

PROVIDING FOR THE FURTHER CONSIDERATION OF H.R.  
3616, THE NATIONAL DEFENSE AUTHORIZATION ACT FOR  
FISCAL YEAR 1999

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MAY 19, 1998.—Referred to the House Calendar and ordered to be printed

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Mr. SOLOMON, from the Committee on Rules,  
submitted the following

REPORT

[To accompany H. Res. 441]

The Committee on Rules, having had under consideration House Resolution 441, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

BRIEF SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for further consideration of H.R. 3616, the National Defense Authorization Act for fiscal year 1999, under a structured rule. The rule provides that no further general debate shall be in order. The rule also provides for consideration of the committee amendment in the nature of a substitute now printed in the bill as an original bill for the purposes of amendment, which shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute.

The rule also makes in order only those amendments printed in this report and the amendments en bloc described in section 3 of the resolution. The rule provides that, except as specified in section 5 of the resolution, amendments will be considered only in the order specified in this report, may be offered only by a Member designated in this report, shall be considered as read and shall not be subject to a demand for division of the question.

Except as otherwise provided in this report, amendments shall be debatable for 10 minutes equally divided between a proponent and an opponent. Amendments are not amendable (except that the Chairman and ranking minority member of the National Security Committee may each offer one pro forma amendment for the purpose of further debate on any pending amendment). The rule waives all points of order against amendments printed in this re-

port and those amendments en bloc described in section 3 of the resolution.

The rule provides for an additional 2 hours of general debate on U.S. policy toward China, equally divided between the chairman and ranking minority member of the Committee on National Security, which shall precede consideration of the amendments in part A of this report.

The rule also provides for an additional 30 minutes of general debate on the subject of assigning members of the armed forces to assist in border control, equally divided between the Chairman and ranking minority member of the Committee on National Security, which shall precede the amendments printed in part C of this report.

The rule authorizes the Chairman of the National Security Committee or his designee to offer amendments en bloc consisting of amendments in part D of this report or germane modifications thereto, which shall be considered as read (except that modification shall be reported), shall be debatable for 20 minutes equally divided between the Chairman and ranking member of the National Security Committee or their designees and which shall not be subject to amendment or demand for division of the question.

The rule provides that, for the purposes of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the en bloc amendments.

The rule also permits the Chairman of the Committee of the Whole to postpone votes on any amendment and to reduce to 5 minutes the time for voting after the first of a series of votes provided that the first vote is not less than 15 minutes.

The rule permits the Chairman of the Committee of the Whole to recognize for consideration of any amendment printed in this report out of the order in which printed, but not sooner than one hour after the Chairman of the National Security Committee or a designee announces from the floor a request to that effect.

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

#### COMMITTEE VOTES

Pursuant to clause 2(1)(2)(B) of House Rule XI the results of each rollcall vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

#### *Rules Committee Rollcall No. 88*

Date: May 19, 1998.

Measure: H.R. 3616, FY 1999 National Defense Authorization Act.

Motion by: Mr. Frost.

Summary of motion: To make in order the Taylor amendment (No. 24), extending the scope of mandatory random drug testing to include all civilians employed at the Department of Defense.

Results: Rejected 3-9.

Vote by Members: Dreier—Nay; Goss—Nay; Linder—Nay; Pryce—Nay; Diaz-Balart—Nay; McInnis—Nay; Hastings—Nay; Myrick—Nay; Moakley—Yea; Frost—Yea; Hall—Yea; Slaughter Solomon—Nay.

AMENDMENTS MADE IN ORDER TO H.R. 3616 DEFENSE AUTHORIZATION  
ACT, FY 1999

*Part A—Two hours additional general debate*

1. Spence/Gilman No. 92—Expresses the sense of Congress that U.S. business interests should not be placed above U.S. national security interests and that the U.S. should not enter into new agreements with the People's Republic of China involving space or missile-related technology. 10 minutes.

2. Bereuter No. 38—Prohibits U.S. participation in any investigation of a launch failure of a U.S. satellite from the People's Republic of China. 10 minutes.

3. Hefley No. 62—Prohibits the transfer of any U.S. missile equipment or missile-related technology to the People's Republic of China. 10 minutes.

4. Hunter No. 91—Prohibits the export or re-export of any U.S. satellites to the People's Republic of China. 10 minutes.

*Part B*

1. Lowey/Harman No. 45—Restores equal access to health services at overseas military hospitals to servicemen and women and their dependents stationed overseas. 40 minutes.

2. Gilman No. 29—States that no provision of the Kyoto Protocol will restrict the procurement, training, operation or maintenance of U.S. Armed Forces. 40 minutes.

3. Hefley No. 63—Prohibits any Department of Defense funds from being used to assign or deploy any member of the United States Armed Forces to duty with the United Nations Rapidly Deployable Mission Headquarters. 60 Minutes.

4. Watts/Moran (VA)/Thornberry No. 94—Authorizes the DoD to conduct a demonstration program for enrolling Medicare-eligible military retirees in the Federal Employees Health Benefits Program (FEHBP). The demonstration program is offset by the sale of National Defense Stockpile materials. 40 minutes.

*Part C—Thirty minutes additional general debate*

1. Traficant No. 9—Authorizes the Secretary of Defense to assign members of the Armed Forces, under certain circumstances and subject to certain conditions, to assist the Immigration and Naturalization Service and the Customs Service in monitoring and patrolling our borders. 10 minutes.

2. Reyes No. 72—(Amendment to Traficant No. 9). Requires the Attorney General or the Secretary of the Treasury to submit a formal request to the Secretary of Defense prior to assignment of armed forces personnel to assist the INS and Customs Service. 10 minutes.

*Part D—10 minutes each*

1. Bryant No. 1—Clarifies the ability of states to tax the incomes of certain employees who work at specific locations that straddle state lines.

2. Cunningham No. 3—Makes technical changes to sec. 2812 of the bill.

3. Underwood No. 4—Sets a specific time line to the provision that requires a report from the Secretary of Defense, which certifies that a system, used to recover the costs incurred by the Department from commercial carriers, has been implemented.

4. Traficant No. 5—Modifies the time requirements by which the DoD must report to Congress on procurement of foreign goods.

5. Traficant No. 7—Mandates that any flag presented to the family of deceased service men and women by the Dept. of Veterans Affairs be wholly produce in the U.S.

6. Traficant No. 10—Transfers the title of the Naval and Marine Corps facility located at 315 East Laclede Avenue in Youngstown, Ohio to the City of Youngstown.

7. Bartlett/Solomon No. 15—Requires the DoD Inspector General to investigate the grounding of the 174th Fighter Wing of the New York Air National Guard and subsequent dismissal, demotion or reassignment of 12 decorated combat pilots of that wing.

8. Frank/Sisisky No. 16—Caps at \$2 billion the U.S. contribution to NATO Expansion over a thirteen year period.

9. Hobson No. 17—Requires that (1) military physicians have unrestricted licenses; and (2) military officials ensure that military physicians complete Continuing Medical Education requirements.

10. Maloney (NY) No. 19—Reduces the retirement pay for those enlisted soldiers who are reduced in grade before retirement.

11. Markey No. 23—Preserves the separation between civilian and military nuclear programs by barring any commercial nuclear reactor from being used to produce tritium for nuclear explosives.

12. Stenholm/Thune No. 26—Requires that the Department of Defense submit to Congress, no later than November 1, 1998, a proposal to establish an appeal process in cases of ClaimCheck denials of claims for health care services submitted by civilian providers.

13. Hall (OH) No. 28—Requires the Secretary of the Defense to initiate a study of the Department of Defense's technology base and recommend minimum requirements.

14. McKeon No. 30—Encourages the existing cooperative working relationship between the Air Force Flight Test Center and the NASA Dryden Flight Research Center, both of which are located at Edwards Air Force Base.

15. Hunter No. 39—Places U.S. satellites on the U.S. Munitions List and make their export subject to the licensing requirements established by the Arms Export Control Act.

16. Spence No. 40—Requires the Arms Control and Disarmament Agency (or the State Department, should ACDA become part of State) to provide to Congress classified summaries of arms control developments, including information on the activities of various arms control treaty compliance forums.

17. Sessions No. 44—Requires military departments to develop and submit to Congress a schedule for implementing inventory

practices identified by the Secretary of Defense as being the best commercial inventory practices for the acquisition and distribution of such supply items consistent with military requirements.

18. Gibbons No. 47—Requires the Secretary of Commerce to release to the Director of Central Intelligence, the Secretary of Defense, or the Secretary of Energy, or their designees, any information held by the Department of Commerce, or collected by the Department of Commerce, that relates to exports carried out under an export license issued by the Department of Commerce, or carried out without an export license. The information must be requested in writing by these officials or their designees. The Secretary of Commerce must transmit the information requested to the official making the request within 5 days after receiving the request.

19. Gilman No. 48—Establishes reporting requirements for nuclear exports comparable to those in existing law for conventional arms. Before issuing a license for certain nuclear exports, the Executive branch is required to submit to the Congress a report describing such export and the basis for approval of such export. The Congress would have 30 calendar days to review the proposed license and could utilize expedited procedures provided under the amendment in [both the House and] Senate to enact a resolution of disapproval. Includes only certain types of exports (reactors, fuel, significant components and technology transfers including retransfers) and excludes nuclear exports to OECD countries.

20. Hunter No. 51—Acquisition Streamlining. Provides federal agencies with the ability to apply cost-saving streamlined procedures for all purchases with a value below \$10,000. Allows the Department of Defense to use statistical sampling procedures to verify receipt and acceptance of goods and services bought by the Department.

21. Hunter/Jones/Smith (TX) No. 53—Sense of Congress that the unintended consequence of prohibiting military homeowners, away from their main residence on active duty, from capitalizing on the capital gains relief for homeowners as provided for in the 1997 Taxpayer Relief Act must be addressed.

22. Kennedy (RI) No. 58—Adds other nations and indigenous groups to the list of those who made contributions of combat forces during military operations conducted in Southeast Asia during the Vietnam conflict.

23. Weldon (FL)/Capps No. 67—Protects funding for the two national launch ranges in California and Florida which support DoD and NASA space launch activities.

24. Barr No. 71—Calls for continued negotiation to establish a counter-drug center in Panama in anticipation of the closure of all U.S. military installations in Panama by Dec., 1999.

25. Hastings (WA) No. 74—Directs the Secretary of Defense to form a separate management unit, using existing resources, and with a streamlined reporting requirement, for the DoE “privatization” program.

26. Hastings (WA) No. 75—Allows a federal facility to be used as a multi-agency training center.

27. Fowler No. 78—Requires the Secretary of Defense to establish within one year of enactment a system by which the military departments, DoD agencies, and the other DoD organizations con-

tract out and the amount of manpower associated with those contracts. Requires the Secretary of Defense to report the accumulated data annually to the Congress.

28. Bishop No. 79—Provides eligibility for hardship duty pay on the basis of the nature of the duty performed instead of the location of the duty. Allows armed services personnel who serve on the Joint Recovery Task Force which is serving in Southeast Asia (seeking a full accounting of MIAs) to receive hardship duty pay.

29. Bilbray No. 82—Sense of Congress supporting DoD New Parent Support Program and directs DoD to issue a report on the status of the New Parent Support Program.

30. Weldon (PA) No. 84—Authorizes FY99 funding for DoD portion of Multi-Agency Next Generation Internet Program and specifies that it may only be authorized through the Defense Authorization bill.

31. Weldon (PA)/Skelton No. 85—Encourages better coordination of federal, state and local efforts to improve capabilities to respond to incidents involving weapons of mass destruction by requiring certain Presidential reports by Jan. 31, 1999; authorizes a pilot test allowing the FBI to assist federal, state and local agencies in the performance of threat and terrorist risk assessments in localities to determine training and equipment requirements; and establishes a Commission on Domestic Response Capabilities for Terrorism involving weapons of mass destruction.

32. Weldon (PA) No. 86—Express the Sense of Congress that the President should instruct the secretaries of Defense, State and Energy and the Administrator of EPA to assess the feasibility of whether the U.S. should encourage the establishment of a privately-funded international project to facilitate the exchange of information related to advanced nuclear waste remediation technologies.

