of real property, including improvements thereon, consisting of a total of approximately 14.22 acres located adjacent to the Port of Anchorage Marine Industrial Park in Anchorage, Alaska, and leased by the Port from the Department of the Air Force and the Bureau of Land Management.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force and the Secretary of the Interior. The cost of the survey shall be borne by the Port.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Air Force and the Secretary of the Interior may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretaries considers appropriate to protect the interests of the United States.

SEC. 2864. LAND CONVEYANCE, FORESTPORT TEST ANNEX, NEW YORK.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, to the Town of Ohio, New York (in this section referred to as the ''Town''), all right, title, and interest, of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 164 acres in Herkimer County, New York, and approximately 18 acres in Oneida County, New York, and containing the Forestport Test Annex for the purpose of permitting the Town to develop the parcel for economic purposes and to further the provision of municipal services.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Town.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2865. LAND CONVEYANCE, MCCLELLAN NUCLEAR RADIATION CENTER, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—Consistent with applicable laws, including section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620), the Secretary of the Air Force may convey, without consideration, to the Regents of the University of California, acting on behalf of the University of California, Davis (in this section referred to as the ''Regents''), all right, title, and interest of the United States in and to the parcel of real property, including improvements thereon, consisting of the McClellan Nuclear Radiation Center, California.

(b) INSPECTION OF PROPERTY.—The Secretary shall, at an appropriate time before the conveyance authorized by subsection (a), permit the Regents access to the property to be conveyed for purposes of such investigation of the McClellan Nuclear Radiation Center and the atomic reactor located at the Center as the Regents consider appropriate.

(c) HOLD HARMLESS.—(1)(A) The Secretary may not make the conveyance authorized by subsection (a) unless the Regents agree to indemnify and hold harmless the United States for and against the following:

(i) Any and all costs associated with the decontamination and decommissioning of the atomic reactor at the McClellan Nuclear Radiation Center under requirements that are imposed by the Nuclear Regulatory Commission or any other appropriate Federal or State regulatory agency.

(ii) Any and all injury, damage, or other liability arising from the operation of the atomic reactor after its conveyance under this section.

(B) The Secretary may pay the Regents an amount not exceed $17,593,000 as consideration for the agreement under subparagraph (A). Notwithstanding subsection (b) of section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), the Secretary may use amounts appropriated pursuant to the authorization of appropriation in section 2405(a)(7) to make the payment under this subparagraph.

(2) Notwithstanding the agreement under paragraph (1), the Secretary may, as part of the conveyance authorized by subsection (a), enter into an agreement with the Regents under which agreement the United States shall indemnify and hold harmless the University of California for and against any injury, damage, or other liability in connection with the operation of the atomic reactor at the McClellan Nuclear Radiation Center after its conveyance under this section that

arises from a defect in the atomic reactor that could not have been discovered in the course of the inspection carried out under subsection (b).

(d) CONTINUING OPERATION OF REACTOR.—Until such time as the property authorized to be conveyed by subsection (a) is conveyed by deed, the Secretary shall take appropriate actions, including the allocation of personnel, funds, and other resources, to ensure the continuing operation of the atomic reactor located at the McClellan Nuclear Radiation Center in accordance with applicable requirements of the Nuclear Regulatory Commission and otherwise in accordance with law.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle E—Other Matters

SEC. 2871. EXPANSION OF ARLINGTON NATIONAL CEMETERY.

(a) LAND TRANSFER, NAVY ANNEX, ARLINGTON, VIRGINIA.—

(1) IN GENERAL.—The Secretary of Defense shall provide for the transfer to the Secretary of the Army of administrative jurisdiction over the following parcels of land situated in Arlington, Virginia:

(A) Certain lands which comprise approximately 26 acres bounded by Columbia Pike to the south and east, Oak Street to the west, and the boundary wall of Arlington National Cemetery to the north including Southgate Road.

(B) Certain lands which comprise approximately 8 acres bounded by Shirley Memorial Boulevard (Interstate 395) to the south, property of the Virginia Department of Transportation to the west, Columbia Pike to the north, and Joyce Street to the east.

(C) Certain lands which comprise approximately 2.5 acres bounded by Shirley Memorial Boulevard (Interstate 395) to the south, Joyce Street to the west, Columbia Pike to the north, and the cloverleaf interchange of Route 100 and Columbia Pike to the east.

(2) USE OF LAND.—The Secretary of the Army shall incorporate the parcels of land transferred under paragraph (1) into Arlington National Cemetery.

(3) REMEDIATION OF LAND FOR CEMETERY USE.—Before the transfer of administrative jurisdiction over the parcels of land under paragraph (1), the Secretary of Defense shall provide for the removal of any improvements on the parcels of land and, in consultation with the Superintendent of Arlington National Cemetery, the preparation of the land for use for interment of remains of individuals in Arlington National Cemetery.

(4) NEGOTIATION WITH LOCAL OFFICIALS.—Before the transfer of administrative jurisdiction over the parcels of land under paragraph (1), the Secretary of Defense shall enter into negotiations with appropriate State and local officials to acquire any real property, under the jurisdiction of such officials, that separates such parcels of land from each other.

(5) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report explaining in detail the measures required to prepare the land for use as a part of Arlington National Cemetery.

(6) DEADLINE.—The Secretary of Defense shall complete the transfer of administrative jurisdiction over the parcels of land under this subsection not later than the earlier of—

(A) January 1, 2010; or

(B) the date when those parcels are no longer required (as determined by the Secretary) for use as temporary office space due to the renovation of the Pentagon.

(b) MODIFICATION OF BOUNDARY OF ARLINGTON NATIONAL CEMETERY.—

(1) IN GENERAL.—The Secretary of the Army shall modify the boundary of Arlington National Cemetery to include the following parcels of land situated in Fort Myer, Arlington, Virginia:

(A) Certain lands which comprise approximately 5 acres bounded by the Fort Myer Post Traditional Chapel to the southwest, McNair Road to the northwest, the Vehicle Maintenance Complex to the northeast, and the masonry wall of Arlington National Cemetery to the southeast.

(B) Certain lands which comprise approximately 3 acres bounded by the Vehicle Maintenance Complex to the southwest, Jackson Avenue to the northwest, the water pumping station to the northeast, and the masonry wall of Arlington National Cemetery to the southeast.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report describing additional parcels of land located in Fort Myer, Arlington, Virginia, that may be suitable for use to expand Arlington National Cemetery.

(3) SURVEY.—The Secretary of the Army may determine the exact acreage and legal description of the parcels of land described in paragraph (1) by a survey.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. WEAPONS ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for weapons activities in carrying out programs necessary for national security in the amount of $4,541,500,000, to be allocated as follows:

(1) STOCKPILE STEWARDSHIP.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for stockpile stewardship in carrying out weapons activities necessary for national security programs in the amount of $2,258,700,000, to be allocated as follows:

(A) For core stockpile stewardship, $1,763,500,000, to be allocated as follows:

(i) For operation and maintenance, $1,640,355,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $123,145,000, to be allocated as follows:

Project 00–D–103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, $8,000,000.

Project 00–D–105, strategic computing complex, Los Alamos National Laboratory, Los Alamos, New Mexico, $26,000,000.

Project 00–D–107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $1,800,000.

Project 99–D–102, rehabilitation of maintenance facility, Lawrence Livermore National Laboratory, Livermore, California, $3,900,000.

Project 99–D–103, isotope sciences facilities, Lawrence Livermore National Laboratory, Livermore, California, $2,000,000.

Project 99–D–104, protection of real property (roof reconstruction, Phase II), Lawrence Livermore National Laboratory, Livermore, California, $2,400,000.

Project 99–D–105, central health physics calibration facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $1,000,000.

Project 99–D–106, model validation and system certification test center, Sandia National Laboratories, Albuquerque, New Mexico, $6,500,000.

Project 99–D–108, renovate existing roadways, Nevada Test Site, Nevada, $7,005,000.

Project 97–D–102, dual-axis radiographic hydrotest facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $61,000,000.

Project 96–D–102, stockpile stewardship facilities revitalization, Phase VI, various locations, 2,640,000.

Project 96–D–104, processing and environmental technology laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $10,900,000.

(iii) The total amount authorized to be appropriated pursuant to clause (ii) is the sum of the amounts authorized to be appropriated in that clause, reduced by $10,000,000.

(B) For inertial fusion, $475,700,000, to be allocated as follows:

(i) For operation and maintenance, $227,600,000.

(ii) For the following plant project (including maintenance, restoration, planning, construction, acquisition, and modification of facilities, and land acquisition related thereto), $248,100,000, to be allocated as follows:

Project 96–D–111, national ignition facility, Lawrence Livermore National Laboratory, Livermore, California, $248,100,000.

(C) For technology partnership and education, $19,500,000, to be allocated for technology partnership only.

(2) STOCKPILE MANAGEMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for stockpile management in carrying out weapons activities necessary for national security programs in the amount of $2,046,300,000, to be allocated as follows:

(A) For operation and maintenance, $1,897,621,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $148,679,000, to be allocated as follows:

Project 99–D–122, rapid reactivation, various locations, $11,700,000.

Project 99–D–127, stockpile management restructuring initiative, Kansas City Plant, Kansas City, Missouri, $17,000,000.

Project 99–D–128, stockpile management restructuring initiative, Pantex Plant consolidation, Amarillo, Texas, $3,429,000.

Project 99–D–132, stockpile management restructuring initiative, nuclear material safeguards and security upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $11,300,000.

Project 98–D–123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Plant, Aiken, South Carolina, $21,800,000.

Project 98–D–124, stockpile management restructuring initiative, Y–12 Plant consolidation, Oak Ridge, Tennessee, $3,150,000.

Project 98–D–125, tritium extraction facility, Savannah River Plant, Aiken, South Carolina, $33,000,000.

Project 98–D–126, accelerator production of tritium, various locations, $31,000,000.

Project 97–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $4,800,000.

Project 95–D–102, chemistry and metallurgy research upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $18,000,000.

Project 88–D–123, security enhancements, Pantex Plant, Amarillo, Texas, $3,500,000.

(C) The total amount authorized to be appropriated pursuant to subparagraph (B) is the sum of the amounts authorized to be appropriated in that subparagraph, reduced by $10,000,000.

(3) PROGRAM DIRECTION.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for program direction in carrying out weapons activities necessary for national security programs in the amount of $236,500,000.

SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for environmental restoration and waste management in carrying out programs necessary for national security in the amount of $5,652,368,000, to be allocated as follows:

(1) CLOSURE PROJECTS.—For closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2836; 42 U.S.C. 7274n) in the amount of $1,092,492,000.

(2) SITE PROJECT AND COMPLETION.—For site project and completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,006,419,000, to be allocated as follows:

(A) For operation and maintenance, $918,129,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $88,290,000, to be allocated as follows:

Project 99–D–402, tank farm support services, F&H areas, Savannah River Site, Aiken, South Carolina, $3,100,000.

Project 99–D–404, health physics instrumentation laboratory, Idaho National Engineering Laboratory, Idaho, $7,200,000.

Project 98–D–401, H-tank farm storm water systems upgrade, Savannah River Site, Aiken, South Carolina, $2,977,000.

Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $16,860,000.

Project 98–D–700, road rehabilitation, Idaho National Engineering Laboratory, Idaho, $2,590,000.

Project 97–D–450, Actinide packaging and storage facility, Savannah River Site, Aiken, South Carolina, $4,000,000.

Project 97–D–470, regulatory monitoring and bioassay laboratory, Savannah River Site, Aiken, South Carolina, $12,220,000.

Project 96–D–406, spent nuclear fuels canister storage and stabilization facility, Richland, Washington, $24,441,000.

Project 96–D–464, electrical and utility systems upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $11,971,000.

Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $931,000.

Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $2,000,000.

(3) POST-2006 COMPLETION.—For post-2006 project completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $3,005,848,000, to be allocated as follows:

(A) For operation and maintenance, $2,951,297,000.

(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $54,551,000, to be allocated as follows:

Project 00–D–401, spent nuclear fuel treatment and storage facility, Title I and II, Savannah River Site, Aiken, South Carolina, $7,000,000.

Project 99–D–403, privatization phase I infrastructure support, Richland, Washington, $13,988,000.

Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $20,516,000.

Project 94–D–407, initial tank retrieval systems, Richland, Washington, $4,060,000.

Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $8,987,000.

(4) SCIENCE AND TECHNOLOGY.—For science and technology in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $240,500,000.

(5) PROGRAM DIRECTION.—For program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $327,109,000.

(b) EXPLANATION OF ADJUSTMENT.—The amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated in paragraphs (1) through (5) of that subsection reduced by $20,000,000, to be derived from environmental restoration and waste management, environment, safety, and health programs.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for other defense activities in carrying out programs necessary for national security in the amount of $1,772,459,000, to be allocated as follows:

(1) NONPROLIFERATION AND NATIONAL SECURITY.—For nonproliferation and national security, $658,200,000, to be allocated as follows:

(A) For verification and control technology, $454,000,000, to be allocated as follows:

(i) For nonproliferation and verification research and development, $221,000,000, to be allocated as follows:

(I) For operation and maintenance, $215,000,000.

(II) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $6,000,000, to be allocated as follows:

Project 00–D–192, nonproliferation and international security center, Los Alamos National Laboratory, Los Alamos, New Mexico, $6,000,000.

(ii) For arms control, $233,000,000.

(B) For nuclear safeguards and security, $59,100,000.

(C) For international nuclear safety, $15,300,000.

(D) For security investigations, $10,000,000.

(E) For emergency management, $21,000,000.

(F) For highly enriched uranium transparency implementation, $15,750,000.

(G) For program direction, $83,050,000.

(2) INTELLIGENCE.—For intelligence, $36,059,000.

(3) COUNTERINTELLIGENCE.—For counterintelligence, $31,200,000.

(4) WORKER AND COMMUNITY TRANSITION.—For worker and community transition, $20,000,000.

(5) FISSILE MATERIALS CONTROL AND DISPOSITION.—For fissile materials control and disposition, $239,000,000, to be allocated as follows:

(A) For operation and maintenance, $168,766,000.

(B) For program direction, $7,343,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $62,891,000, to be allocated as follows:

Project 00–D–142, immobilization and associated processing facility, various locations, $21,765,000.

Project 99–D–141, pit disassembly and conversion facility, various locations, $28,751,000.

Project 99–D–143, mixed oxide fuel fabrication facility, various locations, $12,375,000.

(6) ENVIRONMENT, SAFETY, AND HEALTH.—For environment, safety, and health, defense, $104,000,000, to be allocated as follows:

(A) For the Office of Environment, Safety, and Health (Defense), $79,231,000.

(B) For program direction, $24,769,000.

(7) OFFICE OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, $3,000,000.

(8) NAVAL REACTORS.—For naval reactors, $681,000,000, to be allocated as follows:

(A) For naval reactors development, $660,400,000, to be allocated as follows:

(i) For operation and maintenance, $636,400,000.

(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $24,000,000, to be allocated as follows:

GPN–101 general plant projects, various locations, $9,000,000.

Project 98–D–200, site laboratory/facility upgrade, various locations, $3,000,000.

Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $12,000,000.

(B) For program direction, $20,600,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $73,000,000.

SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2000 for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $228,000,000, to be allocated as follows:

Project 98–PVT–2, spent nuclear fuel dry storage, Idaho Falls, Idaho, $5,000,000.

Project 98–PVT–5, environmental management and waste disposal, Oak Ridge, Tennessee, $20,000,000.

Project 97–PVT–1, tank waste remediation system phase I, Hanford, Washington, $106,000,000.

Project 97–PVT–2, advanced mixed waste treatment facility, Idaho Falls, Idaho, $110,000,000.

Project 97–PVT–3, transuranic waste treatment, Oak Ridge, Tennessee, $12,000,000.

(b) EXPLANATION OF ADJUSTMENT.—The amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated for the projects in

that subsection reduced by $25,000,000 for use of prior year balances of funds for defense environmental management privatization.

SEC. 3106. DEPARTMENT OF ENERGY COUNTERINTELLIGENCE CYBER SECURITY PROGRAM.

(a) INCREASED FUNDS FOR COUNTERINTELLIGENCE CYBER SECURITY.—The amounts provided in section 3103 in the matter preceding paragraph (1) and in paragraph (3) are each hereby increased by $8,600,000, to be available for Counterintelligence Cyber Security programs.

(b) OFFSETTING REDUCTIONS DERIVED FROM CONTRACTOR TRAVEL.—(1) The amount provided in section 3101 in the matter preceding paragraph (1) (for weapons activities in carrying out programs necessary for national security) is hereby reduced by $4,700,000.

(2) The amount provided in section 3102 in the matter preceding paragraph (1) of subsection (a) (for environmental restoration and waste management in carrying out programs necessary for national security) is hereby reduced by $1,900,000.

(3) The amount provided in section 3103 in the matter preceding paragraph (1) is hereby reduced by $2,000,000.

Subtitle B—Recurring General Provisions

SEC. 3121. REPROGRAMMING.

(a) IN GENERAL.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 60 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—

(1) in amounts that exceed, in a fiscal year—

(A) 110 percent of the amount authorized for that program by this title; or

(B) $1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) REPORT.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 60-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) LIMITATIONS.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $5,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $5,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY.

(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.

(b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(c) LIMITATION.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and

(2) may not be used to provide funds for an item for which Congress has specifically denied funds.

(d) NOTICE TO CONGRESS.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.

SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

(a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds—

(A) for a construction project the total estimated cost of which is less than $5,000,000; or

(B) for emergency planning, design, and construction activities under section 3126.

(b) AUTHORITY FOR CONSTRUCTION DESIGN.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.

(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriations Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS.

(a) IN GENERAL.—Except as provided in subsection (b), when so specified in an appropriations Act, amounts appropriated for operation and maintenance or for plant projects may remain available until expended.

(b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—Amounts appropriated for program direction pursuant to an authorization of appropriations in subtitle A shall remain available to be expended only until the end of fiscal year 2001.

SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

(a) TRANSFER AUTHORITY FOR DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a

program or project under the jurisdiction of the office to another such program or project.

(b) LIMITATIONS.—(1) Only one transfer may be made to or from any program or project under subsection (a) in a fiscal year.

(2) The amount transferred to or from a program or project under subsection (a) may not exceed $5,000,000 in a fiscal year.

(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at the field office.

(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.

(c) EXEMPTION FROM REPROGRAMMING REQUIREMENTS.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).

(d) NOTIFICATION.—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.

(e) DEFINITIONS.—In this section:

(1) The term ''program or project'' means, with respect to a field office of the Department of Energy, any of the following:

(A) A program referred to or a project listed in paragraph (2) or (3) of section 3102.

(B) A program or project not described in subparagraph (A) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of the enactment of this Act.

(2) The term ''defense environmental management funds'' means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.

(f) DURATION OF AUTHORITY.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during the period beginning on October 1, 1999, and ending on September 30, 2000.

Subtitle C—Program Authorizations, Restrictions, and Limitations

SEC. 3131. LIMITATION ON USE AT DEPARTMENT OF ENERGY LABORATORIES OF FUNDS APPROPRIATED FOR THE INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.

(a) LIMITATION.—Not more than 25 percent of the funds appropriated for any fiscal year for the program of the Department of Energy known as the Initiatives for Proliferation Prevention Program may be spent at the Department of Energy laboratories.

