

PROVIDING FOR THE CONSIDERATION OF H.R. 1401, THE
NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL
YEAR 2000

JUNE 8, 1999.—Referred to the House Calendar and ordered to be printed

Mrs. MYRICK, from the Committee on Rules,
submitted the following

REPORT

[To accompany H. Res. 200]

The Committee on Rules, having had under consideration House Resolution 200, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF RESOLUTION

The resolution provides for the consideration of H.R. 1401, the “National Defense Authorization Act for Fiscal Year 2000,” under a structured rule. The rule provides one hour of general debate divided equally between the chairman and ranking minority member of the Committee on Armed Services.

The resolution waives all points of order against consideration of the bill. The rule makes in order the Committee on Armed Services amendment in the nature of a substitute now printed in the bill, which shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute.

The rule makes in order only those amendments printed in this report and pro forma amendments offered by the chairman and ranking minority member of the Committee on Armed Services for the purpose of debate. The amendments printed in part B of this report may be offered en bloc. The rule also makes in order an amendment by Representative Cox printed on June 8, 1999, in the Congressional Record. Except as specified in section 5 of the resolution, amendments shall be considered only in the order specified in this report, may be offered only by a Member designated, shall be considered as read, and shall not be subject to a demand for division of the question. Unless otherwise specified in this report, each amendment printed in this report shall be debatable for 10 minutes

equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment). The rule waives all points of order against the amendments printed in this report and those amendments en bloc described in section 3 of the resolution.

The rule provides an additional period of general debate prior to the consideration of the last five amendments in part A of the Rules Committee report for one hour, which shall be confined to the subject of the United States policy relating to the conflict in Kosovo. The rule authorizes the chairman of the Armed Services Committee or his designee to offer amendments en bloc consisting of amendments printed in part B of this report or germane modifications thereto, which shall be considered as read (except that modifications shall be reported), shall be debatable for 20 minutes equally divided between the chairman and ranking minority member of the Armed Services Committee or their designees, and shall not be subject to amendment or demand for a division of the question. 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 allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. 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 Armed Services Committee or a designee announces from the floor a request to that effect. The rule provides that before consideration of any other amendment, it will be in order to consider the amendment printed in the Congressional Record on June 8, 1999, by Representative Cox, if offered by Representative Cox or his designee, which shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendment.

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

The rule provides that after passage of H.R. 1401, it shall be in order to take from the Speaker's table S. 1059 and to consider the Senate bill in the House. The rule waives all points of order against the Senate bill and against its consideration. The rule provides that it shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 1401 as passed by the House. The rule waives all points of order against the motion. Finally, the rule provides that House Resolution 195 is laid on the table.

The waiver of all points of order against consideration of the bill includes a waiver of: clause 4 of rule XXI (prohibiting appropriations in legislative bills), which is necessary because at least one section (sec. 801) contains appropriation provisions; section 302(f) of the Congressional Budget Act (prohibiting consideration of legislation providing new entitlement authority in excess of a committee's allocation), which is necessary because several sections in the bill, including sec. 601 and sec. 641 (pay raise and retirement provisions), contain entitlement provisions and the committee does not have an entitlement allocation; and section 401(b) of the Congressional Budget Act (prohibiting consideration of legislation providing new entitlement authority which becomes effective during the current fiscal year), which is necessary because several sections in the bill, including sec. 1618 and sec. 1672, contain provisions where beneficiaries would become entitled to benefits in the current fiscal year.

The waiver of all points of order against the amendment in the nature of a substitute, as modified, includes a waiver of: clause 7 of rule XVI (prohibiting nongermane amendments), which is necessary because the reported bill contains many provisions that are broader than the introduced bill or were not included in the introduced bill, such as Title XXXIV (Maritime Administration Authorization) and Title XXXV (Panama Canal Commission Authorization); section 302(f) of the Congressional Budget Act, which is necessary for the same reasons as the waiver against consideration of the bill; and section 401(b) of the Congressional Budget Act, which is also necessary for the same reasons as the waiver against consideration of the bill.

COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 34

Date: June 8, 1999.

Measure: H.R. 1401, the National Defense Authorization Act for Fiscal Year 2000.

Motion by: Mr. Moakley.

Summary of motion: To amend the rules so that upon adoption, section 1006 would be stricken from the bill. This portion of the bill restricts the use of FY 2000 Defense funds for support of any Kosovo military operation. the motion would also not make in order the following amendments: Taylor (MS No. 17, Souder No. 18, Skelton No. 19, Fowler No 20.

Results: Defeated 4 to 9.

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

AMENDMENTS MADE IN ORDER TO H.R. 1401, NATIONAL DEFENSE
AUTHORIZATION ACT FOR FISCAL YEAR 2000

1. Cox/Dicks: Implements recommendations of the Select Committee on U.S. National Security and Military/Commercial Concerns With the People's Republic of China. (1 hour.)

PART A—SUMMARY OF AMENDMENTS MADE IN ORDER
UNDER THE RULE

2. Spence: Requires the Secretary of Energy to establish and maintain a counterintelligence program for defense-related programs at DOE. Requires a report to the House and Senate Committees on the implementation of the DOE counterintelligence program. Makes each DOE national laboratory director or manager responsible for counterintelligence activities to the DOE Office of Counterintelligence and, through its Director to the Secretary of Energy. Gives the DOE Director of Counterintelligence the authority to revoke or suspend security clearances of DOE employees or contractors if the Director obtains information that they have disclosed classified information in an unauthorized manner. Requires the Secretary of Energy to establish a foreign contact control program at the DOE. Requires the prior approval by the DOE Office of Counterintelligence for contacts between DOE, employees and contractors, and citizens of "sensitive countries." Requires that all contacts with citizens of sensitive countries require the presence of more than one DOE employee or contractor. Requires post-contact reporting on the topics of discussion between the DOE employee or contractor and the citizen of a sensitive country. Provides \$8.6 million for DOE counterintelligence cyber-security. Offsets the increase for this from the contractor travel account within DOE Weapons activities, DOE Environmental Management, and DOE Other Defense Activities. Requires the Secretary of Defense to establish a plan for the transfer of the DOE national security functions to the DOD by January, 2002. (1 hour.)

3. Costello: Makes all DOE contractors, including the contractors who manage and operate the nuclear weapons labs, subject to civil penalties of up to \$100,000 per violation of any DOE rule, regulation, or order relating to the safeguarding and security of restricted data, or other classified or sensitive information. (30 Minutes.)

4. Hunter: Requires the Secretary of Energy to establish a counterintelligence polygraph program for employees who have access to high-risk programs or information. (20 Minutes.)

5. Roemer: Requires the Secretary of Energy to report to the Congress on an annual basis regarding the counterintelligence and security practices at the national laboratories whether or not classified activities are carried out at the facility. (20 Minutes.)

6. Sweeney: Requires the Inspector Generals of DOD and DOE, in consultation with the Directors of the CIA and FBI to conduct an annual audit of the policies and procedures of the Departments with respect to the export of technologies and the transfer of scientific and technical information to the People's Republic of China, to assess the extent to which the Department are carrying out activities to ensure that any transfer will not measurably improve the weapons systems or space launch capabilities of the People's Republic of China. (20 Minutes.)

7. Ryun (KS): Places a moratorium of at least two years on the entry of foreign visitors from sensitive countries to our labs. Requires the Secretary of Energy, after consultation with the Director of the FBI, to certify that new counterintelligence program is running effectively before the moratorium is lifted. Gives the Secretary waiver authority for individuals deemed vital to our national security. The new counterintelligence program requires security checks on all visitors to the labs, including the investigation of past breaches in coordination with a study of the effects of non-classified visits on compromises of classified nuclear secrets. (40 Minutes.)

8. Gilman/Spence: Requires the Secretary of State to ensure that adequate resources are allocated to the Office of Defense Trade Controls (ODTC) for the purpose of reviewing and processing export license applications in a thorough and timely manner. Requires the Secretary of State to make available ODTC funds that were appropriated last year for this purpose. Requires the Secretary of Defense to ensure that the Defense Threat Reduction Agency has adequate resources to fulfill its responsibility of reviewing export license applications in a thorough and timely manner. (20 Minutes.)

9. Weldon (PA): Establishes Technology Security Division within Defense Threat Reduction Agency as a separate DoD agency, and requires the Director of this agency to advise the Secretary and Deputy Secretary of Defense on policy related to the transfer of strategically sensitive technology. (20 Minutes.)

10. Weldon (PA): Requires the Department of Defense to provide an annual report to Congress assessing the cumulative impact of individual export licenses by the United States to countries of concern (those listed as terrorist nations by the State Department and those nations listed as Computer Tier 3 export restricted). The report shall assess the impact of exports on improving conventional and strategic military capabilities of countries of concern, how those capabilities would harm U.S. military capabilities, and U.S. countermeasures required to address advances resulting from exports. (20 Minutes.)