33. Weldon (PA)/Spratt No. 87—Requires the Secretary of Defense to select an alternative contractor as a potential source for the development and production of the interceptor missile for the Theater High-Altitude Area Defense (THAAD) system; adjusts authorization levels for THAAD Demonstration and Validation and THAAD Engineering and Manufacturing Development; and requires the Secretary of Defense to establish an appropriate cost sharing arrangement with the current THAAD missile prime contractor for future flight test failures.

34. Spence No. 88—Requires that an objection, under sec. 1211 of the Defense Authorization Act of 1998 (concerning the export of supercomputers), from the Dept. of Defense be executed by an individual at the Assistant Secretary level within the office of the Under Secretary of Defense for Policy; and requires the Secretary of Defense to ensure that DoD procedures maximize the ability of DoD to issue an objection within the 10-day time limit.

35. Weldon (PA)/Pickett No. 90—Amends section 202(a), by changing the total amount authorized for basic research and applied research in the Department of Defense for FY 1999 from \$3,078,251,000 to \$4,208,978,000.

36. Riley No. 96—Transfers oversight of the program for assessment of alternative technologies for demilitarization of assembled chemical weapons from the Under Secretary of Defense for Acquisi-

tion and Technology to the Secretary of the Army; authorizes \$12.6 million for the program in FY 1999; and provides guidance for implementation of a follow-on pilot-plant development phase for those alternative technologies for which feasibility has been successfully demonstrated.

37. Porter No. 97—Authorizes the Secretary of the Army to convey an approximately 14 acre parcel of property at Fort Sheridan, Illinois to the City of Lake Forest, Illinois.

38. Doolittle No. 98—Requires a report on the rates of personnel retention by the military services since 1989.

#### PART A

#### 1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SPENCE OF SOUTH CAROLINA, OR REPRESENTATIVE GILMAN OF NEW YORK, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XII (page 253, after line 3), insert the following new section:

#### SEC. 1206. SENSE OF THE CONGRESS.

It is the sense of the Congress that—

(1) United States business interests must not be placed above United States national security interests;

(2) at the Presidential summit meeting to be held in the People's Republic of China in June of 1998, the United States should not—

(A) support membership of the People's Republic of China in the Missile Technology Control Regime;

(B) agree to issue any blanket waiver of the suspensions contained in section 902 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246), regarding the export of satellites of United States origin intended for launch from a launch vehicle owned by the People's Republic of China;

(C) agree to increase the number of launches of satellites to geosynchronous orbit by the People's Republic of China above the number contained in Article II(B)(ii) of the 1995 Memorandum of Agreement Between the Government of the United States of America and the Government of the People's Republic of China Regarding International Trade in Commercial Launch Services;

(D) support any cooperative project with the People's Republic of China to design or manufacture satellites;

(E) enter into any new scientific, technical, or other agreements, or amend any existing scientific, technical, or other agreements, with the People's Republic of China involving space or missile-related technology;

(F) agree to any arms control initiative that cannot be effectively verified, including any initiative relating to detargeting of strategic offensive missiles; or

(G) support any increase in the number or frequency of military-to-military contacts between the United States and the People's Republic of China;

(3) the decision of the executive branch in 1998 to issue a waiver allowing the export of satellite technology to the People's Republic of China was not in the national interest of the United States, given the ongoing criminal investigation by the Justice Department of the transfer in 1996 of satellite technology to that country;

(4) the executive branch should ensure that United States law regarding the export of satellites to the People's Republic of China is enforced and that the criminal investigation described in paragraph (3) proceeds with all due dispatch; and

(5) the President should indefinitely suspend the export of satellites of United States origin to the People's Republic of China, including those satellites licensed in February 1998 as part of the Chinasat-8 program.

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2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BEREUTER OF NEBRASKA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XII (page 253, after line 3), insert the following new section:

**SEC. 1206. INVESTIGATIONS OF SATELLITE LAUNCH FAILURES.**

(a) PARTICIPATION IN INVESTIGATIONS.—In the event of the failure of a launch from the People's Republic of China of a satellite of United States origin, no United States person may participate in any subsequent investigation of the failure.

(b) DEFINITION.—As used in this section, the term “United States person” has the meaning given that term in section 16 of the Export Administration Act of 1979, and includes any officer or employee of the Federal Government or of any other government.

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HEFLEY OF COLORADO, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XII (page 253, after line 3), insert the following new section:

**SEC. 1206. PROHIBITION ON EXPORTS OF MISSILE EQUIPMENT AND TECHNOLOGY TO CHINA.**

No missile equipment or technology (as defined in section 74 of the Arms Export Control Act (22 U.S.C. 2797c)) may be exported to the People's Republic of China.

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUNTER OF CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XII (page 253, after line 3), insert the following new section:

**SEC. 1206. PROHIBITION ON EXPORTS AND REEXPORTS OF SATELLITES TO CHINA.**

(a) IN GENERAL.—No satellites of United States origin (including commercial satellites and satellite components) may be exported or reexported to the People's Republic of China.

(b) PROHIBITION WITH RESPECT TO INFORMATION, EQUIPMENT, AND TECHNOLOGY.—No information, equipment, or technology that

could be used in the acquisition, design, development (including co-development), or production (including coproduction) of any satellite or launch vehicle may be exported or reexported to the People's Republic of China.

(c) **APPLICABILITY.**—Subsections (a) and (b) apply to any satellite, information, equipment, or technology that as of the date of the enactment of this Act has not been exported or reexported to the People's Republic of China, whether or not an export license for such export or reexport has been approved as of such date.

## PART B

### 1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LOWEY OF NEW YORK, OR REPRESENTATIVE HARMAN OF CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR 40 MINUTES

At the end of subtitle A of title VII (page 189, after line 5) insert the following new section:

**SEC. 705. RESTORATION OF POLICY AFFORDING ACCESS TO CERTAIN HEALTH CARE PROCEDURES FOR FEMALE MEMBERS OF THE ARMED FORCES AND DEPENDENTS AT DEPARTMENT OF DEFENSE FACILITIES OVERSEAS.**

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

- (1) in subsection (a), by striking out “(a) RESTRICTION ON USE OF FUNDS.—”; and
- (2) by striking out subsection (b).

### 2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GILMAN OF NEW YORK, OR A DESIGNEE, DEBATABLE FOR 40 MINUTES

At the end of title XII (page 253, after line 3), insert the following new section:

**SEC. 1206. PROHIBITION ON RESTRICTION OF ARMED FORCES UNDER KYOTO PROTOCOL TO THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, no provision of the Kyoto Protocol to the United Nations Framework Convention on Climate Change, or any regulation issued pursuant to such protocol, shall restrict the procurement, training, or operation and maintenance of the United States Armed Forces.

(b) **WAIVER.**—A provision of law may not be construed as modifying or superseding the provisions of subsection (a) unless that provision of law—

- (1) specifically refers to this section; and
- (2) specifically states that such provision of law modifies or supersedes the provisions of this section.

### 3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HEFLEY OF COLORADO, OR A DESIGNEE, DEBATABLE FOR 60 MINUTES

At the end of title X (page 234, after line 4), insert the following new section:

**SEC. 1044. PROHIBITION ON ASSIGNMENT OF UNITED STATES FORCES TO UNITED NATIONS RAPIDLY DEPLOYABLE MISSION HEADQUARTERS.**

No funds available to the Department of Defense may be used to assign or detail any member of the Armed Forces to duty with the United Nations Rapidly Deployable Mission Headquarters (or any similar United Nations military operations headquarters).

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WATTS OF OKLAHOMA, OR REPRESENTATIVE MORAN OF VIRGINIA, OR A DESIGNEE, DEBATABLE FOR 40 MINUTES

At the end of title VII (page 197, after line 5), add the following new section:

**SEC. 726. DEMONSTRATION PROJECT TO INCLUDE CERTAIN COVERED BENEFICIARIES WITHIN FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.**

(a) DEMONSTRATION PROJECT.—(1) Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 1108. Health care coverage through Federal Employees Health Benefits program: demonstration project**

“(a) FEHBP OPTION DEMONSTRATION.—The Secretary of Defense, after consulting with the other administering Secretaries, shall enter into an agreement with the Office of Personnel Management to conduct a demonstration project under which not more than 70,000 eligible covered beneficiaries described in subsection (b) and residing within one of the areas covered by the demonstration project may be enrolled in health benefits plans offered through the Federal Employees Health Benefits program under chapter 89 of title 5.

“(b) ELIGIBLE COVERED BENEFICIARIES.—(1) An eligible covered beneficiary under this subsection is—

“(A) a member or former member of the uniformed services described in section 1074(b) of this title who is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.);

“(B) a dependent of such a member described in section 1076(b) or 1076(a)(2)(B) of this title;

“(C) a dependent of a member of the uniformed services who died while on active duty for a period of more than 30 days; or

“(D) a dependent described in section 1076(b) or 1076(a)(2)(B) of this title who is entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act, regardless of the member’s or former member’s eligibility for such hospital insurance benefits.

“(2) A covered beneficiary described in paragraph (1) shall not be required to satisfy any eligibility criteria specified in chapter 89 of title 5 as a condition for enrollment in health benefits plans offered through the Federal Employee Health Benefits program under the demonstration project.

“(3) Covered beneficiaries who are eligible to enroll in the Federal Employment Health Benefits program under chapter 89 of title 5 as a result of civil service employment with the United States Government shall not be eligible to enroll in a Federal Employees Health Benefits plan under this section.

“(c) AREA OF DEMONSTRATION PROJECT.—The Secretary of Defense and the Director of the Office of Personnel Management shall jointly identify and select the geographic areas in which the demonstration project will be conducted. The Secretary and the Director shall establish at least six, but not more than ten, such demonstration areas. In establishing the areas, the Secretary and Director shall include—

“(1) a site that includes the catchment area of one or more military medical treatment facilities;

“(2) a site that is not located in the catchment area of a military medical treatment facility;

“(3) a site at which there is a military medical treatment facility that is a Medicare Subvention Demonstration project site under section 1896 of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); and

“(4) not more than one site for each TRICARE region.

“(d) TIME FOR DEMONSTRATION PROJECT.—(1) The Secretary of Defense shall conduct the demonstration project during three contract years under the Federal Employees Health Benefits program.

“(2) Eligible covered beneficiaries shall, as provided under the agreement pursuant to subsection (a), be permitted to enroll in the demonstration project during the open season for the year 2000 (conducted in the fall of 1999). The demonstration project shall terminate on December 31, 2002.

“(e) PROHIBITION AGAINST USE OF MTFs.—Eligible covered beneficiaries who participate in the demonstration project shall not be eligible to receive care at a military medical treatment facility.

“(f) TERM OF ENROLLMENT.—(1) The minimum period of enrollment in a Federal Employees Health Benefits plan under this section shall be three years.

“(2) A beneficiary who elects to enroll in such a plan, and who subsequently discontinues enrollment in the plan before the end of the period described in paragraph (1), shall not be eligible to re-enroll in the plan.

“(3) An eligible beneficiary enrolled in a Federal Employees Health Benefits plan under this section may change plans during the open enrollment period in the same manner as any other Federal Employees Health Benefits program beneficiary may change plans.

“(g) SEPARATE RISK POOLS; CHARGES.—(1) The Office of Personnel Management shall require health benefits plans under chapter 89 of title 5 that participate in the demonstration project to maintain a separate risk pool for purposes of establishing premium rates for covered beneficiaries who enroll in such a plan in accordance with this section.

“(2) The Office shall determine total subscription charges for self only or for family coverage for covered beneficiaries who enroll in a health benefits plan under chapter 89 of title 5 in accordance with this section, which shall include premium charges paid to the

plan and amounts described in section 8906(c) of title 5 for administrative expenses and contingency reserves.

“(h) GOVERNMENT CONTRIBUTIONS.—The Secretary of Defense shall be responsible for the Government contribution for an eligible covered beneficiary who enrolls in a health benefits plan under chapter 89 of title 5 in accordance with this section, except that the amount of the contribution may not exceed the amount of the Government contribution which would be payable if the electing individual were an employee enrolled in the same health benefits plan and level of benefits.