(b) EFFECTIVE DATE.—The limitation in subsection (a) applies with respect to funds appropriated for any fiscal year after fiscal year 1999.

SEC. 3132. PROHIBITION ON USE FOR PAYMENT OF RUSSIAN GOVERNMENT TAXES AND CUSTOMS DUTIES OF FUNDS APPROPRIATED FOR THE INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.

Funds appropriated for the program of the Department of Energy known as the Initiatives for Proliferation Prevention Program may not be used to pay any tax or customs duty levied by the government of the Russian Federation.

SEC. 3133. MODIFICATION OF LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT TO PROVIDE FUNDS FOR THEATER BALLISTIC MISSILE DEFENSE.

(a) CONDUCT OF PROGRAMS.—The Secretary of Energy shall ensure that the national laboratories carry out theater ballistic missile defense development programs in accordance with—

(1) the memorandum of understanding between the Secretary of Energy and the Secretary of Defense required by section 3131(a) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034; 10 U.S.C. 2431 note); and

(2) such regulations as the Secretary of Energy may prescribe.

(b) FUNDING.—Of the funds provided by the Department of Energy to the national laboratories for national security activities, the Secretary of Energy shall provide a specific amount, equal to 3 percent of such funds, to be used by such laboratories for theater ballistic missile defense development programs.

(c) NATIONAL LABORATORIES.—For purposes of this section, the term ''national laboratories'' has the meaning given such term in section 3131(d) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034; 10 U.S.C. 2431 note).

(d) KINETIC ENERGY WARHEAD PROGRAMS.—(1) Notwithstanding subsection (a), during fiscal year 2000 the Secretary of Energy shall use the funds required to be made available pursuant to subsection (b) for theater ballistic missile defense development programs for the purpose of the development and test of advanced kinetic energy ballistic missile defense warheads based on advanced explosive technology, the designs of which—

(A) are compatible with the Army Theater High-Altitude Area-Wide Defense (THAAD) system, the Navy Theater Wide system, the Navy Area Defense system, and the Patriot Advanced Capability–3 (PAC–3) system; and

(B) will be available for ground lethality testing not later than one year after the date of the enactment of this Act.

(2) Of the funds made available for purposes of paragraph (1), one-half shall be made available for work at Los Alamos National Laboratory and one-half shall be made available for work at Lawrence Livermore National Laboratory.

(3) If the Secretary does not use the full amount referred to in paragraph (1) for the purposes stated in that paragraph, the remainder of such amount shall be used in accordance with subsection (a).

(e) REDUCTION IN LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT PROGRAMS.—Subsection (c) of section 3132 of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 7257a) is amended by striking ''6 percent'' and inserting ''3 percent''.

SEC. 3134. SUPPORT OF THEATER BALLISTIC MISSILE DEFENSE ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

(a) FUNDS TO CARRY OUT CERTAIN BALLISTIC MISSILE DEFENSE ACTIVITIES.—Of the amounts authorized to be appropriated to the Department of Energy pursuant to section 3101, $30,000,000 shall be available only for research, development, and demonstration activities to support the mission of the Ballistic Missile Defense Organization of the Department of Defense, including the following activities:

(1) Technology development, concept demonstration, and integrated testing to improve reliability and reduce risk in hit-to-kill interceptors for theater ballistic missile defense.

(2) Support for science and engineering teams to address technical problems identified by the Director of the Ballistic Missile Defense Organization as critical to acquisition of a theater ballistic missile defense capability.

(b) MEMORANDUM OF UNDERSTANDING.—The activities referred to in subsection (a) shall be carried out under the memorandum of understanding entered into by the Secretary of Energy and the Secretary of Defense for the use of national laboratories for ballistic missile defense programs, as required by section 3131 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034).

(c) METHOD OF FUNDING.—Funds for activities referred to in subsection (a) may be provided—

(1) by direct payment from funds available pursuant to subsection (a); or

(2) in the case of such an activity carried out by a national laboratory but paid for by the Ballistic Missile Defense Organization, through a method under which the Secretary of Energy waives any requirement for the Department of Defense to pay any indirect expenses (including overhead and federal administrative charges) of the Department of Energy or its contractors.

Subtitle D—Commission on Nuclear Weapons Management

SEC. 3151. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the ''Commission on Nuclear Weapons Management'' (hereinafter in this subtitle referred to as the ''Commission'').

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

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

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

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

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

(5) One member, who shall serve as chairman of the Commission, shall be appointed by the chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee on Armed Services of the Senate, acting jointly, in consultation with the ranking minority party member of the Committee on Armed Services of the House of Representatives and the ranking minority party member of the Committee on Armed Services of the Senate.

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

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

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

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

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

SEC. 3152. DUTIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall examine the organizational and management structures within the Department of Energy

and the Department of Defense that are responsible for the following, as they pertain to nuclear weapons:

(1) Development of nuclear weapons policy and standards.

(2) Generation of requirements.

(3) Inspection and certification of the nuclear stockpile.

(4) Research, development, and design.

(5) Manufacture, assembly, disassembly, refurbishment, surveillance, and storage.

(6) Operation and maintenance.

(7) Construction.

(8) Sustainment and development of high-quality personnel.

(b) STRUCTURES.—The organizational and management structures to be examined under subsection (a) shall include the following:

(1) The management headquarters of the Department of Energy, the Department of Defense, the military departments, and defense agencies.

(2) Headquarters support activities of the Department of Energy, the Department of Defense, the military departments, and defense agencies.

(3) The acquisition organizations in the Department of Energy and the Department of Defense.

(4) The nuclear weapons complex, including the nuclear weapons laboratories, the nuclear weapons production facilities, and defense environmental remediation sites.

(5) The Nuclear Weapons Council and its standing committee.

(6) The United States Strategic Command.

(7) The Defense Threat Reduction Agency.

(8) Policy-oriented elements of the Government that affect the management of nuclear weapons, including the following:

(A) The National Security Council.

(B) The Arms Control and Disarmament Agency.

(C) The Office of the Under Secretary of Defense for Policy.

(D) The office of the Deputy Chief of Staff of the Air Force for Air and Space Operations.

(E) The office of the Deputy Chief of Naval Operations for Plans, Policy, and Operations.

(F) The headquarters of each combatant command (in addition to the United States Strategic Command) that has nuclear weapons responsibilities.

(G) Such other organizations as the Commission determines appropriate to include.

(c) EVALUATIONS.—In carrying out its duties, the Commission shall—

(1) evaluate the rationale for current management and organization structures, and the relationship among the entities within those structures;

(2) evaluate the efficiency and effectiveness of those structures; and

(3) propose and evaluate alternative organizational and management structures, including alternatives that would transfer authorities of the Department of Energy for the defense program and defense environmental management to the Department of Defense.

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

SEC. 3153. REPORTS.

The Commission shall submit to Congress an interim report containing its preliminary findings and conclusions not later than October 15, 2000, and a final report containing its findings and conclusions not later than January 1, 2001.

SEC. 3154. POWERS.

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

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

SEC. 3155. COMMISSION PROCEDURES.

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

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

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

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

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

SEC. 3156. PERSONNEL MATTERS.

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

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

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

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

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

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

SEC. 3157. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

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

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

SEC. 3158. FUNDING.

(a) SOURCE OF FUNDS.—Funds for activities of the Commission shall be provided from—

(1) amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 2000; and

(2) amounts appropriated for the Department of Energy for program direction for weapons activities and for defense environmental restoration and waste management for fiscal year 2000.

(b) DISBURSEMENT.—Upon receipt of a written certification from the Chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense and the Secretary of Energy shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

SEC. 3159. TERMINATION OF THE COMMISSION.

The Commission shall terminate 60 days after the date of the submission of its final report under section 3153.

Subtitle E—Other Matters

SEC. 3161. PROCEDURES FOR MEETING TRITIUM PRODUCTION REQUIREMENTS.

(a) ACCELERATOR PRODUCTION PLAN.—Not later than January 15, 2000, the Secretary of Energy shall submit to the congressional defense committees a plan (in this section referred to as an ''accelerator production plan'') to meet the requirements in the Nuclear Weapons Stockpile Memorandum relating to tritium production by expediting the completion of the design and the initiation of the construction of a particle accelerator for the production of tritium.

(b) TECHNOLOGY FOR TRITIUM PRODUCTION.—If the Nuclear Regulatory Commission does not grant to the Tennessee Valley Authority the amended licenses described in subsection (c) by December 31, 2002, the Secretary of Energy shall on January 1, 2003—

(1) designate particle accelerator technology as the primary technology for the production of tritium;

(2) designate commercial light water reactor technology as the backup technology for the production of tritium; and

(3) implement the accelerator production plan.

(c) AMENDED LICENSES.—The amended licenses referred to in subsection (b) are the amended licenses for the operation of each of the following commercial light water reactors:

(1) Watts Bar reactor, Spring City, Tennessee.

(2) Sequoya reactor, Daisy, Tennessee.

SEC. 3162. EXTENSION OF AUTHORITY OF DEPARTMENT OF ENERGY TO PAY VOLUNTARY SEPARATION INCENTIVE PAYMENTS.

(a) EXTENSION.—Notwithstanding subsection (c)(2)(D) of section 663 of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law

104–208; 110 Stat. 3009–383; 5 U.S.C. 5597 note), the Department of Energy may pay voluntary separation incentive payments to qualifying employees who voluntarily separate (whether by retirement or resignation) before January 1, 2002.

(b) EXERCISE OF AUTHORITY.—The Department shall pay voluntary separation incentive payments under subsection (a) in accordance with the provisions of such section 663.

(c) REPORT.—(1) Not later than March 15, 2000, the Secretary of Energy shall submit to the recipients specified in paragraph (3) a report describing how the Department has used the authority to pay voluntary separation incentive payments under subsection (a).

(2) The report under paragraph (1) shall include the occupations and grade levels of each employee paid a voluntary separation incentive payment under subsection (a) and shall describe how the use of the authority to pay voluntary separation incentive payments under such subsection relates to the restructuring plans of the Department.

(3) The recipients specified in this paragraph are the following:

(A) The Office of Personnel Management.

(B) The Committee on Armed Services of the House of Representatives.

(C) The Committee on Armed Services of the Senate.

(D) The Committee on Government Reform of the House of Representatives.

(E) The Committee on Governmental Affairs of the Senate.

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—For purposes of this section, the requirement of an agency remittance of an amount equal to 15 percent in paragraph (1) of section 663(d) of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–383; 5 U.S.C. 5597 note) shall be deemed to be a requirement of an agency remittance of an amount equal to 26 percent.

SEC. 3163. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF SKILLS CRITICAL TO THE DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

(a) IN GENERAL.—Subsection (a) of section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 621; 42 U.S.C. 2121 note) is amended—

(1) by striking ''the Secretary'' in the second sentence and all that follows through ''provide educational assistance'' and inserting ''the Secretary shall provide educational assistance'';

(2) by striking the semicolon after ''complex'' in the second sentence and inserting a period; and

(3) by striking paragraphs (2) and (3).

(b) ELIGIBLE INDIVIDUALS.—Subsection (b) of such section is amended by inserting ''are United States citizens who'' in the matter preceding paragraph (1) after ''program''.

(c) COVERED FACILITIES.—Subsection (c) of such section is amended by adding at the end the following new paragraphs:

''(5) The Lawrence Livermore National Laboratory, Livermore, California.

''(6) The Los Alamos National Laboratory, Los Alamos, New Mexico.

''(7) The Sandia National Laboratory, Albuquerque, New Mexico.''.

(d) AGREEMENT REQUIRED.—Subsection (f) of such section is amended to read as follows:

''(f) AGREEMENT.—(1) The Secretary may allow an individual to participate in the program only if the individual signs an agreement described in paragraph (2).

''(2) An agreement referred to in paragraph (1) shall be in writing, shall be signed by the participant, and shall include the participant's agreement to serve, after completion of the course of study for which the assistance was provided, as a full-time employee in a position in the Department of Energy for a period of time to be established by the Secretary of Energy of not less than one year, if such a position is offered to the participant.''.

(e) PLAN.—(1) Not later than January 1, 2000, the Secretary of Energy shall submit to the congressional defense committees a plan for the administration of the fellowship program under section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 42 U.S.C. 2121 note), as amended by this section.

(2) The plan shall include the criteria for the selection of individuals for participation in such fellowship program and a description of the provisions to be included in the agreement required by subsection (f) of such section (as amended by this section), including the period of time established by the Secretary for the participants to serve as employees.

(f) FUNDING.—Of the funds authorized to be appropriated to the Department of Energy pursuant to section 3101, $5,000,000 shall be available only to conduct the fellowship program under section 3140 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 42 U.S.C. 2121 note), as amended by this section.

SEC. 3164. DEPARTMENT OF ENERGY RECORDS DECLASSIFICATION.

(a) IDENTIFICATION IN BUDGET.—The Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for national security programs for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31) specific identification, as a budgetary line item, of the amounts necessary for programmed activities during that fiscal year to declassify records to carry out Executive Order 12958 (50 U.S.C. 435 note), or any successor Executive order, or to comply with any statutory requirement to declassify Government records.

(b) LIMITATION.—The total amount expended by the Department of Energy during fiscal year 2000 to carry out activities to declassify records pursuant to Executive Order 12958 (50 U.S.C. 435 note), or any successor Executive order, or to comply with any statutory requirement to declassify Government records may not exceed $8,500,000.

SEC. 3165. MANAGEMENT OF NUCLEAR WEAPONS PRODUCTION FACILITIES AND NATIONAL LABORATORIES.

(a) AUTHORITY AND RESPONSIBILITY OF ASSISTANT SECRETARY FOR DEFENSE PROGRAMS.—The Secretary of Energy, in assigning functions under section 203 of the Department of Energy Organization Act (42 U.S.C. 7133), shall assign direct authority over, and responsibility for, the nuclear weapons production facilities and the national laboratories in all matters relating to national security to the Assistant Secretary assigned the functions under section 203(a)(5) of that Act.

(b) COVERED FUNCTIONS.—The functions assigned to the Assistant Secretary under subsection (a) shall include, but not be limited to, authority over, and responsibility for, the national security functions of those facilities and laboratories with respect to the following:

(1) Strategic management.

(2) Policy development and guidance.

(3) Budget formulation and guidance.

(4) Resource requirements determination and allocation.

(5) Program direction.

(6) Administration of contracts to manage and operate nuclear weapons production facilities and national laboratories.

(7) Environment, safety, and health operations.

(8) Integrated safety management.

(9) Safeguard and security operations.

(10) Oversight.

(11) Relationships within the Department of Energy and with other Federal agencies, the Congress, State, tribal, and local governments, and the public.

(c) REPORTING OF NUCLEAR WEAPONS PRODUCTION FACILITIES AND NATIONAL LABORATORIES.—In all matters relating to national security, the nuclear weapons production facilities and the national laboratories shall report to, and be accountable to, the Assistant Secretary.

(d) DELEGATION BY ASSISTANT SECRETARY.—The Assistant Secretary may delegate functions assigned under subsection (a) only within the headquarters office of the Assistant Secretary, except that the Assistant Secretary may delegate to a head of a specified operations office functions including, but not limited to, supporting the following activities at a nuclear weapons production facility or a national laboratory:

(1) Operational activities.

(2) Program execution.

(3) Personnel.

(4) Contracting and procurement.

(5) Facility operations oversight.

(6) Integration of production and research and development activities.

(7) Interaction with other Federal agencies, State, tribal, and local governments, and the public.

(e) REPORTING OF OPERATIONS OFFICES.—For each delegation made under subsection (d) to a head of a specified operations office, that head of that specified operations office shall shall directly report to, and be accountable to, the Assistant Secretary.

(f) DEFINITIONS.—As used in this section:

(1) The term ''nuclear weapons production facility'' means any of the following facilities:

(A) The Kansas City Plant, Kansas City, Missouri.

(B) The Pantex Plant, Amarillo, Texas.

(C) The Y-12 Plant, Oak Ridge, Tennessee.

(D) The tritium operations at the Savannah River Site, Aiken, South Carolina.

(E) The Nevada Test Site, Nevada.

(2) The term ''national laboratory'' means any of the following laboratories:

(A) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(B) The Lawrence Livermore National Laboratory, Livermore, California.

(C) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

(3) The term ''specified operations office'' means any of the following operations offices of the Department of Energy:

(A) Albuquerque Operations Office, Albuquerque, New Mexico.

(B) Oak Ridge Operations Office, Oak Ridge, Tennessee.

(C) Oakland Operations Office, Oakland, California.

(D) Nevada Operations Office, Nevada Test Site, Las Vegas, Nevada.

(E) Savannah River Operations Office, Savannah River Site, Aiken, South Carolina.

SEC. 3166. NOTICE TO CONGRESSIONAL COMMITTEES OF COMPROMISE OF CLASSIFIED INFORMATION WITHIN NUCLEAR ENERGY DEFENSE PROGRAMS.

(a) IN GENERAL.—The Secretary of Energy shall notify the committees specified in subsection (c), notwithstanding Rule 6(e) of the Federal Rules of Criminal Procedure, that the Secretary has received information indicating that classified information relating to military applications of nuclear energy is

being, or may have been, disclosed in an unauthorized manner to a foreign power or an agent of a foreign power.

(b) MANNER OF NOTIFICATION.—A notification under subsection (a) shall be provided, in writing, not later than 30 days after the date of the initial receipt of such information by the Department of Energy.

(c) SPECIFIED COMMITTEES.—The committees referred to in subsection (a) are the following:

(1) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(d) FOREIGN POWER.—For purposes of this section, the terms ''foreign power'' and ''agent of a foreign power'' have the meanings given those terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

SEC. 3167. DEPARTMENT OF ENERGY REGULATIONS RELATING TO THE SAFEGUARDING AND SECURITY OF RESTRICTED DATA.

(a) IN GENERAL.—Chapter 18 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.) is amended by inserting after section 234A the following new section:

''SEC. 234B. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS REGARDING SECURITY OF CLASSIFIED OR SENSITIVE INFORMATION OR DATA.—

''a. Any person who has entered into a contract or agreement with the Department of Energy, or a subcontract or subagreement thereto, and who violates (or whose employee violates) any applicable rule, regulation, or order prescribed or otherwise issued by the Secretary pursuant to this Act relating to the safeguarding or security of Restricted Data or other classified or sensitive information shall be subject to a civil penalty of not to exceed $100,000 for each such violation.

''b. The Secretary shall include in each contract with a contractor of the Department provisions which provide an appropriate reduction in the fees or amounts paid to the contractor under the contract in the event of a violation by the contractor or contractor employee of any rule, regulation, or order relating to the safeguarding or security of Restricted Data or other classified or sensitive information. The provisions shall specify various degrees of violations and the amount of the reduction attributable to each degree of violation.

''c. The powers and limitations applicable to the assessment of civil penalties under section 234A, except for subsection d. of that section, shall apply to the assessment of civil penalties under this section.''.

(b) CLARIFYING AMENDMENT.—The section heading of section 234A of such Act (42 U.S.C. 2282a) is amended by inserting ''SAFETY'' before ''REGULATIONS''.