11. Dicks: Requires the Secretary of Defense to ensure that security details on overseas satellite launch campaigns follow international Trafficking in Arms Regulations (ITAR) and that such personnel have security clearances. Consistent with the recommendations of the Cox-Dicks Report. (20 Minutes.)

12. DeLay: Prohibits military-to-military exchanges that involve the training of the People's Liberation Army (PLA) of China by the U.S. Armed Forces such as: force projection operations, logistics, unclear, chemical or biological operations; intelligence activities; warfighting exercises; and other warfighting capabilities of the Armed Forces. It does not prohibit any exchanges with regard to search and rescue or humanitarian exercises, but does require the Secretary of Defense to certify each year that all military-to-military contacts with the PLA have been in compliance with the law, and to submit an annual report on all such contacts or exchanges. (60 minutes.)

13. Gilman/Goss: Prohibits the use of any DoD funds to maintain a permanent U.S. military presence in Haiti beyond December 31, 1999; allows the use of funds for "periodic, noncontinuous" troop

deployments after that time; requires the President to report to Congress when deploying troops under these circumstances; allows the use of funds for a "limited, customary presence" necessary to ensure the safety of U.S. diplomatic facilities and to carry out defense liaison activities under the auspices of the U.S. embassy; and allows the President to freely respond to protect American lives and property. (20 minutes.)

14. Sanchez: Restores equal access to health services at overseas military hospitals to servicemen and women and their dependents stationed overseas. (30 minutes.)

15. Buyer/Abercrombie: Authorizes members of the uniformed services to participate in the Thrift Savings Plan now available to federal civil service employees. Service members would be eligible to deposit up to five percent of their basic pay, before tax, each month. There would be no government automatic or matching contributions, however, service members would be authorized to directly deposit special and incentive pays into their Thrift Savings accounts up to the maximum amounts specified in the tax code. (20 minutes.)

16. Traficant: Allows the Secretary of Defense, with the permission of the Secretary of the Treasury and the Attorney General, to assign military personnel to assist the Border Patrol and the Customs Service only in drug interdiction and counter terrorism activities along our borders. (10 minutes.)

17. Taylor (MS): States that it is the responsibility of Congress under Article I, Section 8 of the Constitution to provide for the common defense, to declare war, to raise and support armies, to provide and maintain a navy, and to make rules for the government and regulation of land and naval forces. Acknowledges that a conflict involving United States forces exists in Yugoslavia. Articulates several goals for the conflict with Yugoslavia. (30 minutes.)

18. Souder: Builds on the language in Section 1006 regarding Yugoslavia by expanding the prohibition to all funds for FY 2000 and deletes subsections (b) which invites the President to request additional funds for the conflict in Yugoslavia through a supplemental request. (30 minutes.)

19. Skelton: Strikes subsection (a) in section 1006 which prohibits the use of funds authorized in the bill for the conduct of combat or peacekeeping operations in the Federal Republic of Yugoslavia. (30 minutes.)

20. Fowler: Precludes the deployment of U.S. ground troops to Yugoslavia using funds provided to DOD unless the Congress specifically authorizes such a deployment. The prohibition shall not apply with respect to the initiation of missions specifically limited to rescuing U.S. military personnel or U.S. citizens in Yugoslavia or rescuing military personnel of another NATO member nation. (30 minutes.)

21. Shays/Frank/Rohrabacher/Condit/Bilbray/Foley/Upton: Reduces U.S. troop levels in Europe from 100,000 to 25,000—the number of troops assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization may not exceed: (A) 85,000 at the end of FY 2000; (B) 55,000 at the end of FY 2001; and (C) 25,000 at the end of FY 2002; Retains the exist-

ing provisions of law that exclude from end strength counts: (A) troops assigned to permanent duty ashore in Iceland, Greenland, and the Azores; and (B) troops performing duties in Europe for more than 179 days under a military-to-military contact program; and reductions do not apply in the event of a declaration of war on an armed attack on any member nation of NATO, or if the President declares an emergency. (30 minutes.)

PART B—SUMMARY OF AMENDMENTS MADE IN ORDER UNDER THE RULE (SUBJECT TO BEING OFFERED EN BLOC)

22. Gallegly: Authorizes up to \$16 million for Air Force procurement of modular firefighting equipment. \$6 million of the \$16 million has already been appropriated in the FY99 DOD Appropriations Act and this amendment would authorize the program. (10 minutes.)

23. Spence: Requires the procurement and installation of cooperative engagement capability equipment in naval vessels, shore facilities, and aircraft prior to completion of operational test and evaluation in order to field the cooperative engagement capability in a Navy battle group by fiscal year 2003. Adds \$20 million for the procurement of additional cooperative engagement capability equipment and is fully offset. (10 minutes.)

24. Hall (OH): Expresses the Sense of Congress that the Secretary of Defense failed to comply with a goal in last year's Defense Authorization Act to boost defense science and technology funding by 2 percent annually. The amendment repeats last year's goal and requires the President to report to Congress if next year's budget request for defense science and technology funding fails to meet the goal. (10 minutes.)

25. Reynolds: Authorizes the Secretary of the Army to replace nonsecure tactical radios used by the 82nd Airborne division. (10 minutes.)

26. Evans: Waives statutory time limitations on the award of the Medal of Honor for Alfred Rascon as well as to authorize the President to award the Medal of Honor to him for valor during the Vietnam conflict. (10 minutes.)

27. Sweeney: Makes it mandatory for the Secretary of a military department to provide material, equipment, and training to support non-governmental organizations, as necessary for the support of honor guard activities. (10 Minutes.)

28. Buyer/Abercrombie: Provides disability separation or retirement qualification to any member with at least eight years of active service who becomes disabled due to a pre-existing medical condition. In the case of a reserve component member, the section would qualify the member for retirement with at least 15 but less than 20 years of service when the member is disqualified for military service due to a medical condition that was not incurred or aggravated in the line of duty. (10 Minutes.)

29. Gilman: Requires the Secretary of Defense to report to the Congress on the security situation on the Korean peninsula including a net assessment of the warfighting capabilities of US, ROK, and DPRK armed forces; requires reporting North Korea's weapons of mass destruction and ballistic missile programs. (10 Minutes.)

30. Thune/Stenholm: Makes the following changes to TRICARE, the military health care system: authorizes contractors to provide financial incentives to promote electronic processing; requires the Secretary to complete a study on TRICARE reimbursement rates; requires the Secretary to submit a proposal to adjust those rates should the study finds more than 20 percent of the rates are less than the 50th percentile of the usual and customary rate; requires DOD to implement the TRICARE Prime Remote concurrently for Geographically Separated Units and their dependents; eliminates the requirement for non-availability statements or pre-authorization for procedures under TRICARE Standard, the military fee-for-service plan; eliminates the pre-authorization for in-network preventative obstetric and gynecological care, mammograms for women over 35, and preventative urological care; requires the primary care manager of the beneficiary to be notified of the care; and authorizes the payment of certain travel expenses for beneficiaries who are referred by the network provider or the military treatment facility to another provider or facility more than 100 miles away. (10 Minutes.)

31. Traficant: Provides (1) assurances that any funds authorized under the bill are spent in compliance with the Buy American Act; (2) a Sense of the Congress that where feasible, funds spent under the bill should purchase American-made goods; and (3) punishment for those found to fraudulently have affixed "Made in America" labels to goods not made in America. (10 Minutes.)

32. Bereuter: Makes permanent the waivers contained in the FY99 Defense Authorization Act that permit the Asia Pacific Center for Security Studies, a component of Pacific Command, to waive reimbursement for certain costs of conducting business and to accept foreign gifts/donations. (10 Minutes.)

33. Bereuter: Directs the DoD to evaluate and report its capabilities to deal with possible contingencies in both Korea and Southwest Asia, given the reality that U.S. military operations in the Balkans are stretching some critical U.S. defense capabilities. (10 Minutes.)

34. Castle/Bishop/Roemer: Requires the Secretary of Defense to report to Congress and the President on the causes of the recent series of space launch failures, as well as the steps that are being taken to minimize or prevent these failures in the future. (10 Minutes.)

35. Fowler: Requires the Secretary of Defense to submit to Congress a comprehensive report, in both classified and unclassified form, describing the airlift requirements necessary to execute the full range of missions called for under the National Military Strategy under the postures of force engagement anticipated through the year 2015. It would require a more comprehensive study of America's power projection system than has been initiated to date, and is necessary in light of recently demonstrated airlift deficiencies. (10 Minutes.)

36. Gilchrest: Clarifies appropriate use of the proceeds from outlease of the U.S. Naval Academy dairy farm. Allows USNA to retain proceeds from the outlease of the dairy farm property for administration of the property and for use in the nonappropriated

fund accounts which have, in the past, subsidized operation of the dairy farm. (10 Minutes.)

37. Goodling/Traficant: Requires the Inspector General of DOD to investigate that compliance of free weight strength training equipment purchases by DOD with the Buy American Act. (10 Minutes.)