“(i) EFFECT OF CANCELLATION.—The cancellation by a covered beneficiary of coverage under the Federal Employee Health Benefits program shall be irrevocable during the term of the demonstration project.

“(j) REPORT REQUIREMENTS.—(1) The Secretary of Defense and the Director of the Office of Personnel Management shall jointly submit to Congress a report containing the information described in paragraph (2)—

“(A) not later than the date that is 15 months after the date that the Secretary begins to implement the demonstration project; and

“(B) not later than the date that is 39 months after the date that the Secretary begins to implement the demonstration project.

“(2) The reports required by paragraph (1) shall include—

“(A) information on the number of eligible covered beneficiaries who opt to participate in the demonstration project;

“(B) an analysis of the percentage of eligible covered beneficiaries who participate in the demonstration project as compared to usage rates for similarly situated Federal retirees;

“(C) information on eligible covered beneficiaries who opt to participate in the demonstration project who did not have Medicare Part B coverage before opting to participate in the project;

“(D) an analysis of the enrollment rates and cost of health services provided to eligible covered beneficiaries who opt to participate in the demonstration project as compared with other enrollees in the Federal Employees Health Benefits Program under title 5, United States Code;

“(E) an analysis of how the demonstration project affects the accessibility of health care in military medical treatment facilities, and a description of any unintended effects on the treatment priorities in those facilities in the demonstration area;

“(F) an analysis of any problems experienced by the Department of Defense in managing the demonstration project;

“(G) a description of the effects of the demonstration project on medical readiness and training at military medical treatment facilities located in the demonstration area, and a description of the probable effects that making the project permanent would have on medical readiness and training;

“(H) an examination of the effects that the demonstration project, if made permanent, would be expected to have on the overall budget of the Department of Defense, the budget of the

Office of Personnel and Management, and the budgets of individual military medical treatment facilities;

“(I) an analysis of whether the demonstration project affects the cost to the Department of Defense of prescription drugs or the accessibility, availability, and cost of such drugs to covered beneficiaries;

“(J) a description of any additional information that the Secretary of Defense or the Director of the Office of Personnel Management deem appropriate and that would assist Congress in determining the viability of expanding the project to all Medicare-eligible members of the uniformed services and their dependents; and

“(K) recommendations on whether covered beneficiaries—

“(i) should be given more than one chance to enroll in a Federal Employees Health Benefits plan under this section;

“(ii) should be eligible to enroll in such a plan only during the first year following the date that the covered beneficiary becomes eligible to receive hospital insurance benefits under title XVIII of the Social Security Act; or

“(iii) should be eligible to enroll in the plan only during the two-year period following the date on which the beneficiary first becomes eligible to enroll in a Federal Employees Health Benefits plan under this section.

“(k) COMPTROLLER GENERAL REPORT.—Not later than 39 months after the Secretary begins to implement the demonstration project, the Comptroller General shall submit to Congress a report examining the same criteria required to be examined under subsection (j)(2).”

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

“1108. Health care coverage through Federal Employees Health Benefits program: demonstration project.”

(b) CONFORMING AMENDMENTS.—Chapter 89 of title 5, United States Code, is amended—

(1) in section 8905—

(A) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

(B) by inserting after subsection (c) the following new subsection:

“(d) An individual whom the Secretary of Defense determines is an eligible covered beneficiary under subsection (b) of section 1108 of title 10 may enroll, as part of the demonstration project under such section, in a health benefits plan under this chapter in accordance with the agreement under subsection (a) of such section between the Secretary and the Office and applicable regulations under this chapter.”;

(2) in section 8906(b)—

(A) in paragraph (1), by striking “paragraphs (2) and (3)” and inserting in lieu thereof “paragraphs (2), (3), and (4)”; and

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

“(4) In the case of individuals who enroll, as part of the demonstration project under section 1108 of title 10, in a health bene-

fits plan in accordance with section 8905(d) of this title, the Government contribution shall be determined in accordance with section 1108(h) of title 10.”; and

(3) in section 8906(g)—

(A) in paragraph (1), by striking “paragraph (2)” and inserting in lieu thereof “paragraphs (2) and (3)”; and

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

“(3) The Government contribution described in subsection (b)(4) for beneficiaries who enroll, as part of the demonstration project under section 1108 of title 10, in accordance with section 8905(d) of this title shall be paid as provided in section 1108(h) of title 10.”.

(c) DISPOSAL OF NATIONAL DEFENSE STOCKPILE MATERIALS TO OFFSET COSTS.—

(1) DISPOSAL REQUIRED.—Subject to paragraphs (2) and (3), the President shall dispose of materials contained in the National Defense Stockpile and specified in the table in subsection (b) so as to result in receipts to the United States in amounts equal to—

- (A) \$89,000,000 during fiscal year 1999;
- (B) \$104,000,000 during fiscal year 2000;
- (C) \$95,000,000 during fiscal year 2001; and
- (D) \$72,000,000 during fiscal year 2002.

(2) LIMITATION ON DISPOSAL QUANTITY.—The total quantities of materials authorized for disposal by the President under paragraph (1) may not exceed the amounts set forth in the following table:

**Authorized Stockpile Disposals**

Material for disposal	Quantity
Chromium Ferroally Low Carbons .....	92,000 short tons
Diamond Stones .....	3,000,000 carats
Palladium .....	1,227,831 troy ounces
Platinum .....	439,887 troy ounces

(3) MINIMIZATION OF DISRUPTION AND LOSS.—The President may not dispose of materials under paragraph (1) to the extent that the disposal will result in—

- (A) undue disruption of the usual markets of producers, processors, and consumers of the materials proposed for disposal; or
- (B) avoidable loss to the United States.

(4) TREATMENT OF RECEIPTS.—Notwithstanding section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), funds received as a result of the disposal of materials under paragraph (1) shall be—

- (A) deposited into the general fund of the Treasury; and
- (B) used to offset the revenues that will be lost as a result of the implementation of the demonstration project under section 1108 of title 10, United States Code (as added by subsection (a)).

(5) RELATIONSHIP TO OTHER DISPOSAL AUTHORITY.—The disposal authority provided in paragraph (1) is new disposal authority and is in addition to, and shall not affect, any other dis-

positional authority provided by law regarding materials specified in the table in paragraph (2).

### PART C

#### 1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TRAFICANT OF OHIO, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES.

At the end of subtitle C of title X (page 227, after line 14), insert the following new section:

#### **SEC. 1023. ASSIGNMENT OF MEMBERS OF THE ARMED FORCES 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.—The Secretary of Defense may assign members of the armed forces to assist—

“(1) the Immigration and Naturalization Service in preventing the entry of terrorists, drug traffickers, and illegal aliens 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.

“(b) REQUEST FOR ASSIGNMENT.—The assignment of members of the armed forces under subsection (a) may only occur—

“(1) at the request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service; and

“(2) at the request of the Secretary of the Treasury, in the case of an assignment to the United States Customs Service.

“(c) TRAINING PROGRAM.—If the assignment of members of the armed forces is requested by the Attorney General or the Secretary of the Treasury, 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 of the armed forces 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 of the armed forces 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 of the armed forces assigned under subsection (a).

“(g) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2001.”

(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.”

2. A SUBSTITUTE AMENDMENT TO BE OFFERED BY REPRESENTATIVE REYES OF TEXAS OR A DESIGNEE TO THE AMENDMENT OFFERED BY REPRESENTATIVE TRAFICANT OF OHIO, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title X (page 227, after line 14), insert the following new section:

**SEC. 1023. ASSIGNMENT OF MEMBERS OF THE ARMED FORCES 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.—The Secretary of Defense may assign members of the armed forces to conduct reconnaissance missions to assist—

“(1) the Immigration and Naturalization Service in preventing the entry of terrorists, drug traffickers, and illegal aliens 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.

“(b) WRITTEN REQUEST FOR ASSIGNMENT; ELEMENTS.—(1) The assignment of members of the armed forces under subsection (a) may only occur at the written request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service, and at the request of the Secretary of the Treasury, in the case of an assignment to the United States Customs Service.

“(2) The written request from the Attorney General or the Secretary of the Treasury (as the case may be) shall include—

“(A) a precise definition of which activities the members of the armed forces are to participate in, the duration of their mission, and the liability to be assumed by the Department of Defense upon assignment of armed forces personnel;

“(B) an examination of the beneficial and detrimental effect of these assignments on the military training, readiness levels, military preparedness, and overall combat effectiveness of the armed forces;

“(C) the estimated cost of such assignments to the Immigration and Naturalization Service or the United States Customs Service (as the case may be), as required under subsection (f); and

“(D) an examination of the possibility that members of the armed forces may inadvertently participate in law enforcement activities in violation of section 375 of this title and 1385 of title 18 (popularly known as the ‘Posse Comitatus Act’), both of which prohibit direct participation of military personnel in civilian law enforcement activities.

“(c) TRAINING PROGRAM.—(1) If the assignment of members of the armed forces is requested by the Attorney General or the Secretary of the Treasury, 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 the members to be assigned are properly trained to deal with the unique and diverse situations that the members may face in performing their assignment along the international borders of the United States and major ports of entry.

“(2) 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 of the armed forces 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 of the armed forces are to be deployed pursuant to an assignment under subsection (a), and local governments and local law enforcement agencies 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 reconnaissance missions to be performed by the members.

“(f) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members of the armed forces assigned under subsection (a).

“(g) REPORTING REQUIREMENTS.—Upon the completion of each assignment of members of the armed forces under subsection (a), the Secretary of Defense shall submit to Congress a report containing—

“(1) an examination of the beneficial and detrimental effect of such assignments on the military training, readiness levels, military preparedness, and overall combat effectiveness of the armed forces;

“(2) an assessment of the value of this section; and

“(3) recommendations on the continued use of the authority provided under subsection (a).

“(h) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2001.”.

(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.”.

#### PART D

##### 1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BRYANT OF TENNESSEE, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X (page 234, after line 4), insert the following new section:

##### **SEC. 1044. CLARIFICATION OF STATE AUTHORITY TO TAX COMPENSATION PAID TO CERTAIN EMPLOYEES.**

(a) LIMITATION ON STATE AUTHORITY TO TAX COMPENSATION PAID TO INDIVIDUALS PERFORMING SERVICES AT FORT CAMPBELL, KENTUCKY.—

(1) IN GENERAL.—Chapter 4 of title 4, United States Code, is amended by adding at the end the following:

##### **“§ 115. Limitation on State authority to tax compensation paid to individuals performing services at Fort Campbell, Kentucky**

“Pay and compensation paid to an individual for personal services at Fort Campbell, Kentucky, shall be subject to taxation by the State or any political subdivision thereof of which such employee is a resident.”.

(2) CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 4, United States Code, is amended by adding at the end the following:

“115. Limitation on State authority to tax compensation paid to individuals performing services at Fort Campbell, Kentucky.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to pay and compensation paid after the date of the enactment of this Act.

(b) CLARIFICATION OF STATE AUTHORITY TO TAX COMPENSATION PAID TO CERTAIN FEDERAL EMPLOYEES.—

(1) IN GENERAL.—Section 111 of title 4, United States Code, is amended—

(A) by inserting “(a) GENERAL RULE.—” before “The United States” the first place it appears, and

(B) by adding at the end the following:

“(b) TREATMENT OF CERTAIN FEDERAL EMPLOYEES EMPLOYED AT FEDERAL HYDROELECTRIC FACILITIES LOCATED ON THE COLUMBIA RIVER.—Pay or compensation paid by the United States for personal services as an employee of the United States at a hydroelectric facility—

“(1) which is owned by the United States,

“(2) which is located on the Columbia River, and

“(3) portions of which are within the States of Oregon and Washington,

shall be subject to taxation by the State or any political subdivision thereof of which such employee is a resident.