(c) CLERICAL AMENDMENT.—The table of sections for that Act is amended by inserting after the item relating to section 234 the following new items:

''Sec. 234A. Civil Monetary Penalties for Violations of Department of Energy Safety Regulations.

''Sec. 234B. Civil Monetary Penalties for Violations of Department of Energy Regulations Regarding Security of Classified or Sensitive Information or Data.''.

SEC. 3168. DEPARTMENT OF ENERGY COUNTERINTELLIGENCE POLYGRAPH PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Energy, acting through the Director of the Office of Counterintelligence of the Department of Energy, shall carry out a counterintelligence polygraph program for the defense-related activities of the Department. The counterintelligence polygraph program shall consist of the administration of counterintelligence polygraph examinations to each covered person who has access to high-risk programs or information.

(b) COVERED PERSONS.—For purposes of this section, a covered person is one of the following:

(1) An officer or employee of the Department.

(2) An expert or consultant under contract to the Department.

(3) An officer or employee of any contractor of the Department.

(c) HIGH-RISK PROGRAMS OR INFORMATION.—For purposes of this section, high-risk programs or information are any of the following:

(1) The programs identified as high risk in the regulations prescribed by the Secretary and known as—

(A) Special Access Programs;

(B) Personnel Security And Assurance Programs; and

(C) Personnel Assurance Programs.

(2) The information identified as high risk in the regulations prescribed by the Secretary and known as Sensitive Compartmented Information.

(d) INITIAL TESTING AND CONSENT.—The Secretary may not permit a covered person to have any access to any high-risk program or information unless that person first undergoes a counterintelligence polygraph examination and consents in a signed writing to the counterintelligence polygraph examinations required by this section.

(e) ADDITIONAL TESTING.—The Secretary may not permit a covered person to have continued access to any high-risk program or information unless that person undergoes a counterintelligence polygraph examination—

(1) not less frequently than every five years; and

(2) at any time at the direction of the Director of the Office of Counterintelligence.

(f) COUNTERINTELLIGENCE POLYGRAPH EXAMINATION.—For purposes of this section, the term ''counterintelligence polygraph examination'' means a polygraph examination using questions reasonably calculated to obtain counterintelligence information, including questions relating to espionage, sabotage, unauthorized disclosure of classified information, and unauthorized contact with foreign nationals.

SEC. 3169. REPORT ON COUNTERINTELLIGENCE AND SECURITY PRACTICES AT NATIONAL LABORATORIES.

(a) IN GENERAL.—Not later than March 1 of each year, the Secretary of Energy shall submit to the Congress a report for the preceding year on counterintelligence and security practices at the facilities of the national laboratories (whether or not classified activities are carried out at the facility).

(b) CONTENT OF REPORT.—The report shall include, with respect to each national laboratory, the following:

(1) The number of full-time counterintelligence and security professionals employed.

(2) A description of the counterintelligence and security training courses conducted and, for each such course, any requirement that employees successfully complete that course.

(3) A description of each contract awarded that provides an incentive for the effective performance of counterintelligence or security activities.

(4) A description of the services provided by the employee assistance programs.

(5) A description of any requirement that an employee report the foreign travel of that employee (whether or not the travel was for official business).

(6) A description of any visit by the Secretary or by the Deputy Secretary of Energy, a purpose of which was to emphasize to employees the need for effective counterintelligence and seurity practices.

SEC. 3170. TECHNOLOGY TRANSFER COORDINATION FOR DEPARTMENT OF ENERGY NATIONAL LABORATORIES.

(a) TECHNOLOGY TRANSFER COORDINATION.—Within 90 days after the date of the enactment of this Act, the Secretary of Energy shall ensure, for each national laboratory, the following:

(1) Consistency of technology transfer policies and procedures with respect to patenting, licensing, and commercialization.

(2) That the contractor operating the national laboratory make available to aggrieved private sector entities a range of expedited alternate dispute resolution procedures (including both binding and nonbinding procedures) to resolve disputes that arise over patents, licenses, and commercialization activities, with costs and damages to be provided by the contractor to the extent that any such resolution attributes fault to the contractor.

(3) That the expedited procedure used for a particular dispute shall be chosen—

(A) collaboratively by the Secretary and by appropriate representatives of the contractor operating the national laboratory and of the private sector entity; and

(B) if an expedited procedure cannot be chosen collaboratively under subparagraph (A), by the Secretary.

(4) That the contractor operating the national laboratory submit an annual report to the Secretary, as part of the annual performance evaluation of the contractor, on technology transfer and intellectual property successes, current technology transfer and intellectual property disputes involving the laboratory, and progress toward resolving those disputes.

(5) Training to ensure that laboratory personnel responsible for patenting, licensing, and commercialization activities are knowledgeable of the appropriate legal, procedural, and ethical standards.

(b) DEFINITION OF NATIONAL LABORATORY.—As used in this section, the term ''national laboratory'' means any of the following laboratories:

(1) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(2) The Lawrence Livermore National Laboratory, Livermore, California.

(3) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

Subtitle F—Protection of National Security Information

SEC. 3181. SHORT TITLE.

This subtitle may be cited as the ''National Security Information Protection Improvement Act''.

SEC. 3182. SEMI-ANNUAL REPORT BY THE PRESIDENT ON ESPIONAGE BY THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORTS REQUIRED.—The President shall transmit to Congress a report, not less often than every six months, on the steps being taken by the Department of Energy, the Department of Defense, the Federal Bureau of Investigation, the Central Intelligence Agency, and all other relevant executive departments and agencies to respond to espionage and other intelligence activities by the People's Republic of China, particularly with respect to the theft of sophisticated United States nuclear weapons design information and the targeting by the People's Republic of China of United States nuclear weapons codes and other national security information of strategic concern.

(b) INITIAL REPORT.—The first report under this section shall be transmitted not later than January 1, 2000.

SEC. 3183. REPORT ON WHETHER DEPARTMENT OF ENERGY SHOULD CONTINUE TO MAINTAIN NUCLEAR WEAPONS RESPONSIBILITY.

Not later than January 1, 2000, the President shall transmit to Congress a report regarding the feasibility of alternatives to the current arrangements for controlling United States nuclear weapons development, testing, and maintenance within the Department of Energy, including the reestablishment of the Atomic Energy Commission as an independent nuclear agency. The report shall describe the benefits and shortcomings of each such alternative, as well as the current system, from the standpoint of protecting such weapons and related research and technology from theft and exploitation. The President shall include with such report the President's recommendation for the appropriate arrangements for controlling United States nuclear weapons development, testing, and maintenance outside the Department of Energy if it should be determined that the Department of Energy should no longer have that responsibility.

SEC. 3184. DEPARTMENT OF ENERGY OFFICE OF FOREIGN INTELLIGENCE AND OFFICE OF COUNTERINTELLIGENCE.

(a) IN GENERAL.—The Department of Energy Organization Act is amended by inserting after section 212 (42 U.S.C. 7143) the following new sections:

''OFFICE OF FOREIGN INTELLIGENCE

''SEC. 213. (a) There shall be within the Department an Office of Foreign Intelligence, to be headed by a Director, who shall report directly to the Secretary.

''(b) The Director shall be responsible for the programs and activities of the Department relating to the analysis of intelligence with respect to nuclear weapons and materials, other nuclear matters, and energy security.

''(c) The Secretary may delegate to the Deputy Secretary of Energy the day-to-day supervision of the Director.

''OFFICE OF COUNTERINTELLIGENCE

''SEC. 214. (a) There shall be within the Department an Office of Counterintelligence, to be headed by a Director, who shall report directly to the Secretary.

''(b) The Director shall carry out all counterintelligence activities in the Department relating to the defense activities of the Department.

''(c) The Secretary may delegate to the Deputy Secretary of Energy the day-to-day supervision of the Director.

''(d)(1) The Director shall keep the intelligence committees fully and currently informed of all significant security breaches at any of the national laboratories.

''(2) For purposes of this subsection, the term 'intelligence committees' means the Permanent Select Committee of the House of Representatives and the Select Committee on Intelligence of the Senate.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 212 the following new items:

''Sec. 213. Office of Foreign Intelligence.
''Sec. 214. Office of Counterintelligence.''.

SEC. 3185. COUNTERINTELLIGENCE PROGRAM AT DEPARTMENT OF ENERGY NATIONAL LABORATORIES.

(a) PROGRAM REQUIRED.—The Secretary of Energy shall establish and maintain at each national laboratory a counterintelligence program for the defense-related activities of the Department of Energy at such laboratory.

(b) HEAD OF PROGRAM.—The Secretary shall ensure that, for each national laboratory, the head of the counterintelligence program of that laboratory—

(1) has extensive experience in counterintelligence activities within the Federal Government; and

(2) with respect to the counterintelligence program, is responsible directly to, and is hired with the concurrence of, the Director of Counterintelligence of the Department of Energy and the director of the national laboratory.

SEC. 3186. COUNTERINTELLIGENCE ACTIVITIES AT OTHER DEPARTMENT OF ENERGY FACILITIES.

(a) ASSIGNMENT OF COUNTERINTELLIGENCE PERSONNEL.—(1) The Secretary of Energy shall assign to each Department of Energy facility, other than a national laboratory, at which Restricted Data is located an individual who shall assess security and counterintelligence matters at that facility.

(2) An individual assigned to a facility under this subsection shall be stationed at the facility.

(b) SUPERVISION.—Each individual assigned under subsection (a) shall report directly to the Director of the Office of Counterintelligence of the Department of Energy.

SEC. 3187. DEPARTMENT OF ENERGY POLYGRAPH EXAMINATIONS.

(a) COUNTERINTELLIGENCE POLYGRAPH PROGRAM REQUIRED.—The Secretary of Energy, acting through the Director of Counterintelligence of the Department of Energy, shall carry out a counterintelligence polygraph program for the defense activities of the Department of Energy. The program shall consist of the administration on a regular basis of a polygraph examination to each covered person who has access to a program that the Director of Counterintelligence and the Assistant Secretary assigned the functions under section 203(a)(5) of the Department of Energy Organization Act determine requires special access restrictions.

(b) COVERED PERSONS.—For purposes of subsection (a), a covered person is any of the following:

(1) An officer or employee of the Department.

(2) An expert or consultant under contract to the Department.

(3) An officer or employee of any contractor of the Department.

(c) ADDITIONAL POLYGRAPH EXAMINATIONS.—In addition to the polygraph examinations administered under subsection (a), the Secretary, in carrying out the defense activities of the Department—

(1) may administer a polygraph examination to any employee of the Department or of any contractor of the Department, for counterintelligence purposes; and

(2) shall administer a polygraph examination to any such employee in connection with an investigation of such employee, if such employee requests the administration of a polygraph examination for exculpatory purposes.

(d) REGULATIONS.—(1) The Secretary shall prescribe any regulations necessary to carry out this section. Such regulations shall include procedures, to be developed in consultation with the Director of the Federal Bureau of Investigation, for identifying and addressing ''false positive'' results of polygraph examinations.

(2) Notwithstanding section 501 of the Department of Energy Organization Act (42 U.S.C. 7191) or any other provision of law, the Secretary may, in prescribing regulations under paragraph (1), waive any requirement for notice or comment if the Secretary determines that it is in the national security interest to expedite the implementation of such regulations.

(e) NO CHANGE IN OTHER POLYGRAPH AUTHORITY.—This section shall not be construed to affect the authority under any other provision of law of the Secretary to administer a polygraph examination.

SEC. 3188. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS RELATING TO THE SAFEGUARDING AND SECURITY OF RESTRICTED DATA.

(a) IN GENERAL.—Chapter 18 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.) is amended by inserting after section 234A the following new section:

''SEC. 234B. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS REGARDING SECURITY OF CLASSIFIED OR SENSITIVE INFORMATION OR DATA.—

''a. Any individual or entity that has entered into a contract or agreement with the Department of Energy, or a subcontract or subagreement thereto, and that commits a gross violation or a pattern of gross violations of any applicable rule, regulation, or order prescribed or otherwise issued by the Secretary pursuant to this subtitle relating to the safeguarding or security of Restricted Data or other classified or sensitive information shall be subject to a civil penalty of not to exceed $500,000 for each such violation.

''b. The Secretary shall include, in each contract entered into after the date of the enactment of this section with a contractor of the Department, provisions which provide an appropriate reduction in the fees or amounts paid to the contractor under the contract in the event of a violation by the contractor or contractor employee of any rule, regulation, or order relating to the safeguarding or security of Restricted Data or other classified or sensitive information. The provisions shall specify various degrees of violations and the amount of the reduction attributable to each degree of violation.

''c. The powers and limitations applicable to the assessment of civil penalties under section 234A shall apply to the assessment of civil penalties under this section.''.

(b) CLARIFYING AMENDMENT.—The section heading of section 234A of that Act (42 U.S.C. 2282a) is amended by inserting ''SAFETY'' before ''REGULATIONS''.

(c) CLERICAL AMENDMENT.—The table of sections in the first section of that Act is amended by inserting after the item relating to section 234 the following new items:

''234A. Civil Monetary Penalties for Violations of Department of Energy Safety Regulations.
''234B. Civil Monetary Penalties for Violations of Department of Energy Regulations Regarding Security of Classified or Sensitive Information or Data.''.

SEC. 3189. INCREASED PENALTIES FOR MISUSE OF RESTRICTED DATA.

(a) COMMUNICATION OF RESTRICTED DATA.—Section 224 of the Atomic Energy Act of 1954 (42 U.S.C. 2274) is amended—

(1) in clause a., by striking ''$20,000'' and inserting ''$400,000''; and

(2) in clause b., by striking ''$10,000'' and inserting ''$200,000''.

(b) RECEIPT OF RESTRICTED DATA.—Section 225 of such Act (42 U.S.C. 2275) is amended by striking ''$20,000'' and inserting ''$400,000''.

(c) DISCLOSURE OF RESTRICTED DATA.—Section 227 of such Act (42 U.S.C. 2277) is amended by striking ''$2,500'' and inserting ''$50,000''.

SEC. 3190. RESTRICTIONS ON ACCESS TO NATIONAL LABORATORIES BY FOREIGN VISITORS FROM SENSITIVE COUNTRIES.

(a) BACKGROUND REVIEW REQUIRED.—The Secretary of Energy may not admit to any facility of a national laboratory any individual who is a citizen or agent of a nation that is named on the current sensitive countries list unless the Secretary first completes a background review with respect to that individual.

(b) MORATORIUM PENDING CERTIFICATION.—(1) During the period described in paragraph (2), the Secretary may not admit to any facility of a national laboratory any individual who is a citizen or agent of a nation that is named on the current sensitive countries list.

(2) The period referred to in paragraph (1) is the period beginning 30 days after the date of the enactment of this Act and ending on the later of the following:

(A) The date that is 90 days after the date of the enactment of this Act.

(B) The date that is 45 days after the date on which the Secretary submits to Congress a certification described in paragraph (3).

(3) A certification referred to in paragraph (2) is a certification by the Director of Counterintelligence of the Department of Energy, with the concurrence of the Director of the Federal Bureau of Investigation, that all security measures are in place that are necessary and appropriate to prevent espionage or intelligence gathering by or for a sensitive country, including access by individuals referred to in paragraph (1) to classified information of the national laboratory.

(c) WAIVER OF MORATORIUM.—(1) The Secretary of Energy may waive the prohibition in subsection (b) on a case-by-case basis with respect to any specific individual or any specific delegation of individuals whose admission to a national laboratory is determined by the Secretary to be in the interest of the national security of the United States.

(2) Not later than the seventh day of the month following a month in which a waiver is made, the Secretary shall submit a report in writing providing notice of each waiver made in that month to the following:

(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(3) Each such report shall be in classified form and shall contain the identity of each individual or delegation for whom such a waiver was made and, with respect to each such individual or delegation, the following information:

(A) A detailed justification for the waiver.

(B) For each individual with respect to whom a background review was conducted, whether the background review determined that negative information exists with respect to that individual.

(C) The Secretary's certification that the admission of that individual or delegation to a national laboratory is in the interest of the national security of the United States.

(4) The authority of the Secretary under paragraph (1) may be delegated only to the Director of Counterintelligence of the Department of Energy.

(d) EXCEPTION TO MORATORIUM FOR CERTAIN INDIVIDUALS.—The moratorium under subsection (b) shall not apply to any person who—

(1) is, on the date of the enactment of this Act, an employee or assignee of the Department of Energy, or of a contractor of the Department; and

(2) has undergone a background review in accordance with subsection (a).

(e) EXCEPTION TO MORATORIUM FOR CERTAIN PROGRAMS.—In the case of a program undertaken pursuant to an international agreement between the United States and a foreign nation, the moratorium under subsection (b) shall not apply to the admittance to a facility that is important to that program of a citizen of that foreign nation whose admittance is important to that program.

(f) SENSE OF CONGRESS REGARDING BACKGROUND REVIEWS.—It is the sense of Congress that the Secretary of Energy, the Director of the Federal Bureau of Investigation, and the Director of Central Intelligence should ensure that background reviews carried out under this section are completed in not more than 15 days.

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

(1) The term ''background review'', commonly known as an indices check, means a review of information provided by the Director of Central Intelligence and the Director of the Federal Bureau of Investigation regarding personal background, including information relating to any history of criminal activity or to any evidence of espionage.

(2) The term ''sensitive countries list'' means the list prescribed by the Secretary of Energy known as the Department of Energy List of Sensitive Countries.

SEC. 3191. REQUIREMENTS RELATING TO ACCESS BY FOREIGN VISITORS AND EMPLOYEES TO DEPARTMENT OF ENERGY FACILITIES ENGAGED IN DEFENSE ACTIVITIES.

(a) SECURITY CLEARANCE REVIEW REQUIRED.—The Secretary of Energy may not allow unescorted access to any classified area, or access to classified information, of any facility of the Department of Energy engaged in the defense activities of the Department to any individual who is a citizen of a foreign nation unless—

(1) the Secretary, acting through the Director of Counterintelligence, first completes a security clearance investigation with respect to that individual in a manner at least as comprehensive as the investigation required for the issuance of a security clearance at the level required for such access under the rules and regulations of the Department; or

(2) a foreign government first completes a security clearance investigation with respect to that individual in a manner that the Secretary of State, pursuant to an international agreement between the United States and that foreign government, determines is equivalent to the investigation required for the issuance of a security clearance at the level required for such access under the rules and regulations of the Department.

(b) EFFECT ON CURRENT EMPLOYEES.—The Secretary shall ensure that any individual who, on the date of the enactment of this Act, is a citizen of a foreign nation and an employee of the Department or of a contractor of the Department is not discharged from such employment as a result of this section before the completion of the security clearance investigation of such individual under subsection (a) unless the Director of Counterintelligence determines that such discharge is necessary for the national security of the United States.

SEC. 3192. ANNUAL REPORT ON SECURITY AND COUNTERINTELLIGENCE STANDARDS AT NATIONAL LABORATORIES AND OTHER DEFENSE FACILITIES OF THE DEPARTMENT OF ENERGY.