38. Skelton: Modifies Section 1404 of the Defense Against Weapons of Mass Destruction Act of 1999. Addresses the implementation of the DOD's Domestic Preparedness Program (DPP). Requires the establishment of threat and risk assessment process for the program's implementation. Proposes the establishment of a pilot program incorporating an approach to better establish the most suitable and efficient investment strategy for federal assistance to cities participating in the program in an effort to match investments with an overall threat or vulnerability analysis. (10 Minutes.)

39. Hobson/Hall (OH): Creates a one-year pilot program to provide DOD expanded authority to offer voluntary early retirement and retirement incentives in order to address a growing disparity in its workforce. Under current law, the Department is not able to hire lower grade employees to replace retiring workers, which is a particular problem for scientists and engineers. (10 Minutes.)

40. Ortiz: Extends from September, 1999, to September, 2003, the Defense Department's authority to pay the government's share of health insurance for up to 18 months for those civilian employees who have been involuntarily separated from federal service. (10 Minutes.)

41. Ney: Requires the Secretary of Defense to prepare an annual report, both classified and unclassified, on the military power of the People's Republic of China. (10 Minutes.)

42. Boehlert: Authorizes a \$12.8 million Air Force Military Construction project at the Air Force Research Laboratory's Rome Research Site in Rome, New York, for the purpose of consolidating research and technology development activities conducted at the site. Requires that the Air force submit a plan to Congress for the completion of multi-phase efforts to consolidate research and technology development activities conducted at the Rome Research Site. (10 Minutes.)

43. Ose: Allows the Air Force to convey a nuclear radiation center to the University of California, Davis for research purposes. Authorizes the Secretary of the Air Force to pay \$17.593 million to UC Davis to cover decommissioning costs. (10 Minutes.)

44. Scarborough: Increases the payment of 15 percent of basic pay for each person bought out to compensate for additional costs associated with early retirement to 26 percent. (10 Minutes.)

45. McIntyre: Provides a private business involved in a dispute related to a technology transfer the ability to request and receive binding alternative dispute resolution, mediation, or other methods by which the dispute can be resolved quickly and less expensively for all parties. Calls on DOE to harmonize all technology transfer policies with respect to patenting, licensing, and commercialization at its nuclear weapons labs. Requires technology transfer successes and disputes and the progress make toward resolving them to be made a part of the nuclear weapons labs' annual performance reviews. Requires that lab technology transfer personnel at the nuclear weapons labs receive adequate training to ensure they are

able to perform their duties to the highest possible professional and ethical standards. (10 Minutes.)

46. Wilson: Amends Section 3166(c), relating to the notice to congressional committees of compromise of classified information within nuclear energy defense programs-Specified Committees to add the House and Senate Select Committees on Intelligence. (10 Minutes.)

47. Weldon (FL): Provides an additional \$73.4 million for the national launch ranges to ensure that the ranges can accommodate additional government, civilian, and commercial launches. Places a fence around the launch range funds to ensure that they are not raided for other purposes. Provides \$1 million for the National Range Development Center at Cape Canaveral to make the ranges more efficient. (10 Minutes.)

PART A—TEXT OF AMENDMENTS MADE IN ORDER UNDER
THE RULE

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SPENCE OF
SOUTH CAROLINA, OR A DESIGNEE, DEBATABLE FOR 60 MINUTES

At the end of title IX (page 265, after line 11), insert the following new section:

**SEC. 910. PLAN FOR TRANSFERRING THE DEPARTMENT OF ENERGY
NATIONAL SECURITY FUNCTIONS TO THE DEPARTMENT
OF DEFENSE.**

(a) **PLAN REQUIRED.**—The Secretary of Defense, in consultation with the Secretary of Energy, shall submit to Congress a report setting forth the Secretary's plan for the transfer to the Department of Defense of the national security programs of the Department of Energy by January 1, 2002.

(b) **MATTERS TO BE INCLUDED.**—The plan submitted in the report under subsection (a) shall include the following:

(1) A detailed plan for the integration into the Department of Defense of the offices and laboratories of the Department of Energy which would be transferred to the Department of Defense as part of such a transfer of functions.

(2) An assessment of the personnel end-strength reductions estimated to be achieved as a result of such a transfer of functions.

(3) An assessment of costs, or savings, associated with the various transfer of function options.

(4) An identification of all applicable provisions of law that may inhibit or preclude such a transfer of functions.

(c) **PRESERVATION OF INTEGRITY OF DOE NATIONAL SECURITY PROGRAMS.**—In developing the plan under subsection (a), the Secretary shall make every effort to ensure that the mission and functioning of the national security programs of the Department of Energy are not unduly affected adversely during the transfer of those functions to the Department of Defense and the consolidation of those functions into activities of the Department.

(d) **SUBMISSION OF REPORT.**—The report required under subsection (a) shall be submitted not later than March 1, 2000.

At the end of subtitle A of title XXXI (page 419, after line 3), insert the following new section:

SEC. 3106. DEPARTMENT OF ENERGY COUNTERINTELLIGENCE CYBER SECURITY PROGRAM.

(a) **INCREASED FUNDS FOR COUNTERINTELLIGENCE CYBER SECURITY.**—The amounts provided in section 3103 in the matter preceding paragraph (1) and in paragraph (3) are each hereby increased by \$8,600,000, to be available for Counterintelligence Cyber Security programs.

(b) **OFFSETTING REDUCTIONS DERIVED FROM CONTRACTOR TRAVEL.**—(1) The amount provided in section 3101 in the matter preceding paragraph (1) (for weapons activities in carrying out programs necessary for national security) is hereby reduced by \$4,700,000.

(2) The amount provided in section 3102 in the matter preceding paragraph (1) of subsection (a) (for environmental restoration and waste management in carrying out programs necessary for national security) is hereby reduced by \$1,900,000.

(3) The amount provided in section 3103 in the matter preceding paragraph (1) is hereby reduced by \$2,000,000.

At the end of title XXXI (page 453, after line 15), insert the following new sections:

SEC. 3167. DEPARTMENT OF ENERGY COUNTERINTELLIGENCE PROGRAM.

(a) **PROGRAM REQUIRED.**—The Secretary of Energy shall establish and maintain a counterintelligence program for the defense-related activities of the Department of Energy.

(b) **ELEMENTS OF PROGRAM.**—The counterintelligence program shall include the following elements:

(1) Collection and analysis of counterintelligence information.

(2) Provision of education and training regarding foreign intelligence operations to individuals carrying out defense-related activities, including risks posed by such operations, techniques that may be employed by such operations, and effective methods to recognize, respond to, and report such operations.

(3) Provision of professional counterintelligence training to the counterintelligence officers carrying out the program.

(4) Prevention of, identification of, response to, and neutralization of foreign intelligence operations and unauthorized disclosures of classified information.

(5) Dissemination of counterintelligence information to appropriate intelligence or law enforcement agencies of the United States.

(c) **DIRECTOR OF THE OFFICE OF COUNTERINTELLIGENCE.**—The executive in the Department of Energy responsible for carrying out the counterintelligence program shall be the Director of the Office of Counterintelligence, who shall be directly responsible to the Secretary of Energy. The Director is hereby established in the Senior Executive Service and shall, for all purposes, be treated as a career reserved position (within the meaning of section 3132 of title 5, United States Code).

(d) **COUNTERINTELLIGENCE AUTHORITY OF FIELD OFFICES AND LABORATORIES.**—The Secretary shall ensure that, for each national laboratory and for each operations office at which the activities of the counterintelligence program are carried out, the director of the national laboratory or the manager of the operations office, as ap-

plicable, has authority over, and responsibility for, the counterintelligence activities at that laboratory or office. Each such director or manager shall, with respect to such activities, be accountable to the Director of the Office of Counterintelligence and, through the Director, to the Secretary.

(e) REPORTING BY COUNTERINTELLIGENCE PERSONNEL AT FIELD OFFICES AND LABORATORIES.—For each national laboratory and for each operations office at which the activities of the counterintelligence program are carried out, the counterintelligence personnel of the laboratory or office shall, with respect to counterintelligence activities, report concurrently—

(1) to the director of the laboratory or the manager of the office, as applicable; and

(2) to the Director of the Office of Counterintelligence.

(f) DEPARTMENT OF ENERGY HEADQUARTERS COUNTERINTELLIGENCE STAFF.—The Secretary shall ensure that the defense-related counterintelligence functions at the Department of Energy headquarters are performed, by the conclusion of fiscal year 2001 and thereafter, only by Federal employees.

(g) AUTHORITY TO REVOKE AND SUSPEND SECURITY CLEARANCES.—The Director of the Office of Counterintelligence has the authority to revoke or suspend the security clearance of any employee of the Department of Energy or of any employee of a contractor of the Department if information is made known to the Director that the employee may have disclosed classified information—

(1) to an individual not authorized to receive such information; or

(2) in any other unauthorized manner.