“(c) TREATMENT OF CERTAIN FEDERAL EMPLOYEES EMPLOYED AT FEDERAL HYDROELECTRIC FACILITIES LOCATED ON THE MISSOURI RIVER.—Pay or compensation paid by the United States for personal services as an employee of the United States at a hydroelectric facility—

“(1) which is owned by the United States,

“(2) which is located on the Missouri River, and

“(3) portions of which are within the States of South Dakota and Nebraska,

shall be subject to taxation by the State or any political subdivision thereof of which such employee is a resident.”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to pay and compensation paid after the date of the enactment of this Act.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CUNNINGHAM OF CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike out section 2812 (page 299, beginning line 1), and insert the following new section:

**SEC. 2812. OUTDOOR RECREATION DEVELOPMENT ON MILITARY INSTALLATIONS FOR DISABLED VETERANS, MILITARY DEPENDENTS WITH DISABILITIES, AND OTHER PERSONS WITH DISABILITIES.**

(a) ACCESS ENHANCEMENT.—Section 103 of the Sikes Act (16 U.S.C. 670c) is amended by adding at the end the following new subsections:

“(b) ACCESS FOR DISABLED VETERANS, MILITARY DEPENDENTS WITH DISABILITIES, AND OTHER PERSONS WITH DISABILITIES.—(1) In developing facilities and conducting programs for public outdoor recreation at military installations, consistent with the primary military mission of the installations, the Secretary of Defense shall ensure, to the extent reasonably practicable, that outdoor recreation opportunities (including fishing, hunting, trapping, wildlife viewing, boating, and camping) made available to the public also provide access for persons described in paragraph (2) when topographic, vegetative, and water resources allow access for such persons without substantial modification to the natural environment.

“(2) Persons referred to in paragraph (1) are the following:

“(A) Disabled veterans.

“(B) Military dependents with disabilities.

“(C) Other persons with disabilities, when access to a military installation for such persons and other civilians is not otherwise restricted.

“(3) The Secretary of Defense shall carry out this subsection in consultation with the Secretary of Veterans Affairs, national service, military, and veterans organizations, and sporting organizations in the private sector that participate in outdoor recreation projects for persons described in paragraph (2).

“(c) ACCEPTANCE OF DONATIONS.—In connection with the facilities and programs for public outdoor recreation at military installations, in particular the requirement under subsection (b) to provide access for persons described in paragraph (2) of such subsection, the Secretary of Defense may accept—

“(1) the voluntary services of individuals and organizations; and

“(2) donations of money or property, whether real, personal, mixed, tangible, or intangible.

“(d) TREATMENT OF VOLUNTEERS.—A volunteer under subsection (c) shall not be considered to be a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, except that—

“(1) for the purposes of the tort claims provisions of chapter 171 of title 28, United States Code, the volunteer shall be considered to be a Federal employee; and

“(2) for the purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, the volunteer shall be considered to be an employee, as defined in section 8101(1)(B) of title 5, United States Code, and the provisions of such subchapter shall apply.”

(b) CONFORMING AMENDMENT.—Such section is further amended by striking out “SEC. 103.” and inserting in lieu thereof the following:

**“SEC. 103. PROGRAM FOR PUBLIC OUTDOOR RECREATION.**

“(a) PROGRAM AUTHORIZED.—”

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3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE UNDERWOOD OF GUAM, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of section 653(e) (page 183, line 7), insert the following: “The report shall be submitted not later than six months after the date of the enactment of this Act and shall include, in addition to the certification, a description of the system used to recover from commercial carriers the costs incurred by the Department under such amendments.”

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4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TRAFICANT OF OHIO, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VIII (page 199, after line 25), insert the following new section:

**SEC. 804. TIME FOR SUBMISSION OF ANNUAL REPORT RELATING TO BUY AMERICAN ACT.**

Section 827 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2611; 41 U.S.C. 10b–3) is amended by striking out “90 days” and inserting in lieu thereof “60 days”.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TRAFICANT OF OHIO, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X (page 234 after line 4), insert the following new section:

**SEC. 1044. REQUIREMENT TO PROVIDE BURIAL FLAGS WHOLLY PRODUCED IN THE UNITED STATES.**

(a) REQUIREMENT.—Section 2301 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(f)(1) Any flag furnished pursuant to this section shall be wholly produced in the United States.

“(2) For the purpose of paragraph (1), the term ‘wholly produced’ means—

“(A) the materials and components of the flag are entirely grown, manufactured, or created in the United States;

“(B) the processing (including spinning, weaving, dyeing, and finishing) of such materials and components is entirely performed in the United States; and

“(C) the manufacture and assembling of such materials and components into the flag is entirely performed in the United States.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to flags furnished by the Secretary of Veterans Affairs under section 2301 of title 38, United States Code, after September 30, 1998.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TRAFICANT OF OHIO OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of part II of subtitle D of title XXVIII (page 320, after line 11), insert the following new section:

**SEC. 2843. LAND CONVEYANCE, NAVAL AND MARINE CORPS RESERVE FACILITY, YOUNGSTOWN, OHIO.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey, without consideration, to the City of Youngstown, Ohio (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, that is located at 315 East Laclede Avenue in Youngstown, Ohio, and is the location of a Naval and Marine Corps Reserve facility.

(b) PURPOSE.—The purpose of the conveyance under subsection (a) is to permit the City to use the parcel for educational purposes.

(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 City.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

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7. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BARTLETT OF MARYLAND OR REPRESENTATIVE SOLOMON OF NEW YORK, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of title X (page 234, after line 4), insert the following new section:

**SEC. 1044 INVESTIGATION OF ACTIONS RELATING TO 174TH FIGHTER WING OF NEW YORK AIR NATIONAL GUARD.**

(a) **INVESTIGATION.**—The Inspector General of the Department of Defense shall investigate the grounding of the 174th Fighter Wing of the New York Air National Guard and the subsequent dismissal, demotion, or reassignment of 12 decorated combat pilots of that wing.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Inspector General shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report describing the results of the investigation under subsection (a).

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8. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FRANK OF MASSACHUSETTS OR REPRESENTATIVE SISISKY OF VIRGINIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of title XII (page 253, after line 3), insert the following new section:

**SEC. 1206. LIMITATION ON PAYMENTS FOR COST OF NATO EXPANSION.**

(2) The amount spent by the United States as its share of the total cost to North Atlantic Treaty Organization member nations of the admission of new member nations to the North American Treaty Organization may not exceed 10 percent of the cost of expansion or a total of \$2,000,000,000, whichever is less, for fiscal years 1999 through 2011.

(b) If at any time during the period specified in subsection (a), the United States; share of the total cost of expanding the North Atlantic Treaty Organization exceeds 10 percent, no further United States funds may be expended for the costs of such expansion until that percentage is reduced to below 10 percent.

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9. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HOBSON OF OHIO, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of title VII (page 197, after line 5) insert the following new sections:

**SEC. 726. REQUIREMENT THAT MILITARY PHYSICIANS POSSESS UNRESTRICTED LICENSES.**

(a) **IN GENERAL.**—Section 1094(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) In the case of a physician under the jurisdiction of the Secretary of a military department, such physician may not provide health care as a physician under this chapter unless the current license of the physician is an unrestricted license which is not subject to limitation on the scope of practice ordinarily granted to other physicians for a similar specialty by the jurisdiction that granted the license.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

**SEC. 727. ESTABLISHMENT OF MECHANISM FOR ENSURING COMPLETION BY MILITARY PHYSICIANS OF CONTINUING MEDICAL EDUCATION REQUIREMENTS.**

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1094 the following new section:

**“§ 1094a. Mechanism for monitoring of completion of Continuing Medical Education requirements**

“The Secretary of Defense shall establish a mechanism for the purpose of ensuring that each person under the jurisdiction of the Secretary of a military department who provides health care under this chapter as a physician completes the Continuing Medical Education requirements applicable to the physician.”.

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

“1094a. Mechanism for monitoring of completion of Continuing Medical Education requirements.”.

(b) EFFECTIVE DATE.—Section 1094a of title 10, United States Code, as added by subsection (a), shall take effect on the date that is three years after the date of the enactment of this Act.

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**10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MALONEY OF NEW YORK, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of subtitle D of title VI (page 178, after line 20), insert the following new section:

**SEC. 642. REVISION TO COMPUTATION OF RETIRED PAY FOR ENLISTED MEMBERS WHO ARE REDUCED IN GRADE BEFORE RETIREMENT.**

(a) PRE-SEPTEMBER 8, 1980 MEMBERS.—Section 1406(i) 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):

“(2) EXCEPTION FOR MEMBERS REDUCED IN GRADE.—Paragraph (1) does not apply in the case of a member who after serving as the senior enlisted member of an armed force is reduced in grade as the result of a court-martial sentence, non-judicial punishment, or other administrative process, as determined by the Secretary concerned.”.

(b) POST-SEPTEMBER 7, 1980 MEMBERS.—Section 1407 of such title is amended by adding at the end the following new subsection:

“(f) LIMITATION FOR ENLISTED MEMBERS REDUCED IN GRADE.—

“(1) BASIC PAY DISREGARDED FOR GRADES ABOVE GRADE TO WHICH REDUCTION IN GRADE IS MADE.—In computing the high-three average of a retired enlisted member who has been reduced in grade, the amount of basic pay to which the member was entitled for any covered pre-reduction month (or to which the member would have been entitled if serving on active duty during that month, in the case of a member entitled to retire under pay under section 12731 of this title) shall (for the purposes of such computation) be deemed to be the rate of basic pay to which the member would have been entitled or that month if the member had served on active duty during that month in the grade to which the reduction in grade was made.

“(2) DEFINITIONS.—In this subsection:

“(A) RETIRED ENLISTED MEMBER WHO HAS BEEN REDUCED IN GRADE.—The term ‘retired enlisted member who has been reduced in grade’ means a member or former member who—

“(i) retires in an enlisted grade, transfers to the Fleet Reserve or Fleet Marine Corps Reserve, or becomes entitled to retired pay under chapter 12731 after last serving in an enlisted grade; and

“(ii) had at any time previously been reduced in grade as the result of a court-martial sentence, non-judicial punishment, or other administrative process, as determined by the Secretary concerned.

“(B) COVERED PRE-REDUCTION MONTH DEFINED.—The term ‘covered pre-reduction month’ means, in the case of a retired enlisted member who has been reduced in grade, a month of service of the member before the reduction in grade of the member during which the member served in a grade higher than the grade to which the reduction in grade was made.”.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply in the case of a member who is reduced in grade by sentence of a court-martial only in the case of a court-martial conviction on or after the date of the enactment of this Act. Subsection (f) of section 1407 of title 10, United States Code, as added by the amendment made by subsection (b), shall not apply to the retired or retainer pay of any person who becomes entitled to that pay before the date of the enactment of this Act.

(d) TECHNICAL AMENDMENT.—Subsection (e) of section 1407 of title 10, United States Code, is amended by striking out “high-36 average shall be computed” and inserting in lieu thereof “high-three average shall be computed under subsection (c)(1)”.

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11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MARKEY OF MASSACHUSETTS, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XXXI (page 363, after line 5), insert the following new section:

**SEC. 3154. PROHIBITION ON USE OF TRITIUM PRODUCED IN FACILITIES LICENSED UNDER THE ATOMIC ENERGY ACT FOR NUCLEAR EXPLOSIVE PURPOSES.**

(a) PROHIBITION.—Section 57(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2077(e)) is amended by inserting after “section 11,” the following: “or tritium”.

(b) CONFORMING AMENDMENT.—Section 108 of such Act (42 U.S.C. 2138) is amended by inserting “or tritium” after “special nuclear material” in the second and third sentences each place it appears.

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**12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE STENHOLM OF TEXAS, OR REPRESENTATIVE THUNE OF SOUTH DAKOTA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of title VII of the bill (page 197, after line 5), insert the following new section:

**SECTION 726. PROPOSAL ON ESTABLISHMENT OF APPEALS PROCESS FOR CLAIMCHECK DENIALS AND REVIEW OF CLAIMCHECK SYSTEM.**

Not later than November 1, 1998, the Secretary of Defense shall submit to Congress a proposal to establish an appeals process in cases of denials through the ClaimCheck computer software system of claims by civilian providers for payment for health care services provided under the TRICARE program.