(a) REPORT ON SECURITY AND COUNTERINTELLIGENCE STANDARDS AT NATIONAL LABORATORIES AND OTHER DOE DEFENSE FACILITIES.—Not later than March 1 of each year, the Secretary of Energy, acting through the Director of Counterintelligence of the Department of Energy, shall submit a report on the security and counterintelligence standards at the national laboratories, and other facilities of the Department of Energy engaged in the defense activities of the Department, to the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(b) CONTENTS OF REPORT.—The report shall be in classified form and shall contain, for each such national laboratory or facility, the following information:

(1) A description of all security measures that are in place to prevent access by unauthorized individuals to classified information of the national laboratory or facility.

(2) A certification by the Director of Counterintelligence of the Department of Energy as to whether—

(A) all security measures are in place to prevent access by unauthorized individuals to classified information of the national laboratory or facility; and

(B) such security measures comply with Presidential Decision Directives and other applicable Federal requirements relating to the safeguarding and security of classified information.

(3) For each admission of an individual under section 3190 not described in a previous report under this section, the identity of that individual, and whether the background review required by that section determined that information relevant to security exists with respect to that individual.

SEC. 3193. REPORT ON SECURITY VULNERABILITIES OF NATIONAL LABORATORY COMPUTERS.

(a) REPORT REQUIRED.—Not later than March 1 of each year, the National Counterintelligence Policy Board shall prepare a report, in consultation with the Director of Counterintelligence of the Department of Energy, on the security vulnerabilities of the computers of the national laboratories.

(b) PREPARATION OF REPORT.—In preparing the report, the National Counterintelligence Policy Board shall establish a so-called ''red team'' of individuals to perform an operational evaluation of the security vulnerabilities of the computers of the national laboratories, including by direct experimentation. Such individuals shall be selected by the National Counterintelligence Policy Board from among employees of the Department of Defense, the National Security Agency, the Central Intelligence Agency, the Federal Bureau of Investigation, and of other agencies, and may be detailed to the National Counterintelligence Policy Board from such agencies without reimbursement and without interruption or loss of civil service status or privilege.

(c) SUBMISSION OF REPORT TO SECRETARY OF ENERGY AND TO FBI DIRECTOR.—Not later than March 1 of each year, the report shall be submitted in classified and unclassified form to the Secretary of Energy and the Director of the Federal Bureau of Investigation.

(d) FORWARDING TO CONGRESSIONAL COMMITTEES.—Not later than 30 days after the report is submitted, the Secretary and the Director shall each separately forward that report, with the recommendations in classified and unclassified form of the Secretary or the Director, as applicable, in response to the findings of that report, to the following:

(1) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(2) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 3194. GOVERNMENT ACCESS TO CLASSIFIED INFORMATION ON DEPARTMENT OF ENERGY DEFENSE-RELATED COMPUTERS.

(a) PROCEDURES REQUIRED.—The Secretary of Energy shall establish procedures to govern access to classified information on DOE defense-related computers. Those procedures shall, at a minimum, provide that each employee of the Department of Energy who requires access to classified information shall be required as a condition of such access to

provide to the Secretary written consent which permits access by an authorized investigative agency to any DOE defense-related computer used in the performance of the defense-related duties of such employee during the period of that employee's access to classified information and for a period of three years thereafter.

(b) EXPECTATION OF PRIVACY IN DOE DEFENSE-RELATED COMPUTERS.—Notwithstanding any other provision of law (including any provision of law enacted by the Electronic Communications Privacy Act of 1986), no user of a DOE defense-related computer shall have any expectation of privacy in the use of that computer.

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

(1) The term 'DOE defense-related computer'' means a computer of the Department of Energy or a Department of Energy contractor that is used, in whole or in part, for a Department of Energy defense-related activity.

(2) The term ''computer'' means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to, or operating in conjunction with, such device.

(3) The term ''authorized investigative agency'' means an agency authorized by law or regulation to conduct a counterintelligence investigation or investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information.

(4) The term ''classified information'' means any information that has been determined pursuant to Executive Order No. 12356 of April 2, 1982, or successor orders, or the Atomic Energy Act of 1954, to require protection against unauthorized disclosure and that is so designated.

(5) The term ''employee'' includes any person who receives a salary or compensation of any kind from the Department of Energy, is a contractor of the Department of Energy or an employee thereof, is an unpaid consultant of the Department of Energy, or otherwise acts for or on behalf of the Department of Energy.

(d) ESTABLISHMENT OF PROCEDURES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall prescribe such regulations as may be necessary to implement this section.

SEC. 3195. DEFINITION OF NATIONAL LABORATORY.

For purposes of this subtitle, the term ''national laboratory'' means any of the following:

(1) The Lawrence Livermore National Laboratory, Livermore, California.

(2) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(3) The Sandia National Laboratories, Albuquerque, New Mexico.

(4) The Oak Ridge National Laboratories, Oak Ridge, Tennessee.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2000, $17,500,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. DEFINITIONS.

In this title:

(1) The term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term ''National Defense Stockpile Transaction Fund'' means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2000, the National Defense Stockpile Manager may obligate up to $78,700,000 of the funds in the National Defense Stockpile Transaction Fund for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)), including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 3303. ELIMINATION OF CONGRESSIONALLY IMPOSED DISPOSAL RESTRICTIONS ON SPECIFIC STOCKPILE MATERIALS.

Sections 3303 and 3304 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 629) are repealed.

TITLE XXXIV—MARITIME ADMINISTRATION

SEC. 3401. SHORT TITLE.

This title may be cited as the ''Maritime Administration Authorization Act for Fiscal Year 2000''.

SEC. 3402. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2000.

Funds are hereby authorized to be appropriated, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $79,764,000 for fiscal year 2000.

(2) For expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), $34,893,000 for fiscal year 2000, of which—

(A) $31,000,000 is for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and

(B) $3,893,000 is for administrative expenses related to loan guarantee commitments under the program.

SEC. 3403. AMENDMENTS TO TITLE XI OF THE MERCHANT MARINE ACT, 1936.

(a) AUTHORITY TO HOLD OBLIGATION PROCEEDS IN ESCROW.—Section 1108(a) of the Merchant Marine Act, 1936 (46 App. U.S.C. 1279a(a)) is amended by striking so much as precedes ''guarantee of an obligation'' and inserting the following:

''(a) AUTHORITY TO HOLD OBLIGATION PROCEEDS IN ESCROW.—(1) If the proceeds of an obligation guaranteed under this title are to be used to finance the construction, reconstruction, or reconditioning of a vessel that will serve as security for the guarantee, the Secretary may accept and hold, in escrow under an escrow agreement with the obligor—

''(A) the proceeds of that obligation, including such interest as may be earned thereon; and

''(B) if required by the Secretary, an amount equal to 6 month's interest on the obligation.

''(2) The Secretary may release funds held in escrow under paragraph (1) only if the Secretary determines that—

''(A) the obligor has paid its portion of the actual cost of construction, reconstruction, or reconditioning; and

''(B) the funds released are needed—

''(i) to pay, or make reimbursements in connection with payments previously made for work performed in that construction, reconstruction, or reconditioning; or

''(ii) to pay for other costs approved by the Secretary, with respect to the vessel or vessels.

''(3) If the security for the''.

(b) AUTHORITY TO HOLD OBLIGOR'S CASH AS COLLATERAL.—Title XI of the Merchant Marine Act, 1936 is amended by inserting after section 1108 the following:

''SEC. 1109. DEPOSIT FUND.

''(a) ESTABLISHMENT OF DEPOSIT FUND.—There is established in the Treasury a deposit fund for purposes of this section. The Secretary may, in accordance with an agreement under subsection (b), deposit into and hold in the deposit fund cash belonging to an obligor to serve as collateral for a guarantee under this title made with respect to the obligor.

''(b) AGREEMENT.—

''(1) IN GENERAL.—The Secretary and an obligor shall enter into a reserve fund or other collateral account agreement to govern the deposit, withdrawal, retention, use, and reinvestment of cash of the obligor held in the deposit fund established by subsection (a).

''(2) TERMS.—The agreement shall contain such terms and conditions as are required under this section and such additional terms as are considered by the Secretary to be necessary to protect fully the interests of the United States.

''(3) SECURITY INTEREST OF UNITED STATES.—The agreement shall include terms that grant to the United States a security interest in all amounts deposited into the deposit fund.

''(c) INVESTMENT.—The Secretary may invest and reinvest any part of the amounts in the deposit fund established by subsection (a) in obligations of the United States with such maturities as ensure that amounts in the deposit fund will be available as required for purposes of agreements under subsection (b). Cash balances of the deposit fund in excess of current requirements shall be maintained in a form of uninvested funds and the Secretary of the Treasury shall pay interest on these funds.

''(d) WITHDRAWALS.—

''(1) IN GENERAL.—The cash deposited into the deposit fund established by subsection (a) may not be withdrawn without the consent of the Secretary.

''(2) USE OF INCOME.—Subject to paragraph (3), the Secretary may pay any income earned on cash of an obligor deposited into the deposit fund in accordance with the terms of the agreement with the obligor under subsection (b).

''(3) RETENTION AGAINST DEFAULT.—The Secretary may retain and offset any or all of the cash of an obligor in the deposit fund, and any income realized thereon, as part of the Secretary's recovery against the obligor in case of a default by the obligor on an obligation.''.

SEC. 3404. EXTENSION OF WAR RISK INSURANCE AUTHORITY.

Section 1214 of the Merchant Marine Act, 1936 (46 App. U.S.C. 1294) is amended by striking ''June 30, 2000'' and inserting ''June 30, 2005''.

SEC. 3405. OWNERSHIP OF THE JEREMIAH O'BRIEN.

Section 3302(l)(1)(C) of title 46, United States Code, is amended by striking ''owned by the United States Maritime Administration'' and inserting ''owned by the National Liberty Ship Memorial, Inc.''.

TITLE XXXV—PANAMA CANAL COMMISSION

SEC. 3501. SHORT TITLE.

This title may be cited as the ''Panama Canal Commission Authorization Act for Fiscal Year 2000''.

SEC. 3502. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to use amounts in the Panama Canal Revolving Fund to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, improvement, and administration of the Panama Canal for fiscal year 2000 until the termination of the Panama Canal Treaty of 1977.

(b) LIMITATIONS.—Until noon on December 31, 1999, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than $100,000 for official reception and representation expenses, of which—

(1) not more than $28,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) not more than $14,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) not more than $58,000 may be used for official reception and representation expenses of the Administrator of the Commission.

SEC. 3503. PURCHASE OF VEHICLES.

Notwithstanding any other provision of law, the funds available to the Panama Canal Commission shall be available for the purchase and transportation to the Republic of Panama of passenger motor vehicles built in the United States, the purchase price of which shall not exceed $26,000 per vehicle.

SEC. 3504. OFFICE OF TRANSITION ADMINISTRATION.

(a) EXPENDITURES FROM PANAMA CANAL COMMISSION DISSOLUTION FUND.—Section 1305(c)(5) of the Panama Canal Act of 1979 (22 U.S.C. 3714a(c)(5)) is amended by inserting ''(A)'' after ''(5)'' and by adding at the end the following:

''(B) The office established by subsection (b) is authorized to expend or obligate funds from the Fund for the purposes enumerated in clauses (i) and (ii) of paragraph (2)(A) until October 1, 2004.''.

(b) OPERATION OF THE OFFICE OF TRANSITION ADMINISTRATION.—

(1) IN GENERAL.—The Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) shall continue to govern the Office of Transition Administration until October 1, 2004.

(2) PROCUREMENT.—For purposes of exercising authority under the procurement laws of the United States, the director of such office shall have the status of the head of an agency.

(3) OFFICES.—The Office of Transition Administration shall have offices in the Republic of Panama and in the District of Columbia. Section 1110(b)(1) of the Panama Canal Act of 1973 (22 U.S.C. 3620(b)(1)) does not apply to such office in the Republic of Panama.

(4) EFFECTIVE DATE.—This subsection shall be effective on and after the termination of the Panama Canal Treaty of 1977.

(c) OFFICE OF TRANSITION ADMINISTRATION DEFINED.—In this section the term ''Office of Transition Administration'' means the office established under section 1305 of the Panama Canal Act of 1979 (22 U.S.C. 3714a) to close out the affairs of the Panama Canal Commission.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid upon the table.

A similar House bill (H.R. 1401) was laid on the table.

PERSONAL EXPLANATION

Mr. KENNEDY of Rhode Island. Mr. Speaker, last Thursday, June 10, I was unavoidably detained. I missed rollcall numbers 202 and 203. Had I been present, I would have voted ''yes'' on rollcall 202 and ''no'' on rollcall 203.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WELCOME ACTION ON REMOVING SANCTIONS AGAINST INDIA, BUT BAN ON MILITARY TRANSFERS TO PAKISTAN SHOULD BE MAINTAINED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, last week in the other body, the Senate, an amendment to the fiscal year 2000 defense appropriations bill was approved that would suspend for 5 years certain sanctions against India and Pakistan. The sanctions were imposed pursuant to the Glenn amendment to the Arms Export Control Act, more than a year ago, after the two south Asian nations conducted nuclear tests.

I want to express my support for the approval of this amendment which was offered by Senator BROWNBACK of Kansas. I have introduced similar legislation to lift the sanctions, although my proposals would permanently repeal the sanctions as opposed to the 5-year suspension provided for by Senator BROWNBACK's amendment.

There is one other critical difference between the legislation I have introduced and the provision approved in the Senate last week, and that is the Senate bill includes language to repeal the Pressler amendment which bans U.S. military assistance to Pakistan. I support retaining the Pressler amendment which was adopted in the 1980s and was invoked by President Bush in response to Pakistan's nuclear proliferation activities. Nothing has changed to justify repeal of the Pressler amendment. Thus, I will work for the Pressler amendment to be retained and will urge my House colleagues to maintain this vital provision of law.

Mr. Speaker, in the past few weeks, we were again reminded of why the Pressler amendment should remain in effect, as we have seen Pakistani support for the militants who have infiltrated territory on India's side of the line of control in Kashmir. It is clear that Pakistan is the country that is promoting instability in this current conflict as they have often done so in the past.

Pakistan's involvement in supporting the militants who continually infiltrate India's territory is an example of how Pakistan promotes regional instability and commits or supports aggression against its neighbors. India is not involved in these kinds of hostile destabilizing activities.

This is no time to be renewing military cooperation with Pakistan. Indeed, the Cox report, whose recommendations were implemented last week in this House as an amendment to the defense authorization bill, contain several references to transfers of nuclear technology and missile technology between China and Pakistan. India's nuclear program, on the other hand, is an indigenous program, and India has not been involved in sharing this technology with unstable regimes. This is an extremely, an extremely important distinction.

But, Mr. Speaker, I want to stress that our priorities should be to do what we can to promote stability and economic opportunities in south Asia. The best way we can do that is to lift the sanctions imposed under the Glenn amendment as the Senate has done.

Mr. Speaker, I would also like to mention that the Senate amendment has an important sense of the Congress provision stating that the export controls should be applied only to those Indian and Pakistani entities that make direct and material contributions to weapons of mass destruction and missile programs and only those items that can contribute to such programs. I have long been critical of the so-called ''entities list'' which has targeted a wide range of private and government entities in India that have no bearing on nuclear proliferation concerns, but which have been prohibited from contacts with U.S. entities. As the Senate language states, and I quote, ''The broad application of export controls to nearly 300 Indian and Pakistani entities is inconsistent with specific national security interests of the United States, and that this entities list requires refinement.''

I hope we can enact a similar provision here on this side of the Capitol and that the administration will respond in a meaningful way by removing entities from this list that really

do not belong there; thereby reopening important bilateral contacts that benefit both sides. To that end, I am drafting a sense of the Congress resolution which I hope to introduce this week.

Mr. Speaker, repealing the sanctions would have a positive impact on the people of India. But I also want to stress that the remaining sanctions are causing American companies to lose opportunities to do business in India, while our economic competitors in Europe and Japan gain a major foothold in this great emerging market.

Finally, Mr. Speaker, we must get beyond the unproductive approach of confrontation and work towards policies that will promote improved opportunities for cooperation between the world's two largest democracies. Last week's action in the Senate, in the other body, certainly will contribute to that process.

HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. FLETCHER) is recognized for 5 minutes.

Mr. FLETCHER. Mr. Speaker, I rise this evening to speak on a very important issue: health care. It is an issue that we will be discussing as we begin to look at the markup of some bills this week and I think it is very important as we address these bills that we do so and try to get the politics as much out of it as we possibly can.

Mr. Speaker, when we talk to people across the United States, the number one problem that we have now is the number of uninsured: 43.4 million people are uninsured at this time. That number will rise to about 60 million over the next 10 or 15 years. So I think it is imperative, Mr. Speaker, that as we pass legislation, as we look at health care legislation, that we realize that the number one problem we have is the number of uninsured. That number of uninsured is driven by costs. That is a direct correlation as increasing costs of health insurance drives up the number of uninsured.

Mr. Speaker, we could make sure that we pass some patient protection that does a whole lot of things, but if it raises the cost substantially we are going to have some of our people and some of our patients that are going to see the physician too late after the cancer has already spread. They are going to see the physician too late or go to the emergency room too late after the heart attack has already occurred when it could have been prevented. They are also going to go too late when the stroke has occurred when they could have had treatment for blood pressure. This is what is going to happen if we drive up the cost of insurance and we continue to drive up the cost of the number of the uninsured.

Not only is cost a factor, but it is morally the right thing to do. We need to make sure that we try to cover more individuals in this country, that we provide more provisions to make sure that there is more health coverage and not less.

A number two concern I hear from people and patients is the fact that they are concerned about making sure that they get the kind of treatment that they need, that they and their physician make that decision, and it is not insurance companies or lawyers or judges that are making the decisions, and to make sure that those decisions are made by providers.

Another major concern is that they want to make sure that they can choose a physician that they trust, one that they have established a relationship with, that they have the kind of choice of choosing those physicians, and that is very important to them.

This next week, Mr. Speaker, or this week, actually, we will begin to hear the debate on this bill that talks about external review, ensuring that there is a grievance process if care is denied, that they can go to objective, independent authorities in the area that they are concerned about to make sure that physicians make those decisions; that if they need emergency room care, they can be assured that if it is a layperson's definition of emergency, they can get that care paid for when they get there; making sure that there are no gag rules to prevent physicians from talking about all of the treatment options that are necessary; making sure that they have the kind of information so that they can have the benefit of informed choice so that they can compare one insurance plan with the next, making sure that they know exactly what the grievance processes are, all of the things that the insurance company covers.

Another thing we are going to be looking at is associated health plans. The gentleman from New York (Mr. TOWNS) has introduced this, and this will allow for small companies, which about 60 percent of the small companies now are not able to afford, or very small companies are not able to provide insurance because of cost, the number one factor. Yet, this bill should hopefully reduce the cost to those companies by about 10 to 12 percent. For each 1 percent that we increase health care, we lose about 300,000 to 400,000 people off of health insurance, strictly because of the cost.

Lastly, we are going to be looking at a commission that will establish some guidelines to help again to take the politics out of health care reform. We say when we get to do things, I get disappointed in many folks that try to come and demagogue on this issue and are not truly concerned about the patients that we are talking about.

One of the things I would like to introduce and will introduce, and I hope that we are able to pass, is what is called a point of service. This is a provision where one can choose the physician that one has established a relationship with, and that trust, and I think it is very important that we do that.