(h) REPORT ON IMPLEMENTATION OF PROGRAM.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services and the Select Committee on Intelligence of the Senate and the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives a report on the implementation of the counterintelligence program under this section. The report shall include a description of—

(1) the organizational structure; and

(2) the activities that will be carried out to establish and maintain the elements of the program.

(i) REPORTS ON CHANGES TO PROGRAM.—Whenever the Secretary makes any change to the implementation of the counterintelligence program as such implementation is described in the report submitted under subsection (h) or in a prior report submitted under this subsection, the Secretary shall promptly submit to the Committee on Armed Services and the Select Committee on Intelligence of the Senate and the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives a report identifying the change and describing the effect of the change on the implementation of the program.

(j) DEFINITIONS.—For purposes of this section:

(1) DEFENSE-RELATED ACTIVITIES.—The term “defense-related activities” means the defense activities of the Department of

Energy, including activities relating to the national laboratories.

(2) COUNTERINTELLIGENCE INFORMATION.—The term “counterintelligence information” has the meaning given the term “counterintelligence” in section 3(3) of the National Security Act of 1947 (50 U.S.C. 401a(3)).

(3) FOREIGN INTELLIGENCE OPERATION.—The term “foreign intelligence operation” means a clandestine intelligence activity by an intelligence service or network of a foreign power or by an agent of a foreign power.

(4) FOREIGN POWER.—The term “foreign power” has the meaning given such term in section 101(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(a)).

(5) AGENT OF A FOREIGN POWER.—The term “agent of a foreign power” has the meaning given such term in section 101(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(b)).

SEC. 3168. FOREIGN CONTACT CONTROL PROGRAM AT THE DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Not later than 60 days after the enactment of this Act, the Secretary of Energy shall establish a program of foreign contact control at the Department of Energy. The Secretary shall ensure that all contacts between covered persons identified in subsection (b) and citizens of sensitive countries shall be in accord with the foreign contact controls established in this program.

(b) COVERED PERSONS.—For purposes of the foreign contact control program, a covered person is a person who has a security clearance that allows the person access to high-risk programs or information identified in subsection (c), and who is one of the following:

- (1) An officer or employee of the Department.
- (2) An expert or consultant under contract to the Department.
- (3) An officer or employee of any contractor of the Department.

(c) HIGH-RISK PROGRAMS OR INFORMATION.—For purposes of the foreign contact control program, high-risk programs or information are any of the following:

- (1) The programs identified as high risk in the regulations prescribed by the Secretary and known as—
 - (A) special access programs;
 - (B) personnel security and assurance programs; and
 - (C) personnel assurance programs.
- (2) The information identified as high risk in the regulations prescribed by the Secretary and known as Sensitive Compartmented Information.

(d) SENSITIVE COUNTRIES.—For purposes of the foreign contact control program, a sensitive country is a country that is named on the current Department of Energy sensitive countries list.

(e) FOREIGN CONTACT CONTROLS.—The Department of Energy foreign contact control program shall include the following requirements, and any others prescribed by the Secretary of Energy or the Director of the Department of Energy Office of Counterintelligence:

(1) A contact between a covered person and a citizen of a sensitive country shall not occur unless first approved by the Department of Energy Office of Counterintelligence.

(2) Any contact between a covered person and a citizen of a sensitive country shall be conducted with two or more covered persons present at all times. At no time shall a covered person meet with a citizen of a sensitive country without another covered person being present. This requirement shall apply to all contacts, whether the contact is to occur in a foreign country, at a Department of Energy facility in the United States, or elsewhere within the United States.

(3) Each contact between a covered person and a citizen of a sensitive country shall be reported by the covered person to the Department of Energy Office of Counterintelligence. The report shall include a detailed itemization of the topics of discussion and shall specify any questions the citizen of the sensitive country asks regarding the defense applications of nuclear energy.

(f) WAIVER AUTHORITY.—The Director of the Department of Energy Office of Counterintelligence may waive the requirement of subsection (e)(2) for a specific individual contact if the Director determines that a waiver for that contact is necessary for national security purposes.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COSTELLO OF ILLINOIS, OR A DESIGNEE, DEBATABLE FOR 30 MINUTES

At the end of title XXXI (page 453, after line 15), insert the following new section:

SEC. 3167. DEPARTMENT OF ENERGY REGULATIONS RELATING TO THE SAFEGUARDING AND SECURITY OF RESTRICTED DATA.

(a) IN GENERAL.—Chapter 18 of title I of the Atomic Energy Act of 1954 (42 U.S.C. 2271 et seq.) is amended by inserting after section 234A the following new section:

“SEC. 234B. CIVIL MONETARY PENALTIES FOR VIOLATIONS OF DEPARTMENT OF ENERGY REGULATIONS REGARDING SECURITY OF CLASSIFIED OR SENSITIVE INFORMATION OR DATA.—

“a. Any person who has entered into a contract or agreement with the Department of Energy, or a subcontract or subagreement thereto, and who violates (or whose employee violates) any applicable rule, regulation, or order prescribed or otherwise issued by the Secretary pursuant to this Act relating to the safeguarding or security of Restricted Data or other classified or sensitive information shall be subject to a civil penalty of not to exceed \$100,000 for each such violation.

“b. The Secretary shall include in each contract with a contractor of the Department provisions which provide an appropriate reduction in the fees or amounts paid to the contractor under the contract in the event of a violation by the contractor or contractor employee of any rule, regulation, or order relating to the safeguarding or security of Restricted Data or other classified or sensitive information. The provisions shall specify various degrees of violations

and the amount of the reduction attributable to each degree of violation.

“c. The powers and limitations applicable to the assessment of civil penalties under section 234A, except for subsection d. of that section, shall apply to the assessment of civil penalties under this section.”

(b) CLARIFYING AMENDMENT.—The section heading of section 234A of such Act (42 U.S.C. 2282a) is amended by inserting “SAFETY” before “REGULATIONS”.

(c) CLERICAL AMENDMENT.—The table of sections for that Act is amended by inserting after the item relating to section 234 the following new items:

“Sec. 234A. Civil Monetary Penalties for Violations of Department of Energy Safety Regulations.

“Sec. 234B. Civil Monetary Penalties for Violations of Department of Energy Regulations Regarding Security of Classified or Sensitive Information or Data.”

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

At the end of title XXXI (page 453, after line 15), insert the following new section:

SEC. 3167. DEPARTMENT OF ENERGY COUNTERINTELLIGENCE POLYGRAPH PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of Energy, acting through the Director of the Office of Counterintelligence of the Department of Energy, shall carry out a counterintelligence polygraph program for the defense-related activities of the Department. The counterintelligence polygraph program shall consist of the administration of counterintelligence polygraph examinations to each covered person who has access to high-risk programs or information.

(b) COVERED PERSONS.—For purposes of this section, a covered person is one of the following:

(1) An officer or employee of the Department.

(2) An expert or consultant under contract to the Department.

(3) An officer or employee of any contractor of the Department.

(c) HIGH-RISK PROGRAMS OR INFORMATION.—For purposes of this section, high-risk programs or information are any of the following:

(1) The programs identified as high risk in the regulations prescribed by the Secretary and known as—

(A) Special Access Programs;

(B) Personnel Security And Assurance Programs; and

(C) Personnel Assurance Programs.

(2) The information identified as high risk in the regulations prescribed by the Secretary and known as Sensitive Compartmented Information.

(d) INITIAL TESTING AND CONSENT.—The Secretary may not permit a covered person to have any access to any high-risk program or information unless that person first undergoes a counterintelligence polygraph examination and consents in a signed writing to the counterintelligence polygraph examinations required by this section.

(e) **ADDITIONAL TESTING.**—The Secretary may not permit a covered person to have continued access to any high-risk program or information unless that person undergoes a counterintelligence polygraph examination—

(1) not less frequently than every five years; and

(2) at any time at the direction of the Director of the Office of Counterintelligence.

(f) **COUNTERINTELLIGENCE POLYGRAPH EXAMINATION.**—For purposes of this section, the term “counterintelligence polygraph examination” means a polygraph examination using questions reasonably calculated to obtain counterintelligence information, including questions relating to espionage, sabotage, unauthorized disclosure of classified information, and unauthorized contact with foreign nationals.

5. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROEMER OF INDIANA, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES**

At the end of title XXXI (page 453, after line 15), insert the following new section:

SEC. 3167. REPORT ON COUNTERINTELLIGENCE AND SECURITY PRACTICES AT NATIONAL LABORATORIES.

(a) **IN GENERAL.**—Not later than March 1 of each year, the Secretary of Energy shall submit to the Congress a report for the preceding year on counterintelligence and security practices at the facilities of the national laboratories (whether or not classified activities are carried out at the facility).

(b) **CONTENT OF REPORT.**—The report shall include, with respect to each national laboratory, the following:

(1) The number of full-time counterintelligence and security professionals employed.

(2) A description of the counterintelligence and security training courses conducted and, for each such course, any requirement that employees successfully complete that course.