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**13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HALL OF OHIO, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of subtitle B of title II (page 24, after line 25), insert the following new section:

**SEC. 214. SCIENCE AND TECHNOLOGY FUNCTIONS OF THE DEPARTMENT OF DEFENSE.**

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

(1) to ensure sufficient financial resources are devoted to emerging technologies, a goal of at least 10 percent of funds available under title II for the Army, Navy, and Air Force should be dedicated to science and technology;

(2) management and funding for science and technology for each military department should receive a level of priority and leadership attention equal to the level received by program acquisition, and the Secretary of each military department should ensure that a senior member of the department holds the appropriate title and responsibility to ensure effective oversight and emphasis on science and technology;

(3) to ensure an appropriate long-term focus for investments, a sufficient percentage of science and technology funds should be directed toward new technology areas, and annual reviews should be conducted for ongoing research areas to ensure that those funded initiatives are either integrated into acquisition programs or discontinued;

(4) the military departments should take appropriate steps to ensure that sufficient numbers of officers and civilian em-

ployees in each department hold advanced degrees in technical fields; and

(5) of particular concern, the Secretary of the Air Force should take appropriate measures to ensure that sufficient numbers of scientists and engineers are maintained to address the technological challenges faced in the areas of air, space, and information technology.

(b) STUDY.—

(1) REQUIREMENT.—The Secretary of Defense, in cooperation with the National Research Council of the National Academy of Sciences, shall conduct a study on the technology base of the Department of Defense.

(2) MATTERS COVERED.—The study shall—

(A) recommend the minimum requirements to maintain a technology base that is sufficient, based on both historical developments and future projections, to project superiority in air and space weapons systems, and information technology;

(B) address the effects on national defense and civilian aerospace industries and information technology by reducing funding below the goal described in paragraph (1) of subsection (a); and

(C) recommend the appropriate level of staff holding baccalaureate, masters, and doctorate degrees, and the optimal ratio of civilian and military staff holding such degrees, to ensure that science and technology functions of the Department of Defense remain vital.

(3) REPORT.—Not later than 120 days after the date on which the study required under paragraph (1) is completed, the Secretary shall submit to Congress a report on the results of the study.

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14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCKEON OF CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X (page 234, after line 4), insert the following new section:

**SEC. 1044. FACILITATION OF OPERATIONS AT EDWARDS AIR FORCE BASE, CALIFORNIA.**

(a) FACILITATION OF OPERATIONS.—The Secretary of the Air Force may, in order to facilitate implementation of the Edwards Air Force Base Alliance Agreement, authorize equipment, facilities, personnel, and other resources available to the Air Force at Edwards Air Force Base to be used in such manner as the Secretary considers appropriate for the efficient operation and support of either or both of the organizations that are parties to that agreement without regard to the provisions of section 1535 of title 31, United States Code (and any regulations of the Department of Defense prescribed under that section).

(b) PRESERVATION OF FINANCIAL INTEGRITY OF FUNDS.—The Secretary shall carry out subsection (a) so as to preserve the financial integrity of funds appropriated to the Department of the Air Force and the National Aeronautics and Space Administration.

(c) EDWARDS AIR FORCE BASE ALLIANCE AGREEMENT.—For purposes of this section, the term “Edwards Air Force Base Alliance Agreement” means the agreement entered into in May 1995, between the commander of the Air Force Flight Test Center and the director of the Dryden Flight Research Center of the National Aeronautics and Space Administration, both of which are located at Edwards Air Force Base, California, to develop and sustain a working relationship between the two organizations to improve the efficiency of the operations of both organizations while preserving the unique missions of both organizations.

(d) DELEGATION.—The authority of the Secretary under this section may be delegated, at the Secretary’s discretion, to the commander of the Air Force Flight Test Center, Edwards Air Force Base, California.

(e) REPORT.—Not later than May 1, 1999, the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall submit to Congress a joint report on the implementation of this section.

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15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUNTER OF CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XII (page 253, after line 3), insert the following new section:

**SEC. 1206. COMMODITY JURISDICTION FOR SATELLITE EXPORTS.**

(a) CONTROL ON MUNITIONS LIST.—All satellites of United States origin, including commercial satellites and satellite components, shall be placed on the United States Munitions List, and the export of such satellites shall be controlled under the Arms Export Control Act, effective 60 days after the date of the enactment of this Act.

(b) REGULATIONS.—Regulations to carry out subsection (a) shall be issued within 60 days after the date of the enactment of this Act.

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16. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SPENCE OF SOUTH CAROLINA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title X (page 228, after line 13), insert the following new section:

**SEC. 1032. TRANSMISSION OF EXECUTIVE BRANCH REPORTS PROVIDING CONGRESS WITH CLASSIFIED SUMMARIES OF ARMS CONTROL DEVELOPMENTS.**

(a) REPORTING REQUIREMENT.—The Director of the Arms Control and Disarmament Agency (or the Secretary of State, if the Arms Control and Disarmament Agency becomes an element of the Department of State) shall transmit to Congress on a periodic basis reports containing classified summaries of arms control developments.

(b) CONTENTS OF REPORTS.—The reports required by subsection (a) shall include information reflecting the activities of forums established to consider issues relating to treaty implementation and treaty compliance, including the Joint Compliance and Inspection Commission, the Joint Verification Commission, the Open Skies

Consultative Commission, the Standing Consultative Commission, and the Joint Consultative Group.

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17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SESSIONS OF TEXAS, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle D of title III (page 67, after line 3), insert the following new section:

**SEC. 340. BEST COMMERCIAL INVENTORY PRACTICES FOR MANAGEMENT OF SECONDARY SUPPLY ITEMS.**

(a) DEVELOPMENT AND SUBMISSION OF SCHEDULE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of each military department shall develop and submit to Congress a schedule for implementing within the military department, for secondary supply items managed by that military department, inventory practices identified by the Secretary as being the best commercial inventory practices for the acquisition and distribution of such supply items consistent with military requirements. The schedule shall provide for the implementation of such practices to be completed not later than five years after the date of the enactment of this Act.

(b) DEFINITION.—For purposes of this section, the term “best commercial inventory practice” includes cellular repair processes, use of third-party logistics providers, and any other practice that the Secretary of the military department determines will enable the military department to reduce inventory levels and holding costs while improving the responsiveness of the supply system to user needs.

(c) GAO REPORTS ON MILITARY DEPARTMENT AND DEFENSE LOGISTICS AGENCY SCHEDULES.—(1) Not later than 240 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report evaluating the extent to which the Secretary of each military department has complied with the requirements of this section.

(2) Not later than 18 months after the date on which the Director of the Defense Logistics Agency submits to Congress a schedule for implementing best commercial inventory practices under section 395 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1718; 10 U.S.C. 2458 note), the Comptroller General shall submit to Congress an evaluation of the extent to which best commercial inventory practices are being implemented in the Defense Logistics Agency in accordance with that schedule.

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18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GIBBONS OF NEVADA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XII (page 253, after line 3), insert the following new section:

**SEC. 1206. RELEASE OF EXPORT INFORMATION HELD BY THE DEPARTMENT OF COMMERCE FOR PURPOSE OF NATIONAL SECURITY ASSESSMENTS.**

(a) **RELEASE OF EXPORT INFORMATION.**—The Secretary of Commerce shall transmit any information relating to exports that is held by the Department of Commerce and is requested by the officials designated in subsection (b) for the purpose of assessing national security risks. The Secretary of Commerce shall transmit such information within 5 days after receiving a written request for such information. Information referred to in this section includes—

(1) export licenses, and information on exports that were carried out under an export license issued by the Department of Commerce; and

(2) information collected by the Department of Commerce on exports from the United States that were carried out without an export license.

(b) **REQUESTING OFFICIALS.**—The officials referred to in subsection (a) are the Director of Central Intelligence, the Secretary of Defense, and the Secretary of Energy. The Director of Central Intelligence, the Secretary of Defense, and the Secretary of Energy may delegate to other officials within their respective agency and departments the authority to request information under subsection (b).

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19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GILMAN OF NEW YORK, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XII (page 253, after line 3), insert the following new section:

**SEC. 1206. NUCLEAR EXPORT REPORTING REQUIREMENT.**

The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended by adding at the end the following new chapter:

**“CHAPTER 11—NUCLEAR EXPORT REPORTING**

**“SEC. 111. REPORTS ON EXPORTS.**

“(a) **ACTIONS REQUIRING REPORTING.**—Unless and until the conditions set forth in subsection (b) are met—

“(1) no license may be issued for the export of—

“(A) any production facility or utilization facility,

“(B) any source material or special nuclear material, or

“(C) any component, substance, or item that has been determined under section 109b. of the Atomic Energy Act of 1954 to be especially relevant from the standpoint of export control because of its significance for nuclear explosive purposes;

“(2) the United States shall not approve the retransfer of any facility, material, item, technical data, component, or substance described in paragraph (1); and

“(3) no authorization may be given under section 57b.(2) of the Atomic Energy Act of 1954 for any person to engage, directly or indirectly, in the production of special nuclear material.

“(b) **CONDITIONS.**—

“(1) IN GENERAL.—The conditions referred to in subsection (a) are the following:

“(A) Before the export, retransfer, or activity is approved, the appropriate agency shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report describing such export, retransfer, or activity and the basis for any proposed approval thereof, and, in the case of an authorization described in subsection (a)(3), the appropriate agency shall transmit to the Committee on Commerce of the House of Representatives a report describing the activity for which authorization is sought and the basis for any proposed approval thereof. Each report under this subparagraph shall contain—

“(i) a detailed description of the proposed export, retransfer, or activity, as the case may be, including a brief description of the quantity, value, and capabilities of the export, retransfer, or activity;

“(ii) the name of each contractor expected to provide the proposed export, retransfer, or activity;

“(iii) an estimate of the number of officers and employees of the United States Government and of United States civilian contract personnel expected to be needed in the recipient country to carry out the proposed export, retransfer, or activity; and

“(iv) a description, including estimated value, from each contractor described in clause (ii) of any offset agreements proposed to be entered into in connection with such proposed export, retransfer, or activity (if known on the date of transmittal of the report), and the projected delivery dates and end user of the proposed export, retransfer, or activity; and

“(v) the extent to which the recipient country is in compliance with the conditions specified in paragraph (2) of section 129 of the Atomic Energy Act of 1954.

The report transmitted under this subparagraph shall be unclassified, unless the public disclosure thereof would be clearly detrimental to the security of the United States.

“(B) Unless the President determines that an emergency exists which requires immediate approval of the proposed export, retransfer, or activity in the national security interests of the United States, no such approval shall be given until at least 30 calendar days after Congress receives the report described in subparagraph (A), and shall not be approved then if Congress, within that 30-day period, enacts a joint resolution prohibiting the proposed export, retransfer, or activity. If the President determines that an emergency exists that requires immediate approval of the proposed export, retransfer, or activity in the national security interests of the United States, thus waiving the requirements of this paragraph, he shall submit in writing to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a detailed justification for his determination, including a description of the emergency circumstances

that necessitate the immediate approval of the export, retransfer, or activity, and a discussion of the national security interests involved.

“(2) CONSIDERATION OF JOINT RESOLUTIONS IN THE SENATE.—Any joint resolution under paragraph (1)(B) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

“(c) PUBLICATION OF UNCLASSIFIED TEXT OF REPORTS.—The appropriate agency shall cause to be published in the Federal Register, upon transmittal to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, the full unclassified text of each report submitted pursuant to subsection (b)(1)(A).

“(d) EXCEPTIONS.—The requirements of this section shall not apply to—

“(1) any export, retransfer, or activity for which a general license or general authorization is granted by the appropriate agency; or

“(2) any export or retransfer to, or activity in, a country that is a member of the Organization for Economic Cooperation and Development.

“(e) DEFINITIONS.—As used in this section, the terms ‘production facility’, ‘utilization facility’, ‘source material’, and ‘special nuclear material’, have the meanings given those terms in section 11 of the Atomic Energy Act of 1954.”

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20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUNTER OF CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title VIII (page 199, after line 25), insert the following new sections:

**SEC. 804. INCREASE IN MICRO-PURCHASE THRESHOLD.**

(a) INCREASE IN THRESHOLD.—Subsection (f) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428(e)) is amended by striking out “\$2,500” and inserting in lieu thereof “\$10,000”.