Mr. Speaker, I appreciate the opportunity to speak tonight, as we begin to debate this issue which is very important to the American people. I hope we can take the politics out and the demagoguery, making sure that we do not raise the cost of insurance, that we can have patients get the access to the care that they need, and not only that, but we allow them to choose the physician that they have trust in.

STOPPING SCHOOL VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Mrs. JOHNSON) is recognized for 5 minutes.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise to address an issue that concerns every parent in America and every child: school violence. The tragedy in Littleton, Colorado was a national wakeup call to all of us. Whether it is a form of rebellion, a means of revenge, intentional brutality and viciousness, or simply a way to make their voices heard, more and more students are resorting to acts of astounding violence and brutality, taking the lives of their fellow students and teachers.

Fortunately, some students are trying to do something about this. Last week, I had the pleasure of visiting the Clara T. O'Connell School in Bristol, Connecticut. What I found there gave me a sense of hope that our children do not want to live in a world of guns and violence.

□ 1845

Students at the O'Connell school recently completed a 10-week program entitled ''Bullyproofing,'' the purpose of which was to teach them ways of combatting bullying and avoiding violence.

As part of this program, students conducted a survey of their classmates in grades 1 through 5, asking two important questions: First, do you watch scary or violent movies; and second, do your parents know you watch scary and violent movies? The results of this survey are unsettling. What the students did with them with you truly encouraging.

Those kids wrote an open letter to their parents asking them for help: ''Dear parents and guardians: Do you know what your children are going through? We would like to talk about being afraid. Do you know what your children are watching? Do you want your children to watch scary movies? Do you know how late they are staying up? Do you think your children will get ideas from scary movies? Why do you let them watch scary movies? Do you make sure they are doing the right things?''

These are the questions we and our children might want to answer.

One student says, ''Don't let your children watch scary movies. Please

help us guard what we watch on TV, movies and videos. Our O'Connell survey shows 89 percent of CTO kids watch scary movies and 75 percent of O'Connell parents know they watch scary movies. We think these results are scary! Yours Truly, Mrs. Brooks' 4th Grade Class. P.S. Could you please guide us and pay attention to what we are watching?''

These children and so many more throughout America are crying out for help. They want guidance. They want to be told what is right and what is wrong. We parents have an obligation to give our children this guidance. We need to do a better job of watching what our children watch, talking to them about what they are seeing, and providing them with positive alternatives to watching scary shows.

We need to follow the Ten Commandments as laid down by one of the grade schools in my district. These are their Ten Commandments: ''Read, read, read, read, read, read, read, read, read, read.'' They have those Ten Commandments posted throughout that school.

I will tell the Members, instead of fear, instead of the stuff of nightmares, those kids are going to sleep thinking about the story they have read with their parents, the conversations that it has spawned, the adventures life offers to us all, the world and the exploration of that world through which they gain so much in knowledge and spirit.

Yes, it is through reading together that we and our children can talk about bullying, about violence, about love, about opportunity, about freedom, and responsibility. Listen to these fourth grade kids of Mrs. Brooks' class. They are talking to all of us today.

TO BE A FEMINIST MEANS TO BE PRO-LIFE

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, at one time or another we have all seen the bumper sticker which reads: ''Pro-Women = Pro-Choice,'' and it is presumed that feminists and defenders of equity and rights for women are defenders of abortion.

But in fact, what most feminists do not wish to acknowledge is that the early suffragists who are responsible for today's women's movement actually were staunchly pro-life.

Over a century ago, Susan B. Anthony tirelessly campaigned for suffrage for women's employment rights and for the abolition of slavery. She voted illegally, took part in the underground railroad, and yes, Susan B. Anthony, a mother of the feminist movement, opposed abortion.

In The Revolution, the radical women's paper which she published, along with Elizabeth Cady Stanton, Anthony strongly editorialized against abortion. She referred to the bloody act as child murder and infanticide, and addressed its root causes in women's oppression and in the abdication of family planning. She argued that laws pertaining to abortion victimized women while absolving men of all responsibility.

Susan B. Anthony was not alone in her thinking. Other early feminists also opposed abortion. For example, Elizabeth Cady Stanton proclaimed that ''If it is degrading to treat a woman as property, it is no better for a woman to treat her own child as property.'' Suffragist Margaret Sanger stated that abortion was a disowning of feminine values.

The first female presidential candidate, Victoria Woodhull, was likewise strongly against abortion. She stated that every woman knows that if she were free, she would never bear an unwished-for child nor think of murdering one before its birth.

Astonishingly enough, most feminists prefer to ignore that Alice Paul, the original author of the Equal Rights Amendment, the ERA, of 1923, said: ''Abortion is the ultimate exploitation of women.'' Naturally, Paul opposed the later trend of linking abortion with the ERA movement.

Like the early suffragists who fought to give women's rights, a feminist should believe in the right to protect her own body, and in the likeness of Susan B. Anthony, the feminist, should stand up to defend the poor, oppressed, and rejected. She should fight for all human beings, whether they are black or white, born or unborn.

The phrase, ''It's a man's world'' is often used to describe today's society, a society which tends to view unplanned pregnancy and motherhood as an inconvenience. But many of today's feminists, rather than focusing on a woman's financial distress, the problems she may be facing at school, work, or at home, choose to give in to the pressures of a man's world.

Rather than fight for acceptance and protection for women facing unexpected pregnancies, many feminists suggest a dangerous, potentially fatal abortion as the remedy to all conditions. What would the suffragists have to say about giving in to this cruel society? Early feminist Susan Norton said, ''Perhaps there will come a time when an unmarried mother will not be despised because of her motherhood, when the right of the unborn to be born will not be denied or interfered with.''

As one of six pro-life women in Congress and a mother of two daughters, I believe that abortion is not a sign that women are free to choose. On the contrary, it is a sign that women incorrectly feel desperate and feel that they have no choice. Susan B. Anthony and the early defenders of the women's rights would agree that the slogan ''pro-choice'' is by no means to be equated with being pro-women. Perhaps if the early feminists were alive today, they would be fighting to amend those bumper stickers to instead read, ''Pro-Women = Pro-Life.''

I would like to thank the tireless pro-life advocate, Jane Abraham, president of the Susan B. Anthony List, for her inspiration. Jane has dedicated her time to enlighten persons on the feminist movement in America and to educate and train pro-life women for successful political careers.

Tonight I congratulate Jane and the many pro-life organizations and the countless volunteers who persevere in their hopes for finding a cure to our Nation's abortion rates.

INAUGURATION OF NEW SLOVAK PRESIDENT, THE HONORABLE RUDOLF SCHUSTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, on behalf of Members of Congress, I wish to extend sincere congratulations to the Honorable Rudy Schuster, who will be inaugurated as Slovakia's first popularly-elected president.

In just a few short hours, on June 15 in Bratislava, the capital of Slovakia, a dynamic new leader will assume the presidency of one of Eastern Europe's most promising democracies. This is a significant step for the Slovak Republic, a country that only gained its independence in January of 1993.

For nearly 1,000 years the Slovak people have been dominated by others, so the popular election of Rudy Schuster and his inauguration is a special milestone in the history of this newly-emerging independent Nation.

It has been my great pleasure to personally know this man, who will assume the Slovak presidency. Rudy Schuster has been an outstanding mayor of Slovakia's second largest city, Kosice. In that city, Rudy Schuster has worked to spur economic and community development. He championed historic preservation and restoration. He provided minority housing and promoted privatization.

I have had the opportunity to see firsthand both the achievements of this dynamic leader and observe his ability to effectively govern. How fortunate the people of Slovakia and the West are to have such a capable and visionary individual helping to lead this new Nation at this time.

The people of Slovakia are to be commended for looking to the future with Rudy Schuster's election. Working with the new progressive parliamentary coalition, the potential for solving some of Slovakia's difficult challenges holds great promise.

As Mr. Schuster assumes the office of president, it is critical that he and his country's other leaders work together to address the problems of unemployment, privatization, and alignment with Western and European economic and security organizations.

It is essential that Slovakia, which borders five European nations, now

take its rightful place as a full participant in the European and Western marketplace. It is critical that in the future, Slovakia be admitted to NATO, as it now shares 87 percent of its borders with this Western security alliance. It is vital to American interests that this new democracy of 5 million people strategically located in the very heart of Europe succeeds as it makes the difficult transition from socialism to free enterprise.

With the popular election of Rudy Schuster as president, Slovakia has a golden opportunity to prosper and set an example for other former Soviet bloc countries. The Slovaks have survived domination by other people, monarchies, other countries, communism, and Hitler. These resilient people have waited a long time to elect their own president.

How pleased I am, as the grandson of a Slovak immigrant, to congratulate my friend and a great leader on the occasion of his inauguration, the Honorable Rudy Schuster, the first popularly elected president of the Slovak Republic. June 15 will be a great day for those who respect and promote democracy, for without intervention, without the pain and the agony that we have seen in other parts of the world recently, the people of Slovakia have demonstrated that even those who have been the most oppressed can never have the spirit of freedom and self-determination permanently separated from their souls.

PAUL HARVEY'S LETTER TO THE EDITOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, later this week this House will take up the explosive issue of youth violence and guns.

I would like to read from a column by Paul Harvey. I quote:

For the life of me, I cannot understand what could have gone wrong in Littleton, Colorado. If only the parents had kept their children away from guns, we wouldn't have had such a tragedy.

Yeah, it must have been the guns. It couldn't have been because half of our children are being raised in broken homes. It couldn't have been because our children get to spend an average of 30 seconds in meaningful conversation with their parents each day. After all, we give our children quality time.

It couldn't have been because we treat our children as pets and our pets as children. It couldn't have been because we place our children in day care centers where they learn their socialization skills from their peers under the law of the jungle while employees who have no vested interest in the children look on and make certain that no blood is spilled.

It couldn't have been because we allow our children to watch, on average, 7 hours of television every day, filled with the glorification of sex and violence that is not fit for adult consumption. It couldn't have been because we allow our children to enter into virtual worlds in which, to win the game, one must kill as many opponents as possible in the most sadistic way possible.

It couldn't have been because we sterilized and contracepted our families down to sizes so small that the children that we do have are so spoiled with material things that they come to equate the receiving of material with love. It couldn't have been because our children, who historically have been seen as a blessing from God, are now being viewed as either a mistake created when contraception fails or inconveniences that parents try to raise in their spare time.

□ 1900

It could not have been because our Nation has become the world leader in developing a culture of death in which 20 to 30 million babies have been killed by abortion. It could not have been because we give 2-year prison sentences to children who kill their newborns. It could not have been because our school systems teach children that they are nothing but glorified apes who have evolutionized out of some primordial soup of mud by teaching them that evolution is a fact and by handing out condoms as if they were candy.

It could not have been because we teach our children that there are no laws of morality that transcend us; that everything is relative and that actions do not have consequences. What the heck. The President gets away with it. Nah, it must have been the guns, closed quote.

CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore (Mr. REYNOLDS). Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, campaign finance reform is once again being painted as the solution to political corruption in Washington. Indeed, that is a problem, but today's reformers hardly offer a solution. The real problem is that government has too much influence over our economy and lives, creating tremendous incentive to protect one's own interest by investing in politicians.

The problem is not a lack of Federal laws or rules regulating campaign spending. Therefore, more laws will not help. We hardly suffer from too much freedom. Any effort to solve the campaign finance problem with more laws will only make things worse by further undermining the principles of liberty and private property ownership.

There is tremendous incentive for every special interest group to influence government. Every individual, bank or corporation that does business with government invests plenty in influencing government. Lobbyists spend over $100 million per month trying to influence Congress. Taxpayers' dollars are endlessly spent by bureaucrats in their effort to convince Congress to protect their own empires. Government has tremendous influence over the economy and financial markets through interest rate controls, contracts, regulations, loans and grants. Corporations and others are forced to participate in the process out of greed, as well as self defense, since that is the way the system works.

Equalizing competition and balancing powers such as between labor and business is a common practice. As long as this system remains in place, the incentive to buy influence will continue.

The reformers argue only that the fault is those who are trying to influence government and not the fault of the members who yield to the pressure of the system that generates the abuse. This allows Members of Congress to avoid assuming responsibility for their own acts and instead places the blame on those who exert pressure on Congress through the political process, which is a basic right bestowed on all Americans.

The reformers' argument is to stop us before we capitulate and before we capitulate to the special interest groups. Politicians unable to accept this responsibility clamor for a system that diminishes the need for politicians to persuade individuals and groups to donate money to their campaigns. Instead of persuasion, they endorse coercing taxpayers to finance campaigns. This only changes the special interest groups that control government policy. Instead of voluntary groups making their own decisions with their own money, politicians and bureaucrats dictate how political campaigns will be financed and run.

Not only will politicians and bureaucrats gain influence over elections, other nondeservers will benefit. Clearly incumbents will greatly benefit by more controls over campaign spending, a benefit to which the reformers will never admit.

The quasi two-party system will become more entrenched by limiting the huge expenditures required to oust an incumbent. Alternative choices and third party candidates will be further handicapped if all the reforms proposed are passed. The media become a big winner. Their influence grows as the private money is regulated. It becomes more difficult to refute media propaganda, both print and electronic, when directed against a candidate if funds are limited. The wealthy gain a significant edge since it is clear candidates can spend unlimited personal funds in elections. This is a big boost for the independently wealthy candidates over the average challenger who needs to raise and spend large funds to compete.

Celebrities will gain an even greater benefit than they already enjoy. Celebrity status is money in the bank, and

by limiting the resources to counterbalance this advantage works against the noncelebrity who might be an issue-oriented challenger. The current reform effort ignores the legitimate and moral Political Action Committees that exist only for good reasons and do not ask for any special benefit from government.

More regulation of political speech through control of private money without addressing the subject of influential government only drives the money underground, further giving a select group an advantage over the honest candidate who only wants smaller government.

True, reform probably is not possible without changing the role of government, which now exists to regulate, tax, subsidize and show preferential treatment.

Only changing the nature of government will eliminate the motive for so many to invest so much in the political process, but we should not make a bad situation worse by passing more laws. We should demand disclosure so voters can decide if their representatives in Congress are duly influenced or unduly influenced, but the best thing we could do is to encourage competition, which will be made worse if the reformers have their way.

The majority of Americans are turned off with the system and do not vote because they do not believe they have a real choice. Signature requirements, filing fees and rules written by the two major parties make it virtually impossible for alternative parties to compete if not independently rich or a celebrity. We should change these obstructive rules to encourage the majority of Americans who now sit out the elections to participate in the electoral process.

Campaign finance reform is once again being painted as the solution to political corruption in Washington. Indeed, that is a problem, but today's reformers hardly offer a solution. The real problem is that government has too much influence over our economy and lives, creating a tremendous incentive to protect one's own interests by ''investing'' in politicians. The problem is not a lack of federal laws, or rules regulating campaign spending, therefore more laws won't help. We hardly suffer from too much freedom. Any effort to solve the campaign finance problem with more laws will only make things worse by further undermining the principles of liberty and private property ownership.

The reformers are sincere in their effort to curtail special interest influence on government, but his cannot be done while ignoring the control government has assumed over our lives and economy. Current reforms address only the symptoms while the root cause of the problem is ignored. Since reform efforts involve regulating political speech through control of political money, personal liberty is compromised. Tough enforcement of spending rules will merely drive the influence underground since the stakes are too high and much is to be gained by exerting influence over government—legal or not. The more open and legal campaign expenditures are, with disclosure, the easier it is for voters to know who's buying influence from whom.

There's tremendous incentive for every special interest group to influence government. Every individual, bank or corporation that does business with government invests plenty in influencing government. Lobbyists spend over a hundred million dollars per month trying to influence Congress. Taxpayers dollars are endlessly spent by bureaucrats in their effort to convince Congress to protect their own empires. Government has tremendous influence over the economy, and financial markets through interest rate controls, contracts, regulations, loans, and grants. Corporations and others are ''forced'' to participate in the process out of greed as well as self defense—since that's the way the system works. Equalizing competition and balancing power such as between labor and business is a common practice. As long as this system remains in place, the incentive to buy influence will continue.

Many reformers recognize this and either like the system or believe that it's futile to bring about changes and argue that curtailing influence is the only option left even if it involves compromising political speech through regulating political money.

It's naive to believe stricter rules will make a difference. If enough honorable men and women served in Congress and resisted the temptation to be influenced by any special interest group, of course this whole discussion would be unnecessary. Because Members do yield to the pressure, the reformers believe that more rules regulating political speech will solve the problem.

The reformers argue that it's only the fault of those trying to influence government and not the fault of the Members who yield to the pressure or the system that generates the abuse. This allows Members of Congress to avoid assuming responsibility for their own acts and instead places the blame on those who exert pressure on Congress through the political process which is a basic right bestowed on all Americans. The reformer's argument is ''stop us before we capitulate to the special interest groups.''

Politicians unable to accept this responsibility clamor for a system that diminishes the need for politicians to *persuade* individuals and groups to donate money to their campaign. Instead of persuasion they endorse coercing taxpayers to finance campaigns. This only changes the special interest groups that control government policy. Instead of voluntary groups making their own decisions with their own money, politicians and bureaucrats dictate how political campaigns will be financed.

Not only will politicians and bureaucrats gain influence over elections, other nondeservers will benefit. Clearly, incumbents will greatly benefit by more controls over campaign spending—a benefit to which the reformers will never admit.

The quasi-two party system will become more entrenched by limiting the huge expenditures required to oust an incumbent. Alternative choices and third-party candidates will be further handicapped if all the reforms proposed are passed. They will never qualify for equal treatment since all campaign laws are written by Republicans and Democrats. The same will be true when it comes to divvying up taxpayer's money for elections.

The media becomes a big winner. Their influence grows as private money is regulated. It becomes more difficult to refute media propaganda, both print and electronic, when directed against a candidate if funds are limited. Campaigns are more likely to reflect the conventional wisdom and candidates will strive to avoid media attacks by accommodating their views.

The wealthy gain a significant edge since it's clear candidates can spend unlimited personal funds in elections. This is a big boast for the independently wealthy candidates over the average challenger who needs to raise and spend large funds to compete.

Celebrities will gain even a greater benefit than they already enjoy. Celebrity status is money in the bank and by limiting the resources to counter-balance this advantage, works against the non-celebrity who might be an issue-oriented challenger.

This current reform effort ignores the legitimate and moral Political Action Committees that exist only for good reasons and do not ask for any special benefit from government. The immoral Political Action Committees that work only to rip-off the taxpayers by getting benefits from government may deserve our condemnation but not the heavy hand of government anxious to control this group along with all the others. The reformers see no difference between the two and are willing to violate all personal liberty. Since more regulating doesn't address the basic problem of influential government, now out of control, neither groups deserves more coercive government rules. All the rules in the world can't prevent Members from yielding to political pressure of the groups that donate to their campaigns. Regulation cannot instill character.

More regulation of political speech through control of private money, without addressing the subject of influential government only drives the money underground, further giving a select group an advantage over the honest candidate who only wants smaller government.

True reform probably is not possible without changing the role of government, which now exists to regulate, tax, subsidize, and show preferential treatment. Only changing the nature of government will eliminate the motive for so many to invest so much in the political process. But we should not make a bad situation worse by passing more bad laws.