(3) A description of each contract awarded that provides an incentive for the effective performance of counterintelligence or security activities.

(4) A description of the services provided by the employee assistance programs.

(5) A description of any requirement that an employee report the foreign travel of that employee (whether or not the travel was for official business).

(6) A description of any visit by the Secretary or by the Deputy Secretary of Energy, a purpose of which was to emphasize to employees the need for effective counterintelligence and security practices.

6. **AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SWEENEY OF NEW YORK, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES**

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. 1206. ANNUAL AUDIT OF DEPARTMENT OF DEFENSE AND DEPARTMENT OF ENERGY POLICIES WITH RESPECT TO TECHNOLOGY TRANSFERS TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) ANNUAL AUDIT.—The Inspectors General of the Department of Defense and the Department of Energy, in consultation with the Director of Central Intelligence and the Director of the Federal Bureau of Investigation, shall each conduct an annual audit of the policies and procedures of the Department of Defense and the Department of Energy, respectively, with respect to the export of technologies and the transfer of scientific and technical information, to the People's Republic of China in order to assess the extent to which the Department of Defense or the Department of Energy, as the case may be, is carrying out its activities to ensure that any technology transfer, including a transfer of scientific or technical information, will not measurably improve the weapons systems or space launch capabilities of the People's Republic of China.

(b) REPORT TO CONGRESS.—The Inspectors General of the Department of Defense and the Department of Energy shall each submit to Congress a report each year describing the results of the annual audit under subsection (a).

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE RYUN OF KANSAS, OR A DESIGNEE, DEBATABLE FOR 40 MINUTES

At the end of title XXXI (page 453, after line 15), insert the following new subtitle:

Subtitle F—Department of Energy Foreign Visitors Program Moratorium

SEC. 3181. SHORT TITLE.

This subtitle may be cited as the “Department of Energy Foreign Visitors Program Moratorium Act”.

SEC. 3182. MORATORIUM ON FOREIGN VISITORS PROGRAM.

(a) MORATORIUM.—Until otherwise provided by law, the Secretary of Energy may not, during the foreign visitors moratorium period, admit to any facility of a national laboratory any individual who is a citizen of a nation that is named on the current Department of Energy sensitive countries list.

(b) WAIVER AUTHORITY.—(1) The Secretary of Energy may waive the prohibition in subsection (a) on a monthly basis with respect to specific individuals whose admission to a national laboratory is determined by the Secretary to be necessary for the national security of the United States.

(2) On a monthly basis, but not later than the 15th day of each month, the Secretary shall submit to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report in writing providing notice of the waivers made in the previous month. The report shall identify each individual for whom such a waiver was made and, with respect to each such individual, provide a detailed justification for the waiver and the Secretary's certification that the admission of that indi-

vidual to a national laboratory is necessary for the national security of the United States.

(3) The authority of the Secretary under paragraph (1) may be delegated only to the Deputy Secretary of Energy or an Assistant Secretary of Energy.

(c) FOREIGN VISITORS MORATORIUM PERIOD.—For purposes of this section, the term “foreign visitors moratorium period” means the period beginning on the date of the enactment of this Act and ending on the later of the following:

(1) The date that is 2 years after the date of the enactment of this Act.

(2) The date that is 90 days after the date on which the Secretary of Energy, after consultation with the Director of the Federal Bureau of Investigation, submits to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a certification in writing by the Secretary of each of the following:

(A) That the counterintelligence program required by section 3183 is fully implemented, and fully operating, at each of the national laboratories.

(B) That such counterintelligence program complies with the requirements of Presidential Decision Directive number 61.

(C) That the Secretary is in compliance with the provisions of subsection (b).

SEC. 3183. COUNTERINTELLIGENCE PROGRAM.

(a) ESTABLISHMENT AT EACH LABORATORY.—The Secretary of Energy shall establish a counterintelligence program at each of the national laboratories. The counterintelligence program at each such laboratory shall have a full-time staff assigned to counterintelligence functions at that laboratory, including such personnel from other agencies as may be approved by the Secretary. The counterintelligence program at each such laboratory shall be under the direction of, and shall report to, the Director of the Office of Counterintelligence of the Department of Energy.

(b) INVESTIGATION OF PAST SECURITY BREACHES.—The Secretary shall require that the counterintelligence program at each laboratory include a specific plan pursuant to which the Director of the Office of Counterintelligence of the Department of Energy shall—

(1) investigate any breaches of security discovered after the date of the enactment of this Act that occurred at that laboratory before the establishment of the counterintelligence program at that laboratory; and

(2) study the extent to which a breach of security may have occurred before the establishment of the counterintelligence program at that laboratory with respect to a classified project at that laboratory by the admittance to that laboratory, for purposes of a nonclassified project, of a citizen of a foreign nation.

(c) REQUIRED CHECKS ON ALL NON-CLEARED INDIVIDUALS.—(1) The Secretary, acting through the Director of the Office of Counterintelligence of the Department of Energy, shall ensure the following:

(A) That before any non-cleared individual is allowed to enter any facility of a national laboratory, a security investigation known as an “indices check” is carried out with respect to that individual.

(B) That before any non-cleared individual is allowed to enter a classified facility of a national laboratory or to work for more than 15 days in any 30-day period in any facility of a national laboratory, a security investigation known as a “background check” is carried out with respect to that individual.

(2) NON-CLEARED INDIVIDUAL.—For purposes of paragraph (1), a non-cleared individual is any of the following:

(A) An individual who is a citizen of a nation that is named on the current Department of Energy sensitive countries list.

(B) An individual who has not been investigated by the United States, or by a foreign nation with which the United States has an appropriate reciprocity agreement, in a manner at least as comprehensive as the investigation required for the issuance of a security clearance at the level designated as “Secret”.

SEC. 3184. EXCEPTION TO MORATORIUM FOR CERTAIN GRANDFATHERED INDIVIDUALS.

(a) GRANDFATHERED INDIVIDUALS.—Notwithstanding section 3182(a), the Secretary may, during the foreign visitors moratorium period described in section 3182(c), admit to a facility of a national laboratory an individual who is a citizen of a nation that is named on the current Department of Energy sensitive countries list, for a period of not more than 3 months for the purposes of transitional work, if—

(1) that individual was regularly admitted to that facility before that period for purposes of a project or series of projects;

(2) the continued admittance of that individual to that facility during that period is important to that project or series of projects; and

(3) the admittance is carried out in accordance with section 3183(c).

(b) REPORT ON GRANDFATHERED INDIVIDUALS.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and Committee on Armed Services of the House of Representatives a report on each individual admitted to a facility of a national laboratory under subsection (a). The report shall identify each such individual and, with respect to each such individual, provide a detailed justification for such admittance and the Secretary’s certification that such admission was carried out in accordance with section 3183(c).

SEC. 3185. DEFINITIONS.

For purposes of this subtitle:

(1) The term “national laboratory” means any of the following:

(A) The Lawrence Livermore National Laboratory, Livermore, California.

(B) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(C) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

(2) The term “sensitive countries list” means the list prescribed by the Secretary of Energy known as the Department of Energy List of Sensitive Countries.

(3) The term “indices check” means using an individual’s name, date of birth, and place of birth to review government intelligence and investigative agencies databases for suspected ties to foreign intelligence services or terrorist groups.

8. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GILMAN OF NEW YORK, OR REPRESENTATIVE SPENCE OF SOUTH CAROLINA, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. 1206. RESOURCES FOR EXPORT LICENSE FUNCTIONS.

(a) OFFICE OF DEFENSE TRADE CONTROLS.—

(1) IN GENERAL.—The Secretary of State shall take the necessary steps to ensure that, in any fiscal year, adequate resources are allocated to the functions of the Office of Defense Trade Controls of the Department of State relating to the review and processing of export license applications so as to ensure that those functions are performed in a thorough and timely manner.

(2) AVAILABILITY OF EXISTING APPROPRIATIONS.—The Secretary of State shall take the necessary steps to ensure that those funds made available under the heading “Administration of Foreign Affairs, Diplomatic and Consular Programs” in title IV of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1999, as contained in the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277) are made available, upon the enactment of this Act, to the Office of Defense Trade Controls of the Department of State to carry out the purposes of the Office.

(b) DEFENSE THREAT REDUCTION AGENCY.—The Secretary of Defense shall take the necessary steps to ensure that, in any fiscal year, adequate resources are allocated to the functions of the Defense Threat Reduction Agency of the Department of Defense relating to the review of export license applications so as to ensure that those functions are performed in a thorough and timely manner.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WELDON OF PENNSYLVANIA, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of title IX (page 265, after line 11), insert the following new section:

SEC. 910. DEFENSE TECHNOLOGY SECURITY ENHANCEMENT.

(a) REORGANIZATION OF TECHNOLOGY SECURITY FUNCTIONS OF DEPARTMENT OF DEFENSE.—The Secretary of Defense shall establish the Technology Security Directorate of the Defense Threat Reduction Agency as a separate Defense Agency named the Defense

Technology Security Agency. The Agency shall be under the authority, direction, and control of the Under Secretary of Defense for Policy.