(b) EXEMPTION OF MICRO-PURCHASES FROM PROCUREMENT LAWS.—Subsection (b) of such section (41 U.S.C. 428(b)) is amended by striking “to section 15(j)” and all that follows through the end of such subsection and inserting in lieu thereof the following: “any provision of law that sets forth policies, procedures, requirements, or restrictions for the procurement of property or services by the Federal Government, except for a provision of law that provides for criminal or civil penalties.”

(c) DOMESTICALLY PRODUCED GOODS AND SERVICES.—In the implementation of the amendments made by this section through the Federal Acquisition Regulation (as required by section 32(e) of such Act), the Federal Acquisition Regulation shall require the head of each executive agency to ensure that procuring activities of that agency, in awarding a contract with a price not greater than the micro-purchase threshold, make every effort to purchase domestically produced goods and services.

(d) CONFORMING AMENDMENTS.—(1) Subsections (c) and (d) of such section (41 U.S.C. 428(c) and (d)) are each amended by striking “\$2,500” and inserting in lieu thereof “the micro-purchase threshold”.

(2) Section 15(j)(1) of the Small Business Act (15 U.S.C. 644(j)(1)) is amended by striking “\$2,500” and inserting in lieu thereof “the micro-purchase threshold (as defined in section 32(f) of the Office of Federal Procurement Policy Act (41 U.S.C. 428(f))”.

**SEC. 805. AUTHORITY FOR STATISTICAL SAMPLING TO VERIFY RECEIPT OF GOODS AND SERVICES.**

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

**“§ 2410n. Statistical sampling procedures in the payment for goods and services**

“(a) VERIFICATION AFTER PAYMENT.—Notwithstanding section 3324 of title 31, in making payments for goods or services, the Secretary may prescribe regulations that authorize verification, after payment, of receipt and acceptance of goods and services. Any such regulations shall prescribe the use of statistical sampling procedures for such verification. Such procedures shall be commensurate with the risk of loss to the Government.

“(b) PROTECTION OF PAYMENT OFFICIALS.—A disbursing or certifying official who carries out proper collection actions and relies on the procedures established pursuant to this section is not liable for losses to the Government resulting from the payment or certification of a voucher not audited specifically because of the use of such procedures.”.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter 141 is amended by adding at the end the following new item: “2410n. Statistical sampling procedures in the payment for goods and services.”.

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**21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HUNTER OF CALIFORNIA, OR REPRESENTATIVE JONES OF NORTH CAROLINA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of title X (page 234, after line 4), insert the following new section:

**SEC. 1044. SENSE OF CONGRESS CONCERNING TAX TREATMENT OF PRINCIPAL RESIDENCE OF MEMBERS OF ARMED FORCES WHILE AWAY FROM HOME ON ACTIVE DUTY.**

It is the sense of Congress that a member of the Armed Forces should be treated as using property as a principal residence during any period that the member (or the member’s spouse) is serving on extended active duty with the Armed Forces, but only if the member used the property as a principal residence for any period during or before the period of extended active duty.

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22. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KENNEDY OF RHODE ISLAND, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 135, beginning on line 7, strike out “**and other nations**” and insert in lieu thereof “, **other nations, and indigenous groups**”.

Page 135, after line 16, insert the following (and redesignate the succeeding paragraphs accordingly):

(2) Indigenous groups, such as the Hmong, Nung, Montagnard, Kahmer, Hao Hao, and Cao Dai contributed military forces, together with the United States, during military operations conducted in Southeast Asia during the Vietnam conflict.

Page 135, beginning on line 17, strike out “the combat forces from these nations” and insert in lieu thereof “these combat forces”.

Page 136, line 1, insert “, indigenous groups,” after “Vietnamese”.

Page 136, line 13, insert “, as well as members of the Hmong, Nung, Montagnard, Kahmer, Hao Hao, and Cao Dai,” after “the Philippines”.

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23. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WELDON OF FLORIDA, OR REPRESENTATIVE CAPPS OF CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X (page 234, after line 4), insert the following new section:

**SEC. 1044. OPERATION, MAINTENANCE, AND UPGRADE OF AIR FORCE SPACE LAUNCH FACILITIES.**

Funds appropriated pursuant to the authorizations of appropriations in this Act for the operation, maintenance, or upgrade of the Western Space Launch Facilities of the Department of the Air Force (Program Element 35181F) and the Eastern Space Launch Facilities of the Department of the Air Force (Program Element 351821F) may not be obligated for any other purpose.

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24. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BARR OF GEORGIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title X (page 227, after line 14), insert the following new section:

**SEC. 1023. SENSE OF CONGRESS REGARDING ESTABLISHMENT OF COUNTER-DRUG CENTER IN PANAMA.**

In anticipation of the closure of all United States military installations in Panama by December 31, 1999, it is the sense of Congress that the Secretary of Defense, in consultation with the Secretary of State, should continue negotiations with the Government of Panama for the establishment in Panama of a counter-drug center to be used by the Armed Forces of the United States in cooperation with Panamanian forces and military personnel of other friendly nations.

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25. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF WASHINGTON, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title XXXI (page 356, after line 15), insert the following new section:

**SEC. 3136. HANFORD TANK CLEANUP PROGRAM REFORMS.**

(a) ESTABLISHMENT OF OFFICE OF RIVER PROTECTION.—The Secretary of Energy shall establish an office at the Hanford Reservation, Richland, Washington, to be known as the “Office of River Protection”.

(b) MANAGEMENT.—The Office shall be headed by a senior official of the Department of Energy, who shall be responsible for managing all aspects of the Tank Waste Remediation System (also referred to as the Hanford Tank Farm operations), including those portions under privatization contracts, of the Department of Energy at the Hanford Reservation. The Office shall be responsible for developing the integrated management plan under subsection (d).

(c) DEPARTMENT OF ENERGY RESPONSIBILITIES.—The Secretary of Energy shall—

(1) provide the manager of the Office of River Protection with the resources and personnel necessary to manage the tank waste privatization program in an efficient and streamlined manner; and

(2) establish a five-member advisory committee, including the manager of the Richland operations office and a representative of the Office of Privatization and Contract Reform, to advise the Office.

(d) INTEGRATED MANAGEMENT PLAN.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives an integrated management plan for all aspects of the Hanford Tank Farm operations, including the roles, responsibilities, and reporting relationships of the Office of River Protection. In developing the plan, the Secretary shall consider the extent to which the Office should be physically and administratively separate from the Richland operations office.

(e) REPORT.—After the Office of River Protection has been in operation for two years, the Secretary of Energy shall submit to Congress a report on the success of the Tank Waste Remediation System and the Office in improving the management structure of the Department of Energy.

(f) TERMINATION.—The Office of River Protection shall terminate after it has been in operation for five years, unless the Secretary of Energy determines that such termination would disrupt effective management of Hanford Tank Farm operations. The Secretary shall inform the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of this determination in writing.

26. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HASTINGS OF WASHINGTON, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XXXI (page 363, after line 5), insert the following new section:

**SEC. 3154. HAZARDOUS MATERIALS MANAGEMENT AND EMERGENCY RESPONSE TRAINING PROGRAM.**

The Secretary of Energy may enter into partnership arrangements with Federal and non-Federal entities to share the costs of operating the hazardous materials management and hazardous materials emergency response training program authorized under section 3140(a) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 3088). Such arrangements may include the exchange of equipment and services, in lieu of payment for the training program.

27. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOWLER OF FLORIDA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title IX (page 217, before line 20), insert the following new section:

**SEC. 910. ANNUAL REPORT ON INDIVIDUALS EMPLOYED IN PRIVATE SECTOR WHO PROVIDE SERVICES UNDER CONTRACT FOR THE DEPARTMENT OF DEFENSE.**

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

**“§ 2222. Information system to track quantity and value of non-Federal services**

“(a) IMPLEMENTATION OF SYSTEM.—The Secretary of Defense shall implement an information system for the collection and reporting of information by the Secretaries of the military departments, Directors of the Defense Agencies, and heads of other DOD organizations concerning the quantity and value of non-Federal services they acquired. The system shall be designed to provide information, for the Department of Defense as a whole and for each DOD organization, concerning the following:

“(1) The number of workyears performed by individuals employed by non-Federal entities providing goods and services under contracts of the Department of Defense.

“(2) The labor costs to the Department of Defense under the contracts associated with the performance of those workyears.

“(3) The value of the goods and services procured by the Department of Defense from non-Federal entities.

“(4) The appropriations associated with the contracts for those goods and services.

“(5) The Federal supply class or service code associated with those contracts.

“(6) The major organization element contracting for the goods and services.

“(b) ANNUAL REPORTS TO SECRETARY OF DEFENSE.—Not later than February 1 of each year, the head of each DOD organization shall submit to the Secretary of Defense a report detailing the quantity and value of non-Federal services obtained by that organi-

zation. The report shall be developed from the system under subsection (a) and shall contain the following:

“(1) The total amount paid during the preceding fiscal year to obtain goods and services provided under contracts, expressed in dollars and as a percentage of the total budget of that organization, and shown by appropriation account or revolving fund, by Federal supply class or service code, and by any major organizational element under the authority of the head of that organization.

“(2) The total number of workyears performed during the preceding fiscal year by employees of non-Federal entities providing goods and services under contract, shown by appropriation account or revolving fund, by Federal supply class or service code, and by any major organizational element under the authority of the head of that organization.

“(3) A detailed discussion of the methodology used under the system to derive the data provided in the report.

“(c) ANNUAL REPORT TO CONGRESS.—Not later than February 15 of each year, the Secretary of Defense shall submit to Congress a report containing all of the information concerning the quantity and value of non-Federal services obtained by the Department of Defense as shown in the reports submitted to the Secretary for that year under subsection (b). The Secretary shall include in that report the information provided by each DOD organization under subsection (b) without revision from the manner in which it is submitted to the Secretary by the head of that organization.

“(d) DEVELOPMENT OF INFORMATION.—(1) The Secretary of Defense may prescribe regulations to require contractors providing goods and services to the Department of Defense to include on invoices submitted to the Secretary or head of a DOD organization responsible for such contracts the number of hours of labor attributable to the contract for which the invoice is submitted.

“(2) The Secretary shall require that each DOD organization provide information for the information system under subsection (a) and the annual report under subsection (b) in as uniform manner as practicable.

“(e) ASSESSMENT BY COMPTROLLER GENERAL.—(1) The Comptroller General shall conduct a review of the report of the Secretary of Defense under subsection (c) each year and shall—

“(A) assess the appropriateness of the methodology used by the Secretary and the DOD organizations in deriving the information provided to Congress in the report; and

“(B) assess the accuracy of the information provided to Congress in the report.

“(2) Not later than 90 days after the date on which the Secretary submits to Congress the report required under subsection (e) for any year, the Comptroller General shall submit to Congress the Comptroller General’s report containing the results of the review for that year under paragraph (1).

“(e) DEFINITIONS.—In this section:

“(1) The term ‘DOD organization’ means—

“(A) the Office of the Secretary of Defense;

“(B) each military department;

“(C) the Joint Chiefs of Staff and the unified and specified commands;

“(D) each Defense Agency; and

“(E) each Department of Defense Field Activity.

“(2) The term ‘workyear’ means the private sector equivalent to the total number of hours of labor that an individual employed on a full-time equivalent basis by the Federal Government performs in a given year.

“(3) The term ‘contract’ has the meaning given such term in parts 34, 35, 36, and 37 of title 48, Code of Federal Regulations.

“(4) The term ‘labor costs’ means all compensation costs for personal services as defined in part 31 of title 48, Code of Federal Regulations.

“(5) The term ‘major organizational element’ means an organization within a Defense Agency or military department that is headed by a Senior Executive Service official (or military equivalent) and that contains a contract administration office (as defined in part 2 of title 48, Code of Federal Regulations).

“(6) The term ‘Federal supply class or service code’ is the functional code prescribed by section 253.204–70 of the Department of Defense Federal Acquisition Regulation Supplement, as determined by the first character of such code.