We should demand disclosure so voters can decide if their Representatives in Congress are unduly influenced. But the best thing we could do is to encourage competition, which will be made worse if the reformers have their way. The majority of Americans are turned off with the system and don't vote because they don't believe they have a real choice. Signature requirements, filing fees, and rules written by the two major parties make it virtually impossible for alternative parties to compete if not independently rich or a celebrity. We should change these obstructive rules to encourage the majority of Americans, who now sit out the elections, to participate in the electoral process. Restricting political money and speech will only further hamper competition and discourage citizens from voting.

THERE ARE HEROES IN OUR MIDST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, a couple of weeks ago today, I had the opportunity to present the Medal of Jubilee of Liberty to those South Dakota men who were among those men who stormed, held and kept the beaches of Normandy 55 years ago. From June 6, 1944 until August 31, 1944 these men fought in one of the most historic and pivotal military engagements in American and European history.

Winston Churchill called D-Day the greatest thing that we have ever attempted. Viewed with the benefit of 55 years of history, historians rank the invasion of Normandy as one of the greatest military actions ever on par with the battle of Actium in 31 B.C. that marked the beginning of the Roman Empire, and with the English defeat of the Spanish Armada in 1588. It is considered one of the half dozen greatest battles in human history.

I asked someone from my staff to call the men that we were going to be presenting medals to try and get more information about them and their involvement in the Normandy invasion so I could present it at the Memorial Day ceremony.

My staffer made several phone calls and talked to many of the men who were honored at that event but none of them really wanted to talk about their experience. They said that war is a horrible experience and they hoped that no one ever has to go through what they went through on the shores of Normandy.

They also said that really they did not do all that much. They said there were so many others who did so much more, so many buddies who never came home from those beaches. My staffer was amazed at their humility and their reticence.

Humility and reticence are two qualities in rare supply in America today. My staffer has been raised in the TV talk show America where people talk about everything that has ever happened to them all the time, all over the place, over and over again until everyone everywhere knows literally everything about them, and somehow this is considered healthy.

The men who fought in Normandy were raised in a different America. They were raised to do their duty, quietly, humbly, without question or rancor, and then come home again, marry the girl who waited for them, get a job, raise a family and live their lives.

Mr. Speaker, there is a lot of talk in America today about a lack of role models. We have shootings in our schools and people say it is because our young people have no one to look up to. They say that our young people have no heroes. If our young people have no heroes it is because we are looking for heroes in all the wrong places. We are looking for heroes among sports figures and on Hollywood sound stages and in the soldout amphitheaters of pop music concerts. We should be looking for the heroes who sit across the kitchen table from us. We should be looking for our heroes in the men who read to us and raised us and taught us right from wrong.

The men who fought at Normandy are heroes. They may not be rich and they may not be famous and they would never claim that title for themselves but they are heroes in the truest sense of the word. Many of their friends never came home. Nine thousand men lost their lives in the invasion; 2,500 at Omaha Beach alone; another 2,500 among the American Airborne division; 1,100 Canadians and 3,000 British.

But by the evening of June 6, 1944, Allied power had prevailed all across the Normandy beachhead. More than 100,000 men had come ashore, the first of millions more who would follow.

It is hard to describe horror to those who have never been there. It is hard for those of us who have never been in battle to imagine smoke and death and screaming tracers and the roar of cannon fire. We cannot imagine the horrors that these men have witnessed. We can only see the outcome.

These are the men who freed a continent. These are the men who won a war. These men knew that some things are worth dying for; that democracy is worth dying for; that America is worth dying for. They believed that someone had to stop Hitler. They did it because they had orders to do so. They did it because it was their job.

Webster defines a hero as, quote, a man admired for his achievements or qualities; one that shows great courage, unquote.

These men, the men of the summer of 1944, stormed and secured a beachhead. These men toppled a regime. These men rushed in to save democracy at that crucial moment in history when someone almost succeeded in taking it away. These men are heroes, though they will not admit it.

So the next time, America, that you think your kids do not have any role models and there is no one left to look up to, turn off the TV and look across the kitchen table at your father, your grandfather or your great grandfather and ask them about the war. Ask them what they did. Hear their stories. There are heroes walking in our midst. We need to open our eyes and see them before us and thank them for their courage.

It is my great privilege and honor to be able to recognize those men from my home State of South Dakota who served our country so nobly and so bravely in the summer of 1944 and helped secure the freedom that we enjoy in America today and hope that we will be able to pass it on to the next generation.

SCHOOL CONSTRUCTION LEGISLATION

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. CROWLEY) is recognized for 60 minutes as the designee of the minority leader.

Mr. CROWLEY. Mr. Speaker, I am not so sure I will use all the 60 minutes but we will give it our best.

Mr. Speaker, I rise this evening to discuss the issue of school modernization and construction. I have led the freshman class in fighting for school construction. This past winter we hosted a series of one minutes and a special order like this evening for freshmen to talk about the conditions of our schools in our districts.

Recently, I hosted an education roundtable in my district on this very topic, with our very special guest assistant secretary for education Scott Fleming, and the gentlewoman from New York (Mrs. LOWEY) to whom I am very grateful for her work in the area of school construction and modernization.

I intend to continue my fight to bring school construction legislation to this floor this year, Mr. Speaker.

Last week, the freshman class sent a letter to the gentleman from Illinois (Mr. HASTERT) asking for school construction to be brought up this year. We had Secretary Riley endorsing our request. We had the Democratic leadership and many members of the education community on our side. We are asking for a broad bipartisan support this evening for school modernization and construction.

□ 1915

Our schools need our help. We need an effective and comprehensive school modernization package that is a Federal, State, and local partnership—a Federal, State and local partnership.

Schools, as part of our Nation's infrastructure, are in desperate need of repair and modernization. If these were our Nation's highways that I was talking about, we probably would not be having this discussion this evening. Well, Mr. Speaker, our schools are our educational highways.

Let me just give my colleagues some examples of some of the problems I am experiencing in my district, and I am sure many of my colleagues around the country are experiencing similar difficulties. Enrollment in the County of Queens in New York City is increasing by 30,000, 30,000 enrollments every 5 years. In 1999, the enrollment is 270,850 students. In the year 2004, that number will rise to 300,000. By year 2007, it is estimated that Queens County will have over 330,000 new students.

In the 7th Congressional District, I represent the most overcrowded school district in the City of New York. School District 24 is operating at over 119 percent of capacity. I have three of the top 10 most overcrowded school districts in the City of New York, District 24, District 30, and District 11 in the Bronx operating at 119, 109 and 107 percent respectively.

By 2007, three of the five most overcrowded schools and school districts will be in the 7th Congressional District, my district. Nearly every school

in Queens will be operating at or over capacity. This is almost unbelievable.

But the average age of a school in New York City is 55 years of age. One out of every five schools in the City of New York is over 75 years of age. Now, when they built these schools back in the 1920s and 1930s, they were built to last; and that is why we have them today. But any school with any normal wear and tear would have to begin to show that wear and tear at least maybe 20 to 30 years after being built.

But our students are going to schools that were built 55 and 75 and some even 100 years ago in the City of New York. They are simply falling apart. These schools need new heating systems to replace unsafe older models. Structural repairs are needed, such as retaining walls, windows, and outside black top, and inside modernization repair such as lights and toilet fixtures.

Let me just add a little point here. That is in schools that maybe 55 to 75 years of age. Some schools will put on additions. Some schools have temporary classrooms, and that space is taking up the space where there once was a school yard where children would have the opportunity to play in recess or to gather before and after school.

The school where I attended kindergarten is PS 229 in Woodside, Queens. Woodside, Queens right now has no playground. Where I played hockey and basketball and grew up, that playground no longer exists. What has taken its place is modular classrooms and now a brand-new wing. It is only my hope that, when the brand-new wing is completed, that they will have a small portion of that playground to be restored to the children so they can use it for recreational purposes.

We need to assist local education agencies, those who know best, whether they need construction, modernization, or technical upgrades. So those who say that the Federal Government should not be in brick and mortars, fine. I think we ought to be involved in brick and mortars. But fine. Let us let the State and local governments handle that. We certainly could be there to help them with financing.

It is interest-free bonds, which will provide the flexibility and cost-effective approach to assist our crumbling schools. Mr. Speaker, I support the Public School Modernization Act of the gentleman from New York (Mr. RANGEL) and the School Construction Act of the gentleman from North Carolina (Mr. ETHERIDGE). Both these acts will drive millions of dollars to New York State and to my congressional district.

The Public School Modernization Act will provide $22 billion over 2 years in zero interest school modernization bonds. These bills would give 50 percent of the bonds to the 100 school districts with the largest number of low-income students and would give the remaining 50 percent directly to the States.

The Rangel bill would extend Davis-Bacon provisions, which would require payment of prevailing wage rates on all Federal construction projects, to projects funded through school modernization bond tax credits. I would say this bill would bring over $2.8 billion in funds to the State of New York and to the City of New York.

The School Construction bill of the gentleman from North Carolina (Mr. ETHERIDGE) will provide $7.2 billion nationally in school construction bonds to States suffering from rapid school-age population growth and provide the funds needed by States and cities experiencing high rates of growth in suburban and urban school districts. This will bring $540 million in school construction assistance to the State of New York.

I have been talking about New York State, but obviously the numbers we are talking about here extend across this great land in other areas that are experiencing high growth, and other school districts of high levels of impoverished children would also receive a great share of the assistance provided through school modernization bonds.

Both of these bills will help reduce the heavy burden on our local property taxpayers by offering school districts tax-free bonds.

Let me just give my colleagues a couple of national facts. One-third of the Nation's schools were built before World War II and are still in operation. One-third were built before World War II. There is currently a $112 billion backlog in school construction and modernization needs, $112 billion. Sixty percent of our Nation's schools have at least one major building feature in need of extensive repair. Think about that, 60 percent of our schools in this Nation have at least one major building feature in need of extensive repair.

Fifty-eight percent of the Nation's schools have at least one unsatisfactory environmental condition such as poor ventilation or poor heating. In fact, in some schools in Queens County and in my district and in the City of New York, they are still burning coal, still burning coal. We are going into the 21st Century still burning coal. Amazing.

In my home district and in many of our schools, we are heading into the 21st Century, and we are facing an enormous lack of seats. If we do nothing, if we do not help our local government, Queens County will be facing between 20,000 and 60,000 seats that they will be shy by the year 2007, between 20,000 and 60,000 seats shy.

The City of New York and the State of New York are doing all they can to provide funds for school construction and modernization, making schools and classrooms ready for the 21st Century, providing computers, providing access to the Internet, providing cable-ready classrooms. They simply cannot keep up with the pace.

Ellis Island no longer exists in terms of welcoming new immigrants to this great country. What has taken its place is Queens County. My borough has seen a tremendous growth in the past few years, and that is going to continue to take plates in the coming century. In fact, while most of the rest of the city and the other boroughs will be seeing a decline in student growth population, Queens County will be seeing a massive, massive growth. Much of that is due to the baby boom era. Due to the baby boom echo, school enrollment has now reached an all-time record high of 52.7 million in this Nation.

To meet rising school enrollments, 6,000 new schools will be needed to be built over the next 10 years in order to meet that challenge. I ask my colleagues, if this is not crisis, what is? If this issue does not ring with them, what will?

I urge Speaker HASTERT to bring school construction legislation such as the bills of the gentleman from New York (Mr. RANGEL) or the gentleman from North Carolina (Mr. ETHERIDGE) to the floor for debate as soon as possible.

As we ready ourselves for the 21st Century, we have to ask ourselves, have we done all we can do to prepare our students for the next millennium. In fact, not the next millennium, the next century? In fact, have we done all we can do, not for the next century, but for the next decade? Are we really doing all we can do to help prepare our students just for the next decade?

Our schools can no longer wait for that answer. Mr. Speaker, we must act today.

ENCOURAGING FAIR AND OPEN DEBATE ON PATIENT PROTECTION LITIGATION

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, another week has gone by, and this House of Representatives has done nothing again to address the abuses in the HMO industry. I have been coming to the well of this House for 4 years to encourage the leadership of Congress to allow a fair and open debate on patient protection legislation.

Every time, I point out the HMO abuses, like the HMO abuse that cost this woman her life, or the HMO decision that cost this little boy both his hands and both his feet, like the HMO decisions that a child born with a birth defect like this, complete cleft lip and palate is a cosmetic defect, and they will not cover the cost of repair.

Every week I talk about patients like this, this woman who fell off a 40-foot cliff, and her HMO refused to pay for her hospitalization even though she had a broken skull, broken arm, broken pelvis, because she had not phoned ahead for prior authorization.

Mr. Speaker, these are not just isolated anecdotes. The victims of managed care are our friends, our neighbors, our fellow workers, our own family members. That is why audiences cheered when Helen Hunt described with blistering language her HMO's abominable treatment of her asthmatic son in the movie ''As Good As It Gets.''

□ 1930

Mr. Speaker, that is also why the polls show that 85 percent of the public think that Congress should do something to stop HMO abuses like the ones that I have just shared.

So, Mr. Speaker, what is happening on Capitol Hill? Well, for weeks the Committee on Commerce has had a draft of patient protection legislation that the gentleman from Oklahoma (Mr. COBURN), the gentleman from Georgia (Mr. NORWOOD) and I provided the chairman, and we still have no firm commitment on a date for subcommittee action, much less full committee action. There are rumors on Capitol Hill that because the majority of the committee probably would vote for a strong bill, the rumors are that our committee may not even get a chance to vote on the issue, just like a repeat of last year.

This week the Subcommittee on Employer-Employee Relations will begin voting on what can only charitably be called a series of protections for the HMOs, not for patients.

I urge my colleagues to look at the fine print of those many bills. Most of those ''limited'' bills that are going to be taken up in the Subcommittee on Employer-Employee Relations are taken from language of last year's bill which passed the House that was crafted in the middle of the night by the industry and that I would charitably describe as the HMO Protection Act of 1998.

So why is the Subcommittee of the Committee on Education and the Workforce not using a comprehensive bill as a markup vehicle? Why are they not using the bill offered by the gentleman from Georgia (Mr. NORWOOD)? After all, he is a Republican member of that committee. Why are they not using my bill, the Managed Care Reform Act of 1999, which has the endorsement of many consumer groups like the American Cancer Society and professional groups like the American Academy of Family Physicians and the American College of Surgeons?

Well, the answer is clear. Last year the House rules were used to limit debate on this important issue, and the HMO industry is pulling strings again. I only hope that enough of my fellow Republicans on the House Committee on Education and the Workforce will say enough is enough. Let us do this right. And if they do not, let us hope that their constituents will flood their offices with pleas that they sign the committee petition that would make a real, comprehensive reform bill the vehicle for the markup.

Most of us are in Congress to try to make a difference. We feel that public service is important. As a Republican, I do not want bigger government, but I do want better government. And there are many big problems confronting us like securing the future of Medicare and Social Security and providing for our Nation's defense, but there are many problems that are less nationally portentous, but equally grave for individuals that many of us as Republicans want to help solve.

I am proud that I have contributed to helping pass legislation in the past few years to help make food safer, to help make water cleaner, to provide more life-saving drugs. And I am proud to come from a Midwest Republican tradition of common-sense government. It was Midwest Republicans like Bob LaFollette who called for minimum safety and health standards that work. It was Republican populists who called for the prohibition of child labor and for 1 day's rest in 7 for all wage-earners.

Republicans took up the causes of the muckrakers and helped pass the first food safety laws. It was the Bull Moosers who called for a system of social insurance for those who were injured on the job. It was Midwest Republicans who encouraged rural education and agricultural extension.

An Iowan, Carrie Chapman Catt, a Mason City, Iowa, high school principal, organized the National Women's Suffrage Association in 1905. Now, I do not know if Carrie Chapman Catt was a Republican or Democrat, but I do know that Midwest Republicans called for suffrage of women in 1913.

Mr. Speaker, it was Republican Teddy Roosevelt that broke up the trusts and stood up for the little guy, stood up for farmers who had battled the railroad trusts and the railroad robber barons.

I call on my Republican colleagues to remember our compassionate conservative heritage. I call on my Republican colleagues to tell our leadership and committee chairmen that we are not in the pockets of the HMOs. Teddy Roosevelt knew that the little guy could not stand up alone to the railroad barons without help from the government. The little guy today cannot stand up to an HMO with the way the deck is stacked against him.

So what does the HMO industry now want? They want the Federal Government to spend $60 billion a year for tax subsidies for their industry; but, of course, with no strings attached, nobody telling them how to run their business, nobody telling them to stop abusing patients. They do not want any State insurance oversight, and they do not want any Federal requirements either. ''Just give us the money.''

These are the same people, Mr. Speaker, who are spending millions of dollars lobbying here in Washington against the Patients' Bill of Rights. Last year, Mr. Speaker, the industry spent more than $100,000 per Congressman lobbying against patient protection legislation.

It is time for my Republican colleagues to remember our Teddy Roosevelt and our Bob LaFollette tradition and back a bill that would give the little guy some say over his medical care.

In 1993, the HMO industry told us we would lose our choice in health care and we would not get the coverage we needed if the Clinton health plan passed and became law, and it was true. Unfortunately, those same insurance companies went ahead and did the same thing they opposed in the Clinton health plan in order to increase their profits.

However, just as many of us were against a government bureaucrat running roughshod over patients, we should be equally outraged over an insurance bureaucrat doing exactly the same. $60 billion a year of taxpayer money without real patient protection reform like my Managed Care Reform Act of 1999 would be to reward the HMOs for their patient abuses.

Do not get me wrong. I strongly support increasing tax deductibility for health care, I just think that the health care companies should not get something for nothing. It would make Teddy Roosevelt and Bob LaFollette roll over in their graves.

Mr. Speaker, I say to my colleagues on both sides of the aisle: Join me, fight the big money HMO special interests. Let us show our constituents that we cannot be bought or intimidated by special interests any more than Teddy Roosevelt could be. Let us pass strong patient protection legislation for all Americans this summer.

RECESS

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 43 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2103

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. MYRICK) at 9 o'clock and 3 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1000, AVIATION INVESTMENT AND REFORM ACT FOR 21ST CENTURY (AIR21)

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–185) on the resolution (H. Res. 206) providing for consideration of the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, which was referred to the House Calendar and ordered to be printed.

COST OF PHARMACEUTICAL DRUGS AT RECORD HIGH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. KENNEDY) is recognized for 5 minutes.

Mr. KENNEDY of Rhode Island. Madam Speaker, the cost of prescription drugs is certainly at a record high.

Prescription drugs represent the highest out-of-pocket medical care cost for 75 percent of the elderly. Only long-term care costs more than these prescription drugs. And approximately 37 percent of seniors do not have the drug coverage necessary for them to be able to buy these drugs and afford them.

But here in the Congress, a bill has been introduced that will further, I repeat, further increase the cost. That is right, not lower cost, not reduce the burden on our senior citizens, but a bill that will actually increase the cost to consumers and to market monopolies.

H.R. 1598, the Patent Fairness Act, is anything but fair. What the bill would do is simple. It allows a back door for multi-billion-dollar patent extensions to go to seven pharmaceutical companies, possibly more. It continues monopolies for these drugs for more than 3 years and, therefore, deprives senior citizens as well as other consumers the choice of selecting a more affordable generic version.