(b) DIRECTOR.—The Director of the Defense Technology Security Agency shall also serve as Deputy Under Secretary of Defense for Technology Security Policy.

(c) FUNCTIONS.—The Director shall advise the Secretary of Defense and the Deputy Secretary of Defense, through the Under Secretary of Defense for Policy, on policy issues related to the transfer of strategically sensitive technology, including the following:

- (1) Strategic trade.
- (2) Defense cooperative programs.
- (3) Science and technology agreements and exchanges.
- (4) Export of munitions items.
- (5) International Memorandums of Understanding.
- (6) Industrial base and competitiveness concerns.
- (7) Foreign acquisitions.

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

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. 1206. NATIONAL SECURITY ASSESSMENT OF EXPORT LICENSES.

(a) REPORT TO CONGRESS.—The Secretary of Defense, in consultation with the Joint Chiefs of Staff, shall provide to Congress a report assessing the cumulative impact of individual licenses granted by the United States for exports, goods, or technology to countries of concern.

(b) CONTENTS OF REPORT.—Each report under subsection (a) shall include an assessment of—

- (1) the cumulative impact of exports of technology on improving the military capabilities of countries of concern;
- (2) the impact of exports of technology which would be harmful to United States military capabilities, as well as countermeasures necessary to overcome the use of such technology; and
- (3) those technologies, systems, and components which have applications to conventional military and strategic capabilities.

(c) TIMING OF REPORTS.—The first report under subsection (a) shall be submitted to Congress not later than 1 year after the date of the enactment of this Act, and shall assess the cumulative impact of exports to countries of concern in the previous 5-year period. Subsequent reports under subsection (a) shall be submitted to Congress at the end of each 1-year period after the submission of the first report. Each such subsequent report shall include an assessment of the cumulative impact of technology exports based on analyses contained in previous reports under this section.

(d) SUPPORT OF OTHER FEDERAL AGENCIES.—The Secretary of Commerce, the Secretary of State, and the heads of other departments and agencies shall make available to the Secretary of Defense information necessary to carry out this section, including information on export licensing.

(e) DEFINITION.—As used in this section, the term “country of concern” means—

(1) a country the government of which the Secretary of State has determined, for purposes of section 6(j) of the Export Administration Act of 1979 or other applicable law, to have repeatedly provided support for acts of international terrorism; and

(2) a country on the list of covered countries under section 1211(b) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. app. 2404 note).

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DICKS OF WASHINGTON, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. 1206. PROVISION OF SECURITY PERSONNEL BY DEPARTMENT OF DEFENSE IN CONNECTION WITH SATELLITE EXPORT LICENSING.

The Secretary of Defense shall ensure that each person providing security on a program monitored by the Department of Defense under section 1514 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 is trained appropriately in the regulations prescribed by the Secretary of State known as the International Trafficking in Arms Regulations and is investigated in a manner at least as comprehensive as the investigation required for the issuance of a security clearance at the level designated as “Secret”.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DELAY OF TEXAS, OR A DESIGNEE, DEBATABLE FOR 60 MINUTES

Strike section 1203 (page 310, line 22 through page 314, line 7) and insert the following:

SEC. 1203. LIMITATION ON MILITARY-TO-MILITARY EXCHANGES WITH CHINA’S PEOPLE’S LIBERATION ARMY.

(a) LIMITATION.—The Secretary of Defense may not authorize any military-to-military exchange or contact described in subsection (b) to be conducted by the Armed Forces with representatives of the People’s Liberation Army of the People’s Republic of China.

(b) COVERED EXCHANGES AND CONTACTS.—Subsection (a) applies to any military-to-military exchange or contact that includes any of the following:

- (1) Force projection operations.
- (2) Nuclear operations.
- (3) Field operations.
- (4) Logistics.
- (5) Chemical and biological defense and other capabilities related to weapons of mass destruction.
- (6) Surveillance, and reconnaissance operations.
- (7) Joint warfighting experiments and other activities related to warfare.
- (8) Military space operations.

- (9) Other warfighting capabilities of the Armed Forces.
- (10) Arms sales or military-related technology transfers.
- (11) Release of classified or restricted information.
- (12) Access to a Department of Defense laboratory.

(c) EXCEPTIONS.—Subsection (a) does not apply to any search and rescue exercise or any humanitarian exercise.

(d) CERTIFICATION BY SECRETARY.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives, not later than December 31 of each year, a certification in writing as to whether or not any military-to-military exchange or contact during that calendar year was conducted in violation of subsection (a).

(e) ANNUAL REPORT.—Not later than June 1 each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Service of the House of Representatives a report providing the Secretary's assessment of the current state of military-to-military contacts with the People's Liberation Army. The report shall include the following:

(1) A summary of all such military-to-military contacts during the period since the last such report, including a summary of topics discussed and questions asked by the Chinese participants in those contacts.

(2) A description of the military-to-military contacts scheduled for the next 12-month period and a five-year plan for those contacts.

(3) The Secretary's assessment of the benefits the Chinese expect to gain from those military-to-military contacts.

(4) The Secretary's assessment of the benefits the Department of Defense expects to gain from those military-to-military contacts.

(5) The Secretary's assessment of how military-to-military contacts with the People's Liberation Army fit into the larger security relationship between United States and the People's Republic of China.

13. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GILMAN OF NEW YORK, OR REPRESENTATIVE GOSS OF FLORIDA, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. 1206. LIMITATION ON DEPLOYMENT OF UNITED STATES ARMED FORCES IN HAITI.

(a) LIMITATION ON DEPLOYMENT.—Except as provided in subsection (b), no funds available to the Department of Defense may be expended for the deployment of United States Armed Forces in Haiti.

(b) EXCEPTIONS.—Subsection (a) does not apply to the deployment of United States Armed Forces in Haiti for any of the following purposes:

- (1) Deployment pursuant to Operation Uphold Democracy until December 31, 1999.

(2) Deployment for periodic, noncontinuous theater engagement activities on or after January 1, 2000.

(3) Deployment for a limited, customary presence necessary to ensure the security of United States diplomatic facilities in Haiti and to carry out defense liaison activities under the auspices of the United States embassy.

(c) REPORT REQUIREMENT.—Whenever there is a deployment of United States Armed Forces described in subsection (b)(2), the President shall, not later than 48 hours after the deployment, transmit a written report regarding the deployment to the Committee on Armed Services and the Committee on International Relations of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to restrict in any way the authority of the President in emergency circumstances to protect the lives of United States citizens or to protect United States facilities or property in Haiti.

14. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SANCHEZ OF CALIFORNIA, OR A DESIGNEE, DEBATABLE FOR 30 MINUTES

At the end of title VII (page 238, after line 22), insert the following new section:

SEC. 726. RESTORATION OF PRIOR POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.

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

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

15. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BUYER OF INDIANA, OR REPRESENTATIVE ABERCROMBIE OF HAWAII, OR A DESIGNEE, DEBATABLE FOR 20 MINUTES

Page 207, after line 5, add the following new subtitle (and redesignate the succeeding subtitle accordingly):

**Subtitle F—Eligibility To Participate in
the Thrift Savings Plan**

SEC. 661. AUTHORITY FOR MEMBERS OF THE UNIFORMED SERVICES TO CONTRIBUTE TO THE THRIFT SAVINGS FUND.

(a) AUTHORITY FOR MEMBERS OF THE UNIFORMED SERVICES TO CONTRIBUTE TO THE THRIFT SAVINGS FUND.—(1) Subchapter III of chapter 84 of title 5, United States Code, is amended by adding at the end the following:

“§ 8440e. Members of the uniformed services

“(a)(1) A member of the uniformed services performing active service may elect to contribute to the Thrift Savings Fund—

“(A) a portion of such individual’s basic pay; or

“(B) a portion of any special or incentive pay payable to such individual under chapter 5 of title 37.

Any contribution under subparagraph (B) shall be made by direct transfer to the Thrift Savings Fund by the Secretary concerned.

“(2)(A) Except as provided in subparagraph (B), an election under paragraph (1) may be made only during a period provided under section 8432(b), subject to the same conditions as prescribed under paragraph (2)(A)–(D) thereof.

“(B)(i) Notwithstanding subparagraph (A), a member of the uniformed services performing active service on the effective date of this section may make the first such election during the 60–day period beginning on such effective date.

“(ii) An election made under this subparagraph shall take effect on the first day of the first applicable pay period beginning after the close of the 60–day period referred to in clause (i).

“(b)(1) Except as otherwise provided in this subsection, the provisions of this subchapter and subchapter VII shall apply with respect to members of the uniformed services making contributions to the Thrift Savings Fund.

“(2)(A) The amount contributed by a member of the uniformed services under subsection (a)(1)(A) for any pay period shall not exceed 5 percent of such member’s basic pay for such pay period.