“(f) CONSTRUCTION OF SECTION.—The Secretary of Defense shall ensure that the provisions of this section are construed broadly so as to enable accurate and full accounting for the volume and costs associated with contractor support of the Department of Defense.”

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

“2222. Information system to track quantity and value of non-Federal services.”

(b) EFFECTIVE DATE.—The system required by subsection (a) of section 2222 of title 10, United States Code, as added by subsection (a), shall be implemented not later than one year after the date of the enactment of this Act.

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28. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BISHOP OF GEORGIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title VI (page 176, after line 2), insert the following new section:

**SEC. 620. HARDSHIP DUTY PAY.**

(a) DUTY FOR WHICH PAY AUTHORIZED.—Subsection (a) of section 305 of title 37, United States Code, is amended by striking out “on duty at a location” and all that follows and inserting in lieu thereof “performing duty in the United States or outside the United States that is designated by the Secretary of Defense as hardship duty.”

(b) REPEAL OF EXCEPTION FOR MEMBERS RECEIVING CAREER SEA PAY.—Subsection (c) of such section is repealed.

(c) CONFORMING AMENDMENTS.—(1) Subsections (b) and (d) of such section are amended by striking out “hardship duty location pay” and inserting in lieu thereof “hardship duty pay”.

(2) Subsection (d) of such section is redesignated as subsection (c).

(3) The heading for such section is amended by striking out “**location**”.

(4) Section 907(d) of title 37, United States Code, is amended by striking out “duty at a hardship duty location” and inserting in lieu thereof “hardship duty”.

(d) CLERICAL AMENDMENT.—The item relating to section 305 in the table of sections at the beginning of chapter 5 of such title is amended to read as follows:

“305. Special pay: hardship duty pay.”.

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29. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BILBRAY OF CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title X (page 234, after line 4), insert the following new section:

**SEC. 1044. SENSE OF CONGRESS CONCERNING NEW PARENT SUPPORT PROGRAM AND MILITARY FAMILIES.**

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

(1) the New Parent Support Program that was begun as a pilot program of the Marine Corps at Camp Pendleton, California, has been an effective tool in curbing family violence within the military community;

(2) such program is a model for future programs throughout the Marine Corps, the Navy, and the Army; and

(3) in light of the pressures and strains placed upon military families and the benefits of the New Parent Support Program in helping these high “at-risk” families, the Department of Defense should seek ways to ensure that in future fiscal years funds are made available for those programs for each of the Armed Forces in amounts sufficient to meet requirements for those programs.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the New Parent Support Program of the Department of Defense. The Secretary shall include in the report the following:

(1) A description of how the Army, Navy, Air Force, and Marine Corps are each implementing a New Parent Support Program and how each such program is organized.

(2) A description of how the implementation of programs for the Army, Navy, and Air Force compare to the fully implemented Marine Corps program.

(3) The number of installations that each service has scheduled to receive support for the New Parent Support Program.

(4) The number of installations delayed in providing the program.

(5) The number of programs terminated.

(6) The number of programs with reduced support.

(7) The funding provided for those programs for each of the four services for each of fiscal years 1994 through 1998 and the amount projected to be provided for those programs for fiscal year 1999 and, if the amount provided for any of those programs for any such year is less than the amount needed to fully

fund for that program for that year, an explanation of the reasons for the shortfall.

30. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WELDON OF PENNSYLVANIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle B of title II (page 24, after line 25), insert the following new section:

**SEC. 214. NEXT GENERATION INTERNET PROGRAM.**

(a) FUNDING.—Of the funds authorized to be appropriated under section 201(4), \$53,000,000 shall be available for the Next Generation Internet program.

(b) LIMITATION.—Notwithstanding the enactment of any other provision of law after the date of the enactment of this Act, amounts may be appropriated for fiscal year 1999 for research, development, test, and evaluation by the Department of Defense for the Next Generation Internet program only pursuant to the authorization of appropriations under section 201(4).

31. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WELDON OF PENNSYLVANIA, OR REPRESENTATIVE SKELTON OF MISSOURI, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of Division A of the bill (page 265, after line 8) insert the following new title:

**TITLE XIV—DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION**

**SEC. 1401. SHORT TITLE.**

This title may be cited as the “Defense Against Weapons of Mass Destruction Act of 1998”.

**SEC. 1402. FINDINGS.**

The Congress finds the following:

(1) Many nations currently possess weapons of mass destruction and related materials and technologies, and such weapons are increasingly available to a variety of sources through legitimate and illegitimate means.

(2) The proliferation of weapons of mass destruction is growing, and will likely continue despite the best efforts of the international community to limit their flow.

(3) The increased availability, relative affordability, and ease of use of weapons of mass destruction may make the use of such weapons an increasingly attractive option to potential adversaries who are not otherwise capable of countering United States military superiority.

(4) On November 12, 1997, President Clinton issued an Executive Order stating that “the proliferation of nuclear, biological, and chemical weapons (“weapons of mass destruction”) and the means of delivering such weapons constitutes an unusual and extraordinary threat to the national security, foreign pol-

icy, and economy of the United States” and declaring a national emergency to deal with that threat.

(5) The Quadrennial Defense Review concluded that the threat or use of weapons of mass destruction is a likely condition of future warfare and poses a potential threat to the United States.

(6) The United States lacks adequate preparedness at the Federal, State, and local levels to respond to a potential attack on the United States involving weapons of mass destruction.

(7) The United States has initiated an effort to enhance the capability of Federal, State, and local governments as well as local emergency response personnel to prevent and respond to a domestic terrorist incident involving weapons of mass destruction.

(8) More than 40 Federal departments, agencies, and bureaus are involved in combating terrorism, and many, including the Department of Defense, the Department of Justice, the Department of Energy, the Department of Health and Human Services, and the Federal Emergency Management Agency, are executing programs to provide civilian personnel at the Federal, State, and local levels with training and assistance to prevent and respond to incidents involving weapons of mass destruction.

(9) The Department of Energy has established a Nuclear Emergency Response Team which is available to respond to incidents involving nuclear or radiological emergencies.

(10) The Department of Defense has begun to implement a program to train local emergency responders in major cities throughout the United States to prevent and respond to incidents involving weapons of mass destruction.

(11) The Department of Justice has established a National Center for Domestic Preparedness at Fort McClellan, Alabama, to conduct nuclear, biological, and chemical preparedness training for Federal, State, and local officials to enhance emergency response to incidents involving weapons of mass destruction.

(12) Despite these activities, Federal agency initiatives to enhance domestic preparedness to respond to an incident involving weapons of mass destruction are hampered by incomplete interagency coordination and overlapping jurisdiction of agency missions, for example:

(A) The Secretary of Defense has proposed the establishment of 10 Rapid Assessment and Initial Detection elements, composed of 22 National Guard personnel, to provide timely regional assistance to local emergency responders during an incident involving chemical or biological weapons of mass destruction. However, the precise working relationship between these National Guard elements, the Federal Emergency Management Agency regional offices, and State and local emergency response agencies has not yet been determined.

(B) The Federal Emergency Management Agency, the lead Federal agency for consequence management in response to a terrorist incident involving weapons of mass

destruction, has withdrawn from the role of chair of the Senior Interagency Coordination Group for domestic emergency preparedness, and a successor agency to chair the Senior Interagency Coordinator has not yet been determined.

(C) In order to ensure effective local response capabilities to incidents involving weapons of mass destruction, the Federal Government, in addition to providing training, must concurrently address the need for—

(i) compatible communications capabilities for all Federal, State, and local emergency responders, which often use different radio systems and operate on different radio frequencies;

(ii) adequate equipment necessary for response to an incident involving weapons of mass destruction, and a means to ensure that financially lacking localities have access to such equipment;

(iii) local and regional planning efforts to ensure the effective execution of emergency response in the event of an incident involving a weapon of mass destruction; and

(iii) increased planning and training to prepare for emergency response capabilities in port areas and littoral waters.

(D) The Congress is aware that Presidential Decision Directives relating to domestic emergency preparedness for response to terrorist incidents involving weapons of mass destruction are being considered, but agreement has not been reached within the executive branch.

## **Subtitle A—Domestic Preparedness**

### **SEC. 1411. DOMESTIC PREPAREDNESS FOR RESPONSE TO THREATS OF TERRORIST USE OF WEAPONS OF MASS DESTRUCTION.**

(a) **ENHANCED RESPONSE CAPABILITY.**—In light of the continuing potential for terrorist use of weapons of mass destruction against the United States and the need to develop a more fully coordinated response to that threat on the part of Federal, State, and local agencies, the President shall act to increase the effectiveness at the Federal, State, and local level of the domestic emergency preparedness program for response to terrorist incidents involving weapons of mass destruction by developing an integrated program that builds upon the program established under title XIV of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2714).

(b) **REPORT.**—Not later than January 31, 1999, the President shall submit to Congress a report containing information on the actions taken at the Federal, State, and local level to develop an integrated program to prevent and respond to terrorist incidents involving weapons of mass destruction.

**SEC. 1412. REPORT ON DOMESTIC EMERGENCY PREPAREDNESS.**

Section 1051 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat. 1889) is amended by adding at the end the following new subsection:

“(c) ANNEX ON DOMESTIC EMERGENCY PREPAREDNESS PROGRAM.—As part of the report submitted to Congress under subsection (b), the President shall include an annex which provides the following information on the domestic emergency preparedness program for response to terrorist incidents involving weapons of mass destruction (as established under title XIV and section 1411 of the National Defense Authorization Act for Fiscal Year 1999):

“(1) information on program responsibilities for each participating Federal department, agency, and bureau;

“(2) a summary of program activities performed during the preceding fiscal year for each participating Federal department, agency, and bureau;

“(3) a summary of program obligations and expenditures during the preceding fiscal year for each participating Federal department, agency, and bureau;

“(4) a summary of the program plan and budget for the current fiscal year for each participating Federal department, agency, and bureau;

“(5) the program budget request for the following fiscal year for each participating Federal department, agency, and bureau;

“(6) recommendations for improving Federal, State, and local domestic emergency preparedness to respond to incidents involving weapons of mass destruction that have been made by the Advisory Commission on Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction (as established under section 1421 of the National Defense Authorization Act for Fiscal Year 1999), and actions taken as a result of such recommendations; and

“(7) requirements regarding additional program measures and legislative authority for which congressional action may be recommended.”

**SEC. 1413. PERFORMANCE OF THREAT AND RISK ASSESSMENTS.**

(a) THREAT AND RISK ASSESSMENTS.—(1) Assistance to Federal, State, and local agencies provided under the program under section 1411 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, through the Federal Bureau of Investigation, 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.

(3) The President shall identify and make available the funds necessary to carry out this section.

(b) PILOT TEST.—(1) Before prescribing final procedures and guidance for the performance of threat and risk assessments under this section, the Attorney General, through the Federal Bureau of Investigation may, in coordination with appropriate Federal, State, and local agencies, conduct a pilot test of any proposed method or model by which such assessments are to be performed.

(2) The pilot test shall be performed in cities or local areas selected by the Department of Justice, through the Federal Bureau of Investigation, in consultation with appropriate Federal, State, and local agencies.

(3) The pilot test shall be completed not later than 4 months after the date of the enactment of this Act.

## **Subtitle B—Advisory Commission to Assess Domestic Response Capabilities For Terrorism Involving Weapons of Mass Destruction**

### **SEC. 1421. ESTABLISHMENT OF COMMISSION.**

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the “Advisory Commission on Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction” (hereinafter referred to as the “Commission”).

(b) COMPOSITION.—The Commission shall be composed of 15 members, appointed as follows:

(1) 4 members appointed by the Speaker of the House of Representatives;

(2) 4 members appointed by the majority leader of the Senate;

(3) 2 members appointed by the minority leader of the House of Representatives;

(4) 2 members appointed by the minority leader of the Senate;

(5) 3 members appointed by the President.

(c) QUALIFICATIONS.—Members shall be appointed from among individuals with knowledge and expertise in emergency response matters.

(d) DEADLINE FOR APPOINTMENTS.—Appointments shall be made not later than the date that is 30 days after the date of the enactment of this Act.