The estimated windfall for pharmaceutical companies for the extension will be at minimum $6 billion.

The bill ignores a compromise reached in 1984 that gave those drugs under review by the FDA a 2-year extension and gave a future eligibility for extensions to drugs that have been filed at the FDA.

In order to be fair, however, they still received an additional 2 years of patent protection in order to foster their growth. These extensions have added up and have had the effect of giving these companies a monopoly on the marketplace. As a matter of fact, one of these drugs, Claritin, had a 1998 U.S. sales total of $1.8 billion.

There is no need to continue the monopoly and, therefore, to continue the market exclusivity of these drugs and the high cost.

In the meantime, however, several companies that are gearing up to provide more affordable generic versions of these drugs are being stifled because of these patent extensions. These patent extensions subvert the drug patent system and turn it into an anti-competitive shield to protect profits.

And while the companies suffer, so do the average American citizens who are trying to afford these prescription drugs. The monopolies allow increased prices for their drugs and, therefore, the consumers pay more.

Prescription drug costs have risen 85 percent in the last 5 years. Every day we hear more and more about the fact that many seniors and their families are forced to choose between dinner on the table and medicine in their bodies.

As my colleagues can see from this graph here to my right, the average prescription drug price to consumers in the past 5 years has risen nearly $18 per prescription. Given the fact that generic drugs are usually priced between 30 and 60 percent less than the brand name drugs, we are seeing this monopoly raise prices and profits for these companies.

Conservative groups like Citizens for a Sound Economy and Citizens Against Government Waste have criticized this proposal in the past. The Consumer Federation of America said that ''this is yet another attempt to slip a special-interest provision into an appropriations bill which will prove very costly to consumers.''

Public Citizen called it the ''greedy special-interest grab at the expense of consumers and the health care industry.''

This year we will let this issue be brought up and we will make sure that the affordability of prescription drugs will be paramount amongst our side, on the Democratic side, to make sure that we will not extend this drug monopoly and block generic drug competition.

H.R. 1598 continues this high prescription drug prices, which we intend to fight every step of the way and make sure that we have more affordable generic medicines to provide our senior citizens with a choice.

Prescription drug costs have skyrocketed. Senior citizens' cost for out-of-pocket expenses for these prescription drugs are occupying an ever increasing percentage of their out-of-pocket expenses. And if my colleagues think about it, we will actually save money by covering prescription drugs and reducing these drug prices by going for generic brands, as well.

Because if senior citizens can afford these drugs, guess what, they do not end up in the hospital sick because they are not able to take the medications that their doctors tell them they must take if they are to remain well.

This is a classic case of an ounce of prevention is worth a pound of cure. I would ask my colleagues to keep in mind that this is an important issue that we need to keep alive so that we focus our attention on this issue and preserve generic drugs for the consumers in this country.

Mr. PALLONE. Madam Speaker, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from New Jersey.

Mr. PALLONE. Madam Speaker, I just want to thank my colleague the gentleman from Rhode Island (Mr. KENNEDY) for organizing this special order.

I want to add my voice to his tonight because we share the view that H.R. 1598 is a misguided and bad piece of legislation.

One of the most pressing issues on Congress' agenda this year, if not the most pressing issue, has been looking for a way to make prescription drugs more for all Americans, and seniors in particular. It is unfortunate, however, that there is a movement in this body to do just the opposite. And let there be no mistake about it, the ''Patent Fairness Act of 1999'' is an attempt by some in the pharmaceutical industry to protect market share, and force consumers to continue to pay the highest possible price for prescription drugs.

The brand name industry is well aware that generic competition has a dramatic impact on pharmaceutical costs. When a generic comes to market, it typically costs 30 percent less than the brand name version. After two years on the market, the prices drop further to 60 or 70 percent of the brand name drug. The price of some generic drugs drop by as much as 90 percent.

While these competitively priced alternatives are good for consumers, employers, government purchasers, and particularly the elderly, they are not good for the brand name producer trying to maintain monopolistic pricing. If there is no generic alternative available, consumers who need medicine have no choice but to buy the available brand drug and pay whatever it costs. It is for precisely this reason that a few brand name drug companies have been working so hard to get the so called ''Patent Fairness Act of 1999'' signed into law. A patent extension is the only way to protect the windfall profits these blockbuster drugs have been generating.

In addition to keeping low cost, generic alternatives out of the reach of consumers, the ''Patent Fairness Act'' of 1999 is bad public policy for two other reasons. The first is that it turns the whole intent of the drug patent system on its head.

The purpose of the patent system is to promote the research and development of new drugs. By granting patent extension above and beyond what is called for in current law, the Patent Fairness Act would create an anti-competitive environment, which is precisely opposite the intention of the 1984 Hatch-Waxman bill. That bill, which is in part named after my colleague from California, HENRY WAXMAN, was designed to lower drug prices through competition, not to protect monopolies. It has been enormously successful in achieving that objective and Congress should not carve out a special exemption for a few companies seeking to squeeze a few more billion dollars out of American consumers.

Secondly, it would also affect the federal government's ability to control health care costs. There are a number of legislative proposals that have been introduced to add a prescription drug benefit to Medicare, which is essential to modernizing the program. Indeed, the President is expected to unveil his plan to achieve this goal before the month is out. Carving out special exemptions for companies seeking to extend patents on blockbuster drugs for no good reason will complicate efforts to include a prescription drug benefit by driving up costs for the federal government. If the ''Patent Fairness Act'' becomes law, every major drug producer in America will be knocking on Congress' door for a patent extension, and the fight Democrats are already waging to include a meaningful prescription drug benefit in Medicare will get that much harder.

Congress' energy would be much spent trying to make prescription drugs more affordable, not more expensive. I urge all of my colleagues in the House to recognize the Patent Fairness Act of 1999 for what is and oppose this misguided and ill-conceived effort to charge the American people billions of dollars

to line the pockets of a few pharmaceutical companies.

Mr. KENNEDY of Rhode Island. Madam Speaker, reclaiming my time, that these drugs are so costly; and we need to do everything in our power in this Congress to make sure seniors and other consumers are not overburdened by the cost of prescription drugs.

Mr. PALLONE. Madam Speaker, if the gentleman would continue to yield, I appreciate that; and I agree.

Mr. WAXMAN. Mr. Speaker, I rise to join my colleagues in speaking against the ill advised, anti-consumer legislation, H.R. 1598, ''The Patent Fairness Act of 1999.''

My first observation is that, having reviewed this bill, I would suggest it deserves a more appropriate title, like ''The Claritin Monopoly Extension Act'' or ''The Patently Unfair to Consumers Act of 1999.''

This proposal is a multibillion dollar assault on consumers. By keeping out competition, the drug companies which benefit from H.R. 1598 can rake in money out of the pockets of Americans who already find it hard to pay for their medicines.

The best estimates of this bill's cost to consumers range in the billions of dollars. We have no idea as yet of its potential costs to the Federal government, but it will undoubtedly line the pockets of a handful of companies with money taken directly from the pockets of American taxpayers, including the indigent and the elderly.

H.R. 1598 is nothing more than a recycled versions of the patent extension which the pharmaceutical manufacturer, Schering-Plough, has attempted on repeated occasions to sneak into law. For many years, Schering has sought to extend its patent protections for Claritin, a prescription antihistamine with over $900 million in annual U.S. sales.

Let me share with my colleagues the sordid history of this bill. Last year, Schering tried to sneak this patent extension into the omnibus appropriations bill. You may recall this is the legislation renowned for having been enacted into law with scarcely any Member claiming to have read it in its entirely. Only through vigorous opposition and publicity was this effort defeated.

The year before, Schering lobbied the Senate for an amendment to omnibus patent reform legislation granting outright five-year patent term extensions for a number of drugs, including Claritin. And in 1996, Schering tried unsuccessfully to attach Charitin patent extensions to the omnibus appropriations bill, the continuing resolution and the agriculture appropriations bill. In the first half of that year alone, Schering spent over $1 million in lobbying the Congress.

This year, H.R. 1598 has been introduced. I have reviewed this legislation and can state unequivocally that, owing to many serious problems this legislation should not be enacted into law.

First, I am deeply concerned by the misreading of legislative history which has characterize the introduction of H.R. 1598. As the coauthor of the 1984 Waxman-Hatch Act, I want to set the record straight about the legislative history of the Act.

It has been alleged that Schering and the five other companies which would benefit from this special-interest, pork barrel legislation—Smith Kline Beecham, Bristol Myers Squibb, Bayer, Rhone Poulenc Rhorer and Hoechst Marion Roussell—somehow were arbitrarily or unexpectedly penalized by the Waxman-Hatch Act. Because these companies were the sponsors of drugs in the ''pipeline'' seeking approval at the time of the Act's enactment in 1984, those products are only eligible for a 2-year patent extension, and not the 5-year patent extension available to products approved after 1984.

The proponents of H.R. 1598 have called this provision in the Act ''arbitrary'' and unfair. It is no such thing. It is eminently fair and motivated by sound public policy. The pipeline drugs were not made eligible for 5 years of patent extension precisely because the point of the patent extensions was to encourage the research and development of future products. All products which had not yet undergone teasing or review by the Food and Drug Administration (FDA) were judged to be appropriately eligible for the full 5 years of patent extension.

I seriously doubt that Schering has told anyone that it already received a 2-year patent extension under this law. The company just wants another pass at the trough. But to make clear why the Act's intent in this regard is precise and fair, I want to quote the legislative history from the 1984 House committee report on this point:

> By extending patents for up to five years for products developed in the future . . . the Committee expects that research intensive companies will have the necessary inventive to increase their research and development activities.

This is the clear policy which motivated this provision—to encourage additional research, not to simply increase profits on existing products. Only now, faced with their imminent patent expirations, are a handful of companies lobbying vigorously to defeat this policy. They have no interest in research or feature products. Their sole concern is preserving their existing monopoly at the expense of consumers.

Let me make a final point about H.R. 1598. If this patent extension bill is snuck into law, it will create a huge loophole which will allow other drug companies to come and use it for other patent extensions at the Patent Office, a bad policy and worse precedent.

As consumer groups have made clear, H.R. 1598 is a back-door for drug companies to lucrative patent extensions. The bill creates a stacked deck in favor of drug companies. It forces the burden of proof into opponents of pork-barrel patent extensions. It creates a rebuttable presumption in favor of the drug companies. It restricts the FDA from providing input about the scientific judgments it had to make about safety and effectiveness. And it puts the Patent Office in the categorically inappropriate role of second-guessing the FDA about those scientific issues. As I've said before, this is like putting the IRS in charge of reviewing how NIH grants biomedical research funding.

This bill creates a terrible precedent of second guessing our public health agencies, which protect the public by ensuring drug safety and efficacy. What Schering calls ''regulatory delay'' may well be the result of its own delays through miscalculations, complications in its research and safety problems with its product. Schering conveniently never mentions that Claritin's ''regulatory delay'' resulted in no small part from the need to be sure that Claritin was not linked to cancer, as scientific data suggested during its review by FDA.

One of the points of the Waxman-Hatch Act was to stop companies like Schering from lobbying Congress for patent extensions. It has been generally successful, with the exception of rogue companies like Schering. If Schering believes it was unduly delayed, we have only to await the General Accounting Office's review of the circumstances surrounding the approval of Claritin. The introduction of H.R. 1598 leads me to believe that Schering is simply afraid of what the GAO will find.

Mr. Speaker, H.R. 1598 is a terrible deal for consumers. It creates a blatantly unfair administrative process which undercuts the public health. It does violence to the 1984 Waxman-Hatch Act. And it fulfills the public's worst expectations of Congress as a body motivated by the interests of lucrative industries, like the prescription drug industry, and not of average Americans struggling to afford their medicines.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GREEN of Texas (at the request of Mr. GEPHARDT) for today on account of weather delay.

Mr. KIND (at the request of Mr. GEPHARDT) for today on account of airport weather delay.

Mr. STUPAK (at the request of Mr. GEPHARDT) for today on the account of weather delay.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. PALLONE) to revise and extend his remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. FLETCHER, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, on June 16.

Mrs. JOHNSON of Connecticut, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes each day, on today and June 15.

Mr. BILIRAKIS, for 5 minutes, on June 17.

Mr. MICA, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, on June 15.

Mr. JONES of North Carolina, for 5 minutes, on June 15.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. THUNE, for 5 minutes, today.

ADJOURNMENT

Mr. KENNEDY of Rhode Island. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 11 minutes

p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 15, 1999, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2576. A letter from the Under Secretary, Department of the Navy, transmitting notification of the Department's decision to study certain functions performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors, pursuant to 10 U.S.C. 2304 nt.; to the Committee on Armed Services.

2577. A letter from the Secretary of Defense, transmitting the approval of the retirement of Admiral Joseph W. Prueher, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

2578. A letter from the Secretary of Defense, transmitting approval of the retirement of Lieutenant General Martin R. Steele, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

2579. A letter from the Secretary of Defense, transmitting approval of the retirement of General Charles C. Krulak, United States Marine Corps, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

2580. A letter from the Assistant General Counsel for Regulations, Special Education and Rehabilitative Services, Department of Education, transmitting notice of Final Funding Priorities for Fiscal Years 1999–2000 for Certain Centers and Projects, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

2581. A letter from the Assistant Secretary, Department of Education, transmitting notice of Final Funding Priorities for Fiscal Years 1999–2000 for Certain Centers and Projects, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

2582. A letter from the Acting Assistant General Counsel for Regulatory Law, Office of Safeguards and Security, Department of Energy, transmitting the Manual for Nuclear Materials Management and Safeguards System Reporting and Data Submission, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2583. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adhesives and Components of Coatings [Docket No. 98F–0823] received June 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2584. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Technical Amendment [Docket No. 97F–0421] received June 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2585. A letter from the CFO and Plan Administrator, PCA Retirement Committee, First South Production Credit Association, transmitting the annual report of the Production Credit Association Retirement Plan for the year ending December 31, 1998, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

2586. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Office of Law Enforcement, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting: Regulations Regarding Baiting and Baited Areas (RIN: 1018–AD74) received June 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2587. A letter from the Fisheries Biologist, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Shrimp Trawling Requirements [Docket No. 950427117–8275–04; I.D. No. 100598B] (RIN: 0648–AH97) received June 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2588. A letter from the Fisheries Biologist, Office of Protected Resources, National Oceanic Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Shrimp Trawling Requirements [I.D. 102098A] (RIN: 0648–AH97) received June 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2589. A letter from the President, American Academy of Arts and Letters, transmitting the annual report of the activities of the American Academy of Arts and Letters during the year ending December 31, 1997, pursuant to section 4 of its charter (39 Stat. 51); to the Committee on the Judiciary.

2590. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D–200 Series Turbofan Engines [Docket No. 98–ANE–43–AD; Amendment 39–11188; AD–99–12–04] (RIN: 2120–AA64) received June 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2591. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney JT8D–1, –1A, –1B, –7, –7A, –7B, –9, –9A, –11, –15, –15A, –17, –17A, –17R, and –17AR Series Turbofan Engines [Docket No. 98–ANE–48–AD; Amendment 39–11187; AD 99–12–03] (RIN: 2120–AA64) received June 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2592. A letter from the Program Analyst, Office of the Chief Counsel, Federal Aviation Administration, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Santa Rosa, CA [Airspace Docket No. 99–AWP–3] received June 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2593. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Marblehead, MA to Halifax, Nova Scotia Ocean Race [CGD01–99–062] (RIN: 2115–AA97) received June 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2594. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Regulations; Grand Canal, Florida [CGD07–98–048] (RIN: 2115–AE47) received June 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2595. A letter from the Chief, Regs and Admin Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Hospitalized Veterans Cruise, Boston Harbor, Boston, MA [CGD01–99–055] (RIN: 2115–AA97) received June 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2596. A letter from the Chief, Regs and Admin Law, USGC, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Independence Day Celebration, Cumberland River mile 190.0–191.0, Nashville, TN [CGD08–99–036] (RIN: 2115–AE46) received June 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2597. A letter from the Governor, State of North Dakota, transmitting a request for assistance in bringing some relief to the people of the Devils Lake basin; to the Committee on Transportation and Infrastructure.

2598. A letter from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting the Department's final rule—Community Alliance for Math, Science, and Technology Literacy (CASTL) [Docket No. 990517136–9136–01] (RIN: 0693–ZA30) received June 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2599. A letter from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule—Service Connection of Dental Conditions for Treatment Purposes (RIN: 2900–AH41) received June 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2600. A letter from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting Department's final rule—Surviving spouse's benefit for month of veteran's death (RIN: 2900–AJ64) received June 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2601. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Section 6621.—-Determination of Interest Rate [Rev. Rul. 99–27] received June 3, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2602. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Secured Employee Benefits Settlement Initiative [Revenue Ruling 99–26] received June 1, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under Clause 2 of the rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of June 10, 1999]

Mr. ARCHER: Committee on Ways and Means. H.R. 1802. A bill to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes; with an amendment (Rept. 106–182 Pt. 1). Ordered to be printed.

[Submitted June 14, 1999]

Mr. GILMAN: Committee on International Relations. H.R. 17. A bill to amend the Agricultural Trade Act of 1978 to require the President to report to Congress on any selective embargo on agricultural commodities, to provide a termination date for the embargo, to provide greater assurance for contract sanctity, and for other purpose (Rept. 106–154 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 629. A bill to amend the Community Development Banking and Financial Institutions Act of 1994 to reauthorized the Community Development Financial Institutions Fund and to more efficiently and effectively promote economic revitalization, community development, and community development financial institutions, and for other purposes (Rept. 106–183). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 413. A bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes; referred to the Committee on Small Business for a period ending not later than July 2, 1999, for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(o), rule X. (Rept 106–184, Pt. 1).

Mr. REYNOLDS: Committee on Rules. House Resolution 206. Resolution providing for consideration of the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes (Rept. 106–185). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

[The following occurred on June 11, 1999]

Pursuant to clause 5 of rule X, the Committees on the Budget and Rules discharged. H.R. 1000 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

[Omitted from the Record of June 10, 1999]

H.R. 1802. Referral to the Committee on Commerce extended for a period ending not later than June 25, 1999.

[The following occurred on June 11, 1999]

H.R. 10. Referral to the Committee on Commerce extended for a period ending not later than June 15, 1999.

H.R. 17. Referral to the Committee on International Relations extended for a period ending not later than June 14, 1999.

H.R. 434. Referral to the Committees on Ways and Means and Banking and Financial Services extended for a period ending not later than June 15, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDREWS (for himself and Mr. BOEHNER):

H.R. 2183. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 2184. A bill to amend the Immigration and Nationality Act to provide for the removal of aliens who aid or abet a terrorist organization or an individual who has conducted, is conducting, or is planning to conduct a terrorist activity; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 2185. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance through a pooling arrangement; to the Committee on Ways and Means, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BECERRA:

H.R. 2186. A bill to suspend temporarily the duty on Rhinovirus drugs; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 2187. A bill to prohibit reconstruction assistance (other than humanitarian assistance) for the Federal Republic of Yugoslavia (other than Kosovo) until Slobodan Milosevic and the four other officials of the Government of the Federal Republic of Yugoslavia named in the indictment of the International Criminal Tribunal for the former Yugoslavia have been arrested and placed in custody of the Tribunal; to the Committee on International Relations.