“(B) Nothing in this section or section 211 of title 37 shall be considered to waive any dollar limitation under the Internal Revenue Code of 1986 which otherwise applies with respect to the Thrift Savings Fund.

“(3) No contributions under section 8432(c) shall be made for the benefit of a member of the uniformed services making contributions to the Thrift Savings Fund under subsection (a).

“(4) In applying section 8433 to a member of the uniformed services who has an account balance in the Thrift Savings Fund, the reference in subsection (g)(1) or (h)(3) of section 8433 to contributions made under section 8432(a) shall be considered a reference to contributions made under any of sections 8351, 8432(a), 8432b(b), or 8440a–8440e.

“(c) For purposes of this section—

“(1) the term ‘basic pay’ has the meaning given such term by section 204 of title 37;

“(2) the term ‘active service’ means—

“(A) active duty for a period of more than 30 days, as defined by section 101(d)(2) of title 10; and

“(B) full-time National Guard duty, as defined by section 101(d)(5) of title 10;

“(3) the term ‘Secretary concerned’ has the meaning given such term by section 101 of title 37; and

“(4) any reference to ‘separation from Government employment’ shall be considered a reference to a release from active duty (not followed by a resumption of active duty, or an appointment to a position covered by chapter 83 or 84 of title 5 or an equivalent retirement system, as identified by the Executive Director in regulations) before the end of the 31-day period beginning on the day following the date of separation), a transfer to inactive status, or a transfer to a retired list pursuant to any provision of title 10.”

(2) The table of sections at the beginning of chapter 84 of title 5, United States Code, is amended by adding after the item relating to section 8440d the following:

“8440e. Members of the uniformed services.”.

(b) AMENDMENTS RELATING TO THE EMPLOYEE THRIFT ADVISORY COUNCIL.—Section 8473 of title 5, United States Code, is amended—

(1) in subsections (a) and (b) by striking “14 members” and inserting “15 members”; and

(2) in subsection (b) by striking “and” at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting “; and”, and by adding at the end the following:

“(10) 1 shall be appointed to represent participants who are members of the uniformed services (within the meaning of section 8440e).”.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Paragraph (11) of section 8351(b) of title 5, United States Code, is amended by redesignating such paragraph as paragraph (8).

(2) Subparagraph (B) of section 8432b(b)(2) of title 5, United States Code, is amended by striking “section 8432(a)” and inserting “sections 8432(a) and 8440e, respectively,”.

(3)(A) Section 8439(a)(1) of title 5, United States Code, is amended—

(i) by inserting “or 8432b(d)” after “8432(c)(1)”; and

(ii) by striking “8351” and inserting “8351, 8432b(b), or 8440a–8440e”.

(B) Section 8439(a)(2)(A)(i) of title 5, United States Code, is amended by striking “8432(a) or 8351” and inserting “8351, 8432(a), 8432b(b), or 8440a–8440e”.

(C) Section 8439(a)(2)(A)(ii) of title 5, United States Code, is amended by striking “title;” and inserting “title (including subsection (c) or (d) of section 8432b);”.

(D) Section 8439(a)(2)(A) of title 5, United States Code, is amended by striking “and” at the end of clause (ii), by striking “, over” at the end of clause (iii) and inserting “; and”, and by adding after clause (iii) the following:

“(iv) any other amounts paid, allocated, or otherwise credited to such individual’s account, over”.

SEC. 662. CONTRIBUTIONS TO THRIFT SAVINGS FUND.

(a) IN GENERAL.—(1) Chapter 3 of title 37, United States Code, is amended by adding at the end the following:

“§ 211. Contributions to Thrift Savings Fund

“A member of the uniformed services who is performing active service may elect to contribute, in accordance with section 8440e of title 5, a portion of the basic pay of the member for that service (or of any special or incentive pay under chapter 5 of this title which relates to that service) to the Thrift Savings Fund established by section 8437 of title 5.”.

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

“211. Contributions to Thrift Savings Fund.”.

SEC. 663. REGULATIONS.

Not later than 180 days after the date of the enactment of this Act, the Executive Director (appointed by the Federal Retirement Thrift Investment Board) shall issue regulations to implement sections 8351 and 8440e of title 5, United States Code (as amended by section 661) and section 211 of title 37, United States Code (as amended by section 662).

SEC. 664. EFFECTIVE DATE.

(a) **IN GENERAL.**—Except as otherwise provided in this section, the amendments made by this subtitle shall take effect one year after the date of the enactment of this Act, or on July 1, 2000, whichever is later.

(b) **EXCEPTION.**—Nothing in this subtitle (or any amendment made by this subtitle) shall be considered to permit the making of any contributions under section 8440e(a)(1)(B) of title 5, United States Code (as amended by section 661), before December 1, 2000.

(c) **EFFECTIVENESS CONTINGENT ON OFFSETTING LEGISLATION.**—
(1) This subtitle shall be effective only if—

(A) the President, in the budget of the President for fiscal year 2001, proposes legislation which if enacted would be qualifying offsetting legislation; and

(B) there is enacted during the second session of the 106th Congress qualifying offsetting legislation.

(2) If the conditions in paragraph (1) are met, then, this section shall take effect on the date on which qualifying offsetting legislation is enacted or, if later, the effective date determined under subsection (a).

(3) For purposes of this subsection:

(A) The term “qualifying offsetting legislation” means legislation (other than an appropriations Act) that includes provisions that—

(i) offset fully the increased outlays for each of fiscal years 2000 through 2009 to be made by reason of the amendments made by this subtitle;

(ii) expressly state that they are enacted for the purpose of the offset described in clause (i); and

(iii) are included in full on the PayGo scorecard.

(B) The term “PayGo scorecard” means the estimates that are made with respect to fiscal years through fiscal year 2009 by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985.

16. 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 283, after line 6), insert the following new section:

SEC. 1024. ASSIGNMENT OF MEMBERS TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.

(a) **ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.**—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

“§ 374a. Assignment of members to assist border patrol and control

“(a) **ASSIGNMENT AUTHORIZED.**—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

“(1) the Immigration and Naturalization Service in preventing the entry of terrorists and drug traffickers into the United States; and

“(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

“(b) **REQUEST FOR ASSIGNMENT.**—The assignment of members under subsection (a) may occur only if—

“(1) the assignment is at the request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service, or the Secretary of the Treasury, in the case of an assignment to the United States Customs Service; and

“(2) the request of the Attorney General or the Secretary of the Treasury (as the case may be) is accompanied by a certification by the President that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

“(c) **TRAINING PROGRAM.**—If the assignment of members is requested under subsection (b), the Attorney General or the Secretary of the Treasury (as the case may be), together with the Secretary of Defense, shall establish a training program to ensure that members to be assigned receive general instruction regarding issues affecting law enforcement in the border areas in which the members will perform duties under the assignment. A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

“(d) **CONDITIONS ON USE.**—(1) Whenever a member who is assigned under subsection (a) to assist the Immigration and Naturalization Service or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

“(2) Nothing in this section shall be construed to—

“(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

“(B) supersede section 1385 of title 18 (popularly known as the ‘Posse Comitatus Act’).

“(e) NOTIFICATION REQUIREMENTS.—The Attorney General or the Secretary of the Treasury (as the case may be) shall notify the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a), and local governments in the deployment area, of the deployment of the members to assist the Immigration and Naturalization Service or the United States Customs Service (as the case may be) and the types of tasks to be performed by the members.

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

“(g) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2002.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

“374a. Assignment of members to assist border patrol and control.”.

17. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE TAYLOR OF MISSISSIPPI, OR A DESIGNEE, DEBATABLE FOR 30 MINUTES

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. ____ . OPERATIONS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA.

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

(1) Article I, section 8 of the United States Constitution provides that: “The Congress shall have Power To . . . provide for the common Defence . . . To declare War. . . To raise and support Armies . . . To provide and maintain a Navy . . . To make Rules for the Government and Regulation of the land and naval Forces . . .”.

(2) On April 28, 1999, the House of Representatives by a vote of 139 to 290, failed to agree to House Concurrent Resolution 82, which, pursuant to section 5(c) of the War Powers Resolution, would have directed the President to remove United States Armed Forces from their positions in connection with the present operations against the Federal Republic of Yugoslavia.

(3) In light of the failure to agree to House Concurrent Resolution 82, as described in paragraph (2), Congress hereby acknowledges that a conflict involving United States Armed Forces does exist in the Federal Republic of Yugoslavia.

(b) GOALS FOR THE CONFLICT WITH YUGOSLAVIA.—Congress declares the following to be the goals of the United States for the conflict with the Federal Republic of Yugoslavia:

(1) Cessation by the Federal Republic of Yugoslavia of all military action against the people of Kosovo and termination of the violence and repression against the people of Kosovo.

(2) Withdrawal of all military, police, and paramilitary forces of the Federal Republic of Yugoslavia from Kosovo.

(3) Agreement by the Government of the Federal Republic of Yugoslavia to the stationing of an international military presence in Kosovo to ensure the peace.