(e) INITIAL MEETING.—The Commission shall conduct its first meeting not later than the date that is 30 days after the date that appointments to the Commission have been made.

(f) CHAIRMAN.—A Chairman of the Commission shall be elected by a majority of the members.

### **SEC. 1422. DUTIES OF COMMISSION.**

The Commission shall—

(1) assess Federal agency efforts to enhance domestic preparedness for incidents involving weapons of mass destruction;

(2) assess the progress of Federal training programs for local emergency responses to incidents involving weapons of mass destruction;

(3) assess deficiencies in training programs for responses to incidents involving weapons of mass destruction, including a review of unfunded communications, equipment, and planning and maritime region needs;

(4) recommend strategies for ensuring effective coordination with respect to Federal agency weapons of mass destruction response efforts, and for ensuring fully effective local response capabilities for weapons of mass destruction incidents; and

(5) assess the appropriate role of State and local governments in funding effective local response capabilities.

**SEC. 1423. REPORT.**

Not later than the date that is 6 months after the date of the first meeting of the Commission, the Commission shall submit a report to the President and to Congress on its findings under section 1422 and recommendations for improving Federal, State, and local domestic emergency preparedness to respond to incidents involving weapons of mass destruction.

**SEC. 1424. POWERS.**

(a) HEARINGS.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out this Act, hold such hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel member considers advisable.

(b) INFORMATION.—The Commission may secure directly from any department or agency of the United States information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this Act.

**SEC. 1425. COMMISSION PROCEDURES.**

(a) MEETINGS.—The Commission shall meet at the call of a majority of the members.

(b) QUORUM.—Eight members of the Commission shall constitute a quorum other than for the purpose of holding hearings.

(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 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 by this Act.

**SEC. 1426. 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 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.

(2) 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 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 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 pay payable for level V of the Executive Schedule under section 5316 of such title.

**SEC. 1427. 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 United States.

(b) **MISCELLANEOUS ADMINISTRATIVE AND SUPPORT SERVICES.**—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this title.

(c) **EXPERTS AND CONSULTANTS.**—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

**SEC. 1428. TERMINATION OF COMMISSION.**

The Commission shall terminate not later than 60 days after the date that the Commission submits its report under section 1423.

**SEC. 1429. FUNDING.**

Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 1999.

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32. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WELDON OF PENNSYLVANIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XXXI (page 364, after line 5), insert the following new section:

**SEC. 3154. ADVANCED TECHNOLOGY RESEARCH PROJECT.**

(a) FINDINGS.—Congress finds the following:

(1) Currently in the post-cold war world, there are new opportunities to facilitate international political and scientific cooperation on cost-effective, advanced, and innovative nuclear management technologies.

(2) There is increasing public interest in monitoring and remediation of nuclear waste.

(3) It is in the best interest of the United States to explore and develop options with the international community to facilitate the exchange of evolving advanced nuclear wastes technologies.

(4) The Advanced Technology Research Project facilitates an international clearinghouse and marketplace for advanced nuclear technologies.

(b) SENSE OF THE CONGRESS.—It is the sense of Congress that the President should instruct the Secretary of Energy, in consultation with the Secretary of State, the Secretary of Defense, the Administrator of the Environmental Protection Agency, and other officials as appropriate, to consider the Advanced Technology Research Project and submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing the following:

(1) An assessment of whether the United States should encourage the establishment of an international project to facilitate the international exchange of information (including costs data) relating to advanced nuclear waste technologies, including technologies for solid and liquid radioactive wastes and contaminated soils and sediments.

(2) An assessment of whether such a project could be funded privately through industry, public interest, and scientific organizations and administered by an international nongovernmental organization, with operations in the United States, Russia, and other countries that have an interest in developing such technologies.

(3) Recommendations for any legislation that the Secretary of Energy believes would be required to enable such a project to be undertaken.

33. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WELDON OF PENNSYLVANIA, OR REPRESENTATIVE SPRATT OF SOUTH CAROLINA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle C of title II (page 29, after line 21), insert the following new section:

**SEC. 236. RESTRUCTURING OF THEATER HIGH-ALTITUDE AREA DEFENSE SYSTEM ACQUISITION STRATEGY.**

(a) ESTABLISHMENT OF ALTERNATIVE CONTRACTOR.—(1) The Secretary of Defense shall select an alternative contractor as a poten-

tial source for the development and production of the interceptor missile for the Theater High-Altitude Area Defense (THAAD) system within a “leader-follower” acquisition strategy.

(2) The Secretary shall take such steps as necessary to ensure that the prime contractor for that system prepares the selected alternative contractor so as to enable the alternative contractor to be able (if necessary) to assume the responsibilities for development or production of an interceptor missile for that system.

(3) The Secretary shall select the alternative contractor as expeditiously as possible and shall use the authority provided in section 2304(c)(2) of title 10, United States Code, to expedite that selection.

(4) Of the amount authorized under section 201(4) for the Theater High-Altitude Area Defense system, the amount provided for the Demonstration/Validation phase for that system is hereby increased by \$142,700,000, of which \$30,000,000 shall be available for the purposes of this subsection, and the amount provided for the Engineering and Manufacturing Development phase for that system is hereby reduced by \$142,700,000.

(b) COST SHARING ARRANGEMENT.—The Secretary of Defense shall contractually establish an appropriate cost sharing arrangement with the prime contractor as of May 14, 1998, for the interceptor missile for the Theater High-Altitude Area Defense system for flight test failures of that missile beginning with flight test nine.

(c) ENGINEERING AND MANUFACTURING DEVELOPMENT PHASE FOR OTHER ELEMENTS OF THE THAAD SYSTEM.—The Secretary of Defense shall proceed as expeditiously as possible with the milestone approval process for the Engineering and Manufacturing Development phase for the Battle Management and Command, Control, and Communications (BM/C<sup>3</sup>) element of the Theater High-Altitude Area Defense system and for the Ground-Based Radar (GBR) element for that system. That milestone approval process for those elements shall proceed without regard to the stage of development of the missile interceptor for that system.

(d) REQUIREMENT BEFORE PROCUREMENT OF UOES MISSILES.—The Secretary of Defense may not obligate any funds for acquisition of User Operational Evaluation System (UOES) missiles for the Theater High-Altitude Area Defense system until there have been two successful tests of the interceptor missile for that system.

(e) LIMITATION ON ENTERING ENGINEERING AND MANUFACTURING DEVELOPMENT PHASE.—The Secretary of Defense may not approve the commencement of the Engineering and Manufacturing Development phase for the interceptor missile for the Theater High-Altitude Area Defense system until there have been three successful tests of that missile.

(f) SUCCESSFUL TEST DEFINED.—For purposes of this section, a successful test of the interceptor missile of the Theater High-Altitude Area Defense system is a body-to-body intercept by that missile of a ballistic missile target.

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34. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SPENCE OF SOUTH CAROLINA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XII (page 253, after line 3), insert the following new section:

**SEC. 1206. EXECUTION OF OBJECTION AUTHORITY WITHIN THE DEPARTMENT OF DEFENSE.**

Section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1932) is amended by adding at the end the following new subsection:

“(g) DELEGATION OF OBJECTION AUTHORITY WITHIN THE DEPARTMENT OF DEFENSE.—For the purposes of the Department of Defense, the authority to issue an objection referred to in subsection (a) shall be executed for the Secretary of Defense by an individual at the Assistant Secretary level within the office of the Under Secretary of Defense for Policy. In implementing subsection (a), the Secretary of Defense shall ensure that Department of Defense procedures maximize the ability of the Department of Defense to be able to issue an objection within the 10–day period specified in subsection (c).”

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35. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WELDON OF PENNSYLVANIA, OR REPRESENTATIVE PICKETT OF VIRGINIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 21, line 12, strike out “\$3,078,251,000” and insert in lieu thereof “\$4,208,978,000”.

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36. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RILEY OF ALABAMA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 19, strike line 2 and all that follows through page 20, line 16 and insert the following:

**SEC. 141. ALTERNATIVE TECHNOLOGIES FOR DESTRUCTION OF ASSEMBLED CHEMICAL WEAPONS.**

(a) PROGRAM MANAGEMENT.—(1) The program manager for the Assembled Chemical Weapons Assessment program shall continue to manage the development and testing (including demonstration and pilot-scale facility testing) of technologies for the destruction of lethal chemical munitions that are potential or demonstrated alternatives to the baseline incineration program. In performing such management, the program manager shall act independently of the program manager for Chemical Demilitarization and shall report to the Secretary of the Army, or his designee.

(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, 1998, 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 pursuant to the plan submitted under paragraph (2) not later than 60 days after the date of the submission of the notice required under section 152(f)(2) of the National

Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 214; 50 U.S.C. 1521(f)(2)).

(b) POST-DEMONSTRATION ACTIVITIES.—(1) The program manager for the Assembled Chemical Weapons Assessment program may carry out those activities necessary to ensure that an alternative technology for the destruction of lethal chemical munitions may be implemented immediately after—

(A) the technology has been demonstrated to be successful;

(B) the Under Secretary of Defense for Acquisition and Technology has submitted to Congress a report on the demonstration; and

(C) a decision has been made to proceed with the pilot-scale facility phase for an alternative technology.

(2) To prepare for the immediate implementation of any such technology, the program manager may, during fiscal years 1998 and 1999, take the following actions:

(A) Establish program requirements.

(B) Prepare procurement documentation.

(C) Develop environmental documentation.

(D) Identify and prepare to meet public outreach and public participation requirements.

(E) Prepare to award a contract for the design, construction, and operation of a pilot facility for the technology to the provider team for the technology not later than December, 1999.

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

(d) FUNDING.—Of the amount authorized to be appropriated in section 107, \$12,600,000 shall be available for the Assembled Chemical Weapons Assessment program for the following:

(1) Demonstration of alternative technologies under the Assembled Chemical Weapons Assessment program.

(2) Planning and preparation to proceed immediately from demonstration of an alternative technology to the development of a pilot-scale facility for the technology, including planning and preparation for—

(A) continued development of the technology leading to deployment of the technology;

(B) satisfaction of requirements for environmental permits;

(C) demonstration, testing, and evaluation;

(D) initiation of actions to design a pilot program;

(E) provision of support at the field office or depot level for deployment of the technology; and

(F) educational outreach to the public to engender support for the development.

(3) An independent cost and schedule evaluation of the Assembled Chemical Weapons Assessment program, to be completed not later than December 30, 1999.

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

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**37. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PORTER OF ILLINOIS, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of part I of subtitle D of title XXVIII (page 317, after line 3), insert the following new section:

**SEC. 2838. LAND CONVEYANCE, FORT SHERIDAN, ILLINOIS.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey to the City of Lake Forest, Illinois (in this section referred to as the “City”), all right, title, and interest, of the United States in and to all or some portion of the parcel of real property, including improvements thereon, at the former Fort Sheridan, Illinois, consisting of approximately 14 acres and known as the northern Army Reserve enclave area.

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to not less than 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 provide for the construction of replacement facilities and for the relocation costs for Reserve units and activities affected by the conveyance.

(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.

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**38. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DOOLITTLE OF CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES**

At the end of subtitle D of title X (page 228, after line 13), insert the following new section:

**SEC. 1032. REPORT ON PERSONNEL RETENTION.**

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing information on the retention of members of the Armed Forces on active duty in the combat, combat sup-

port, and combat service support forces of the Army, Navy, Air Force, and Marine Corps.

(b) REQUIRED INFORMATION.—The Secretary shall include in the report information on retention of members with military occupational specialties (or the equivalent) in combat, combat support, or combat service support positions in each of the Army, Navy, Air Force, and Marine Corps. Such information shall be shown by pay grade and shall be aggregated by enlisted grades and officers grades and shall be shown by military occupational specialty (or the equivalent). The report shall set forth separately (in numbers and as a percentage) the number of members separated during each such fiscal year who terminate service in the Armed Forces completely and the number who separate from active duty by transferring into a reserve component.

(c) YEARS COVERED BY REPORT.—The report shall provide the information required in the report, shown on a fiscal year basis, for each of fiscal years 1989 through 1998.