By Ms. HOOLEY of Oregon (for herself, Mr. GREENWOOD, Mr. LEVIN, Mrs. JOHNSON of Connecticut, and Mrs. MALONEY of New York):

H.R. 2188. A bill to amend the Public Health Service Act to provide for a public response to the public health crisis of pain, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER:

H.R. 2189. A bill to compensate certain former American hostages held in Lebanon and certain members of their families; to the Committee on International Relations.

By Mrs. JOHNSON of Connecticut (for herself and Mr. POMEROY):

H.R. 2190. A bill to amend the Internal Revenue Code of 1986 to provide small business employees with a simple, secure, and fully portable defined benefit plan; to the Committee on Ways and Means.

By Mr. MCGOVERN:

H.R. 2191. A bill to require that jewelry imported from another country be indelibly marked with the country of origin; to the Committee on Ways and Means.

H.R. 2192. A bill to require that jewelry boxes imported from another country be indelibly marked with the country of origin; to the Committee on Ways and Means.

By Mr. MCINTYRE (for himself, Mr. SPRATT, and Ms. KAPTUR):

H.R. 2193. A bill to amend the Harmonized Tariff Schedule of the United States to clarify that certain footwear assembled in beneficiary countries is excluded from duty-free treatment, and for other purposes; to the Committee on Ways and Means.

By Mrs. MYRICK:

H.R. 2194. A bill to suspend temporarily the duty on Butralin; to the Committee on Ways and Means.

By Mr. NORWOOD (for himself and Mr. GRAHAM):

H.R. 2195. A bill to provide for the establishment of a national cemetery on a portion of Fort Gordon, Georgia; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS:

H.R. 2196. A bill to suspend temporarily the duty on slide fasteners, with chain scoops of base metal die-cast onto strips of textal material; to the Committee on Ways and Means.

H.R. 2197. A bill to suspend temporarily the duty on slide fasteners fitted with polished edge chain scoops of base metal; to the Committee on Ways and Means.

H.R. 2198. A bill to suspend temporarily the duty on branched dodecylbenzene; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 2199. A bill to amend title XVIII of the Social Security Act to promote the efficient use of capital by hospitals under the Medicare Program; to the Committee on Ways and Means.

By Mr. SWEENEY:

H.R. 2200. A bill to establish a national policy of basic consumer fair treatment for airline passengers; to the Committee on Transportation and Infrastructure.

By Mr. TRAFICANT:

H.R. 2201. A bill to amend the independent cousel provisions of title 28, United States Code, to authorize the appointment of an independent counsel when the Attorney General determines that Department of Justice employees have engaged in certain conduct; to the Committee on the Judiciary.

By Mr. BROWN of Ohio:

H. Con. Res. 132. A concurrent resolution expressing the sense of the Congress in opposition to the use of proceeds from gold sales by the International Monetary Fund for structural adjustment programs in developing countries; to the Committee on Banking and Financial Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mrs. WILSON.

H.R. 17: Mr. SCHAFFER.

H.R. 21: Mr. SCARBOROUGH AND Mr. MOLLOHAN.

H.R. 346: Mr. STEARNS.

H.R. 347: Mr. PETERSON of Minnesota and Mr. WICKER.

H.R. 354: Mr. BEREUTER AND Mr. HUTCHINSON.

H.R. 371: Mr. LEVIN and Mr. OBERSTAR.

H.R. 372: Mr. EVANS.

H.R. 405: Mr. MANZULLO, Mr. LUCAS of Oklahoma, Mr. ROTHMAN, Ms. MCKINNEY, and Mr. DOOLEY of California.

H.R. 486: Mr. COOKSEY, Mr. MOORE, Mr. ETHERIDGE, Ms. KAPTUR, Mr. GRAHAM and Mr. DOOLEY of California.

H.R. 488: Mr. FILNER.

H.R. 629: Mr. GUTIERREZ.

H.R. 632: Ms. PRYCE of Ohio, Mr. PASCRELL, and Ms. HOOLEY of Oregon.

H.R. 637: Mr. WEINER, Mr. HYDE, Mr. LIPINSKI, and Mrs. BONO.

H.R. 670: Mr. ROTHMAN, Mrs. JONES of Ohio, Mrs. EMERSON, Mr. WATKINS, Mr. VENTO, Mr. SCARBOROUGH, Mr. QUINN, Mr. SMITH of Washington, Mr. DOOLEY of California, Mr. THOMPSON of California, and Mr. HOLT.

H.R. 710: Mr. OSE, Ms. ESHOO, Ms. BERKLEY, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. FLETCHER.

H.R. 735: Mr. SCHAFFER and Mr. PETERSON of Pennsylvania.

H.R. 742: Mr. ABERCROMBIE, Mr. TIERNEY, and Mr. CLEMENT.

H.R. 771: Mr. BLAGOJEVICH and Mr. ROTHMAN.

H.R. 776: Mr. BRADY of Pennsylvania and Mr. WEYGAND.

H.R. 860: Mr. PICKETT.

H.R. 864: Mr. GONZALEZ, Mr. PICKERING, Mr. GILCHREST, Ms. VELÁZQUEZ, Mr. REYES, Mr.

RAHALL, Mrs. MORELLA, Ms. WATERS, Mr. OWENS, Mr. BRYANT, Mr. HOLT, Mr. CANADY of Florida, Mr. REYNOLDS, Mr. BAKER, Mr. RODRIGUEZ, Mr. BARTLETT of Maryland, Mr. DEUTSCH, Mr. BONILLA, and Mr. LATHAM.

H.R. 894: Mr. SPENCE and Mr. MCCRERY.

H.R. 922: Mr. PICKERING, Mr. BOUCHER, and Mr. HOSTETTLER.

H.R. 1044: Mr. MCCRERY and Mr. LUCAS of Kentucky.

H.R. 1070: Mr. BARRETT of Nebraska.

H.R. 1071: Mr. CLEMENT.

H.R. 1080: Mr. KIND and Mr. MASCARA.

H.R. 1082: Ms. VELÁZQUEZ and Mr. FATTAH.

H.R. 1098: Mr. PETERSON of Pennsylvania.

H.R. 1102: Mr. WATKINS, Mr. SWEENEY, Mr. SHAW, and Mr. KUCINICH.

H.R. 1109: Mr. FROST, Mr. MCNULTY, and Ms. NORTON.

H.R. 1111: Mr. BACHUS.

H.R. 1168: Ms. BERKLEY, Mr. PETERSON of Pennsylvania, Mr. FRELINGHUYSEN, and Mr. CONDIT.

H.R. 1180: Mr. LANTOS, Mr. GEJDENSON, and Mr. BEREUTER.

H.R. 1221: Ms. PRYCE of Ohio and Mr. SMITH of New Jersey.

H.R. 1248: Mr. BRADY of Pennsylvania.

H.R. 1283: Mr. SMITH of Texas, Mr. SHUSTER, and Mr. DAVIS of Virginia.

H.R. 1303: Mr. WELLER and Mr. MATSUI.

H.R. 1344: Mr. COOKSEY, Mr. BRADY of Pennsylvania, Mr. COSTELLO, and Mrs. CLAYTON.

H.R. 1358: Mr. PICKETT.

H.R. 1381: Mr. NORWOOD.

H.R. 1389: Mr. GARY MILLER of California, Mr. ROEMER, Mr. COSTELLO, and Mr. HOEKSTRA.

H.R. 1514: Mr. HINCKEY and Ms. VELÁZQUEZ.

H.R. 1532: Mr. GANSKE, Mr. BONIOR, Mr. PORTER, Ms. RIVERS, and Mrs. KELLY.

H.R. 1631: Ms. MCKINNEY.

H.R. 1645: Mr. WAXMAN.

H.R. 1658: Mr. BRADY of Pennsylvania and Mrs. BONO.

H.R. 1690: Mr. VENTO and Mr. FILNER.

H.R. 1710: Mr. SESSIONS.

H.R. 1731: Ms. DUNN and Mr. POMBO.

H.R. 1765: Mr. REYES and Mr. THOMPSON of California.

H.R. 1768: Ms. CARSON.

H.R. 1776: Ms. DUNN, Mr. BAKER, Mr. MOORE, Mr. MINGE, Mr. CASTLE, Ms. BROWN of Florida, Mr. CAMPBELL, Mr. REYES, Mr. PETERSON of Pennsylvania, Mr. DIAZ-BALART, Mr. BARTLETT of Maryland, Mrs. NORTHUP, Mr. GREEN of Wisconsin, Mr. HORN, Mr. LUCAS of Oklahoma, Mr. FRELINGHUYSEN, Mrs. CLAYTON, Mr. CUNNINGHAM, Mr. TAYLOR of Mississippi, Mr. MCHUGH, Mr. FLETCHER, Mr. SHOWS, Mr. WICKER, Mr. BEREUTER, Mr. GARY MILLER of California, Mr. FROST, Mr. SHIMKUS, and Mr. BOUCHER.

H.R. 1777: Mr. BOEHLERT.

H.R. 1824: Mr. GOODE, Mr. KUCINICH, and Mr. PASTOR.

H.R. 1827: Mr. SHAYS, Mr. WALDEN of Oregon, Mr. GOODLING, Mr. LATOURETTE, and Mrs. KELLY.

H.R. 1848: Mr. MCDERMOTT, Mr. ENGEL, Ms. LOFGREN, Mr. NADLER, and Mr. KENNEDY of Rhode Island.

H.R. 1869: Mr. KUYKENDALL and Mr. FOLEY.

H.R. 1881: Mr. BERMAN, Mr. ORTIZ, Mr. PASTOR, Mr. BILBRAY, and Mr. GREEN of Texas.

H.R. 1884: Mr. WU.

H.R. 1885: Mr. HOEKSTRA.

H.R. 1895: Ms. BERKLEY, Mr. WEINER, Mr. INSLEE, and Mr. HOEFFEL.

H.R. 1899: Mr. BRADY of Pennsylvania, Mr. CAPUANO, Mr. BORSKI, Mr. VENTO, Mr. ABERCROMBIE, Mr. WAXMAN, Mr. NEAL of Massachusetts, Mr. SHERMAN, Mr. MCHUGH, Ms. DELAURO, Mr. KLINK, Mr. DOYLE, Mr. FARR of California, and Mr. FROST.

H.R. 1907: Mr. CANNON and Mrs.MORELLA.

H.R. 1967: Mr. BROWN of California, Mr. STUPAK, Mr. QUINN, and Mr. PALLONE.

H.R. 2025: Mr. BARRETT of Wisconsin and Ms. ROYBAL-ALLARD.

H.R. 2028: Mr. SCHAFFER and Mr. TIAHRT.

H.R. 2094: Ms. MILLENDER-MCDONALD, Mr. BLILEY, Mr. BARRETT of Wisconsin, Mr. HOEKSTRA, Mr. SANDLIN, Mr. BEREUTER, Mr. TURNER, Mr. FOLEY, Mr. MEEHAN, Mr. ISTOOK, Mr. BISHOP, Mr. CANADY of Florida, Ms. DELAURO, Mr. RAMSTAD, Mr. SHOWS, Mr. WICKER, Mr. MALONEY of Connecticut, Mrs. KELLY, Mr. BARCIA, Mr. ENGLISH, Mr. BRADY of Pennsylvania, Ms. MCCARTHY of Missouri, Mr. FROST, Mr. GOODLATTE, and Mr. LATOURETTE.

H.R. 2172: Mrs. KELLY, Mr. BENTSEN, Mrs. MORELLA, and Mr. GUTIERREZ.

H.J. Res. 41: Mr. PAYNE and Ms. RIVERS.

H. Con. Res. 60: Mr. HASTINGS of Florida, Mr. SANDERS, and Mrs. MCCARTHY of New York.

H. Con. Res. 116: Mr. KUCINICH, Mr. SAWYER, Mr. BARCIA, Mr. WU, and Mr. BERMAN.

H. Con. Res. 118: Mr. CROWLEY, Mr. MORAN of Virginia, Mr. GREEN of Texas, Mr. GOODLING, and Mr. HOSTETTLER.

H. Con. Res. 128: Mr. PRICE of North Carolina, Mr. DIAZ-BALART, Ms. SCHAKOWSKY, Mr. SCARBOROUGH, Mr. PORTER, Mrs. KELLY, Mrs. THURMAN, Mr. ENGEL, Mr. FORBES, Mr. PALLONE, Mr. CARDIN, Mr. FROST, Mrs. MORELLA, Mr. RODRIGUEZ, Mr. SHIMKUS, Mr. DAVIS of Florida, Mr. CRANE, and Ms. BERKLEY.

H. Con. Res. 130: Mr. THOMPSON of Mississippi, Mr. WYNN, Mr. ENGEL, Mr. FROST, Mr. TURNER, Mr. MCDERMOTT, Mr. DELAHUNT, and Mrs. MEEK of Florida.

H. Res. 41: Mr. LEVIN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1604: Mr. OWENS.

PETITIONS, ETC.

Under clause 3 of rule XII,

19. The SPEAKER presented a petition of County Legislature of Suffolk, New York, relative to Sense Resolution No. 9–1999 petitioning the United States Congress to establish Cold War Victory Day as a national holiday on November 9, 2000; which was referred to the Committee on Government Reform.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

OFFERED BY: MR. FORBES

AMENDMENT NO. 1: At the end of the bill, insert the following:

SEC. . INCREASE IN ENHANCED PENALTIES FOR POSSESSING, BRANDISHING, OR DISCHARGING A FIREARM IN A CRIME OF VIOLENT OR DRUG TRAFFICKING CRIME; NEW ENHANCED PENALTY IF BODILY INJURY RESULTS.

Section 924(c)(1) of title 18, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''5'' and inserting ''10'';

(B) in clause (ii)—

(i) by striking ''7'' and inserting ''20''; and

(ii) by striking ''and'';

(C) in clause (iii)—

(i) by striking ''10'' and inserting ''25''; and

(ii) by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(iv) if bodily injury to another person results, be sentenced to a term of imprisonment of not less than 30 years or to imprisonment for life.'';

(2) in subparagraph (B)—

(A) in clause (i), by striking ''10'' and inserting ''15''; and

(B) in clause (ii), by striking ''30'' and inserting ''35'';

(3) in subparagraph (C)(i), by striking ''25'' and inserting ''50''; and

(4) in subparagraph (D)—

(A) by striking ''and'' at the end of clause (i);

(B) by striking the period at the end of clause (ii); and

(C) by adding at the end the following:

''(iii) a person sentenced under this subsection shall not be released for any reason whatsoever during a term of imprisonment imposed under this subsection.''.

H.R. 1501

OFFERED BY: MR. FORBES

AMENDMENT NO. 2: At the end of the bill, insert the following:

SEC. __. ENHANCED PENALTIES FOR POSSESSING, BRANDISHING, OR DISCHARGING A FIREARM, OR USING A FIREARM TO CAUSE BODILY INJURY IN A FELONY.

Section 924(c) of title 18, United States Code, is amended to read as follows:

''(c)(1)(A) Except to the extent that a greater minimum sentence is otherwise provided by this subsection or by any other provision of law, any person who, during and in relation to any felony (including a felony that provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device) for which the person may be prosecuted in a court of the United States, uses or carries a firearm, or who, in furtherance of any felony, possesses a firearm, shall, in addition to the punishment provided for the felony—

''(i) be sentenced to a term of imprisonment of not less than 10 years;

''(ii) if the firearm is brandished, be sentenced to a term of imprisonment of not less than 20 years;

''(iii) if the firearm is discharged, be sentenced to a term of imprisonment of not less than 25 years; and

''(iv) if bodily injury to another person results, be sentenced to a term of imprisonment of not less than 30 years or to imprisonment for life.

''(B) If the firearm possessed by a person convicted of a violation of this subsection—

''(i) is a short-barreled rifle, short-barreled shotgun, or semiautomatic assault weapon, the person shall be sentenced to a term of imprisonment of not less than 15 years; or

''(ii) is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, the person shall be sentenced to a term of imprisonment of not less than 35 years.

''(C) In the case of a second or subsequent conviction under this subsection, the person shall—

''(i) be sentenced to a term of imprisonment of not less than 50 years; and

''(ii) if the firearm involved is a machinegun or a destructive device, or is equipped with a firearm silencer or firearm muffler, be sentenced to imprisonment for life.

'(D) Notwithstanding any other provision of law—

''(i) the court shall not impose a probationary sentence on any person convicted of a violation of this subsection, nor shall a term of imprisonment imposed under this subsection run concurrently with any other term of imprisonment imposed on the person, including any term of imprisonment imposed for the felony during or in relation to

which the firearm was used, carried, or possessed; and

''(ii) a person sentenced under this subsection shall not be released for any reason whatsoever during a term of imprisonment imposed under this subsection.

''(2) For purposes of this subsection:

''(A) The term 'felony' means any crime punishable under Federal or State law by imprisonment for more than 1 year.

''(B) The term 'brandish' means, with respect to a firearm, to display all or part of the firearm, or otherwise make the presence of the firearm known to another person, in order to intimidate that person, regardless of whether the firearm is directly visible to that person.''.

H.R. 1501

OFFERED BY: MR. PORTER

AMENDMENT NO. 3: At the end of the bill, insert the following:

SEC. __. ESTABLISHMENT OF MINIMUM 72-HOUR HANDGUN PURCHASE WAITING PERIOD.

Section 922(t) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking ''before the completion of the transfer, the licensee'' and inserting ''after the most recent proposal of the transfer by the transferee, the licensee, as expeditiously as is feasible,''; and

(ii) by inserting ''and the chief law enforcement officer of the place of residence of the transferee'' after ''Act'';

(B) in subparagraph (B)(ii)—

(i) by striking ''3'' and inserting ''5''; and

(ii) by striking ''and'' at the end;

(C) in subparagraph (C), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(D) if the firearm is a handgun—

''(i) not less than 72 hours have elapsed since the licensee contacted the system;

''(ii) the transferee has presented to the transferor a written statement, issued by the chief law enforcement officer of the place of residence of the transferee during the 10-day period ending on the date of the most recent proposal of such transfer by the transferee, stating that the transferee requires access to a handgun because of a threat to the life of the transferee or of a member of the household of the transferee; or

''(iii) the law of the State in which the proposed transfer will occur requires, before any licensed importer, licensed manufacturer, or licensed dealer completes the transfer of a handgun to an individual who is not licensed under section 923, that an authorized State or local official verify that the information available to the official does not indicate that possession of a handgun by the transferee would be in violation of the law, and the authorized State or local official has provided such verification is accordance wit that law.''; and

(2) by adding at the end the following:

''(7) In this subsection, the term 'chief law enforcement officer' means the chief of police, the sheriff, or an equivalent officer of a law enforcement agency, or the designee of any such officer.

''(8) A chief law enforcement officer who is contacted under paragraph (1)(A) with respect to the proposed transfer of a firearm shall, not later than 20 business days after the date on which the contact occurs, destroy any statement or other record containing information derived from the contact, unless the chief law enforcement officer determines that the transfer would violate Federal, State, or local law.

''(9) The Secretary of the Treasury shall promulgate regulations regarding the manner in which information shall be transmitted by licensees to the national instant criminal background check system under paragraph (1)(A).''.