(4) Agreement by the Government of the Federal Republic of Yugoslavia to the unconditional and safe return to Kosovo of all refugees and displaced persons.

(5) Agreement by the Government of the Federal Republic of Yugoslavia to allow humanitarian aid organizations to have unhindered access to these refugees and displaced persons.

(6) Agreement by the Government of the Federal Republic of Yugoslavia to work for the establishment of a political framework agreement for Kosovo which is in conformity with international law.

(7) President Slobodan Milosevic will be held accountable for his actions while President of the Federal Republic of Yugoslavia in initiating four armed conflicts and taking actions leading to the deaths of tens of thousands of people and responsibility for murder, rape, terrorism, destruction, and ethnic cleansing.

(8) Bringing to justice through the International Criminal Tribunal of Yugoslavia individuals in the Federal Republic of Yugoslavia who are guilty of war crimes in Kosovo.

18. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SOUDER OF INDIANA, OR A DESIGNEE, DEBATABLE FOR 30 MINUTES

Strike section 1006 (page 270, line 20, through page 271, line 9) and insert the following new section:

SEC. 1006. PROHIBITION ON USE OF FUNDS FOR MILITARY OPERATIONS IN FEDERAL REPUBLIC OF YUGOSLAVIA.

None of the funds appropriated or otherwise available to the Department of Defense for fiscal year 2000 may be used for military operations in the Federal Republic of Yugoslavia.

19. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SKELTON OF MISSOURI, OR A DESIGNEE, DEBATABLE FOR 30 MINUTES

In section 1006—

(1) strike subsection (a) (page 270, lines 21 through 24);

(2) in the section heading (page 270, line 20), strike “**BUDGETING FOR**” and insert “**SUPPLEMENTAL APPROPRIATIONS REQUEST FOR**”; and

(3) in subsection (b), strike “(b) **SUPPLEMENTAL APPROPRIATIONS REQUEST FOR OPERATIONS IN YUGOSLAVIA.—**”.

20. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE FOWLER OF FLORIDA, OR A DESIGNEE, DEBATABLE FOR 30 MINUTES

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. 1206. PROHIBITION ON USE OF DEPARTMENT OF DEFENSE FUNDS FOR DEPLOYMENT OF UNITED STATES GROUND FORCES TO THE FEDERAL REPUBLIC OF YUGOSLAVIA WITHOUT SPECIFIC AUTHORIZATION BY LAW.

(a) **IN GENERAL.**—None of the funds appropriated or otherwise available to the Department of Defense may be obligated or expended for the deployment of United States ground forces in the Federal Republic of Yugoslavia unless such deployment is specifically authorized by a law enacted after the date of the enactment of this Act.

(b) **RULE OF CONSTRUCTION.**—The prohibition in subsection (a) shall not apply with respect to the initiation of missions specifically limited to rescuing United States military personnel or United States citizens in the Federal Republic of Yugoslavia or rescuing military personnel of another member nation of the North Atlantic Treaty Organization in the Federal Republic of Yugoslavia as a result of operations as a member of an air crew.

21. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHAYS OF CONNECTICUT, OR REPRESENTATIVE FRANK OF MASSACHUSETTS, OR A DESIGNEE, DEBATABLE FOR 30 MINUTES

At the end of title XII (page 317, after line 17), add the following new section:

SEC. 1206. REDUCTION AND CODIFICATION OF NUMBER OF MEMBERS OF THE ARMED FORCES AUTHORIZED TO BE ON PERMANENT DUTY ASHORE IN EUROPEAN MEMBER NATIONS OF NATO.

(a) **IN GENERAL.**—(1) Section 123b of title 10, United States Code, is amended—

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

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

“(b) **EUROPEAN END-STRENGTH LIMITATION.**—(1) Within the limitation prescribed by subsection (a), the strength level of members of the armed forces assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization may not exceed approximately—

“(A) 100,000 at the end of fiscal year 1999;

“(B) 85,000 at the end of fiscal year 2000;

“(C) 55,000 at the end of fiscal year 2001; and

“(D) 25,000 at the end of fiscal year 2002 and each fiscal year thereafter.

“(2) For purposes of paragraph (1), the following members are not counted:

“(A) Members assigned to permanent duty ashore in Iceland, Greenland, and the Azores.

“(B) Members performing duties in Europe for more than 179 days under a military-to-military contact program under section 168 of this title.

“(3) In carrying out the reductions required by paragraph (1), the Secretary of Defense may not reduce personnel assigned to the Sixth Fleet.

(3) in subsection (c), as redesignated by paragraph (2), by adding at the end the following new sentence: “Subsection (b) does not apply in the event of declaration of war or an armed attack on any member nation of the North Atlantic Treaty Organization.”; and

(4) in subsection (d), as redesignated by paragraph (2), by striking “The President may waive” and all that follows and inserting “The President may waive the operation of subsection (a) or (b) if the President declares an emergency. The President shall immediately notify Congress of any such waiver.”

(b) CONFORMING REPEAL.—Section 1002 of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note), is repealed.

**PART B—TEXT OF AMENDMENTS MADE IN ORDER UNDER
THE RULE (SUBJECT TO BEING OFFERED EN BLOC)**

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

At the end of title I (page 32, before line 15), insert the following new section:

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

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

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

At the end of title I (page 32, before line 15), insert the following new section:

SEC. 152. COOPERATIVE ENGAGEMENT CAPABILITY PROGRAM.

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

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

24. 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 37, after line 13), insert the following new section:

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

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

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

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

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

At the end of subtitle B of title III (page 45, after line 13), insert the following new section:

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

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

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

At the end of subtitle F of title V (page 138, after line 13), insert the following new section:

SEC. 553. AUTHORITY FOR AWARD OF MEDAL OF HONOR TO ALFRED RASCON FOR VALOR DURING THE VIETNAM CONFLICT.

(a) **WAIVER OF TIME LIMITATIONS.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Army, the President may award the Medal of Honor under section 3741 of that title to Alfred Rascon, of Laurel, Maryland, for the acts of valor described in subsection (b).

(b) **ACTION DESCRIBED.**—The acts of valor referred to in subsection (a) are the actions of Alfred Rascon on March 16, 1966, as an Army medic, serving in the grade of Specialist Four in the Republic of Vietnam with the Reconnaissance Platoon, Headquarters Company, 1st Battalion, 503rd Infantry, 173rd Airborne Brigade (Separate), during a combat operation known as Silver City.

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

Page 142, line 12, strike “may” and insert “shall”.

Page 142, line 13, insert “qualified” after “to support”.

Page 142, line 15, before the closing quotation marks insert the following:

The Secretary shall prescribe by regulation standards for determining what nongovernmental organizations are qualified for purposes of this subsection, the type of support that may be provided under this subsection, and the manner in which such support is provided.

28. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE BUYER OF INDIANA, OR REPRESENTATIVE ABERCROMBIE OF HAWAII, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of subtitle E of title VI (page 207, after line 5), insert the following new section:

SEC. 655. DISABILITY RETIREMENT OR SEPARATION FOR CERTAIN MEMBERS WITH PRE-EXISTING CONDITIONS.

(a) **DISABILITY RETIREMENT.**—(1) Chapter 61 of title 10, United States Code, is amended by inserting after section 1207 the following new section:

“§ 1207a. Members with over eight years of active service: eligibility for disability retirement for pre-existing conditions

“(a) In the case of a member described in subsection (b) who would be covered by section 1201, 1202, or 1203 of this title but for the fact that the member’s disability is determined to have been incurred before the member becoming entitled to basic pay in the member’s current period of active duty, the disability shall be deemed to have been incurred while the member was entitled to basic pay and shall be so considered for purposes of determining whether it was incurred in the line of duty.

“(b) A member described in subsection (a) is a member with at least eight years of active service.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1207 the following new item:

“1207a. Members with over eight years of active service: eligibility for disability retirement for pre-existing conditions.”.

(b) **NONREGULAR SERVICE RETIREMENT.**—(1) Chapter 1223 of such title is amended by inserting after section 12731a the following new section:

“§ 12731b. Special rule for members with physical disabilities not incurred in line of duty

“In the case of a member of the Selected Reserve of a reserve component who no longer meets the qualifications for membership in the Selected Reserve solely because the member is unfit because of physical disability, the Secretary concerned may, for purposes of section 12731 of this title, determine to treat the member as having met the service requirements of subsection (a)(2) of that section and provide the member with the notification required by subsection (d) of that section if the member has completed at least 15, and less than 20, years of service computed under section 12732 of this title.

“(b) Notification under subsection (a) may not be made if—

“(1) the disability was the result of the member’s intentional misconduct, willful neglect, or willful failure to comply with standards and qualifications for retention established by the Secretary concerned; or

“(2) the disability was incurred during a period of unauthorized absence.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 12731a the following new item:

“12731b. Special rule for members with physical disabilities not incurred in line of duty.”.

(c) **SEPARATION.**—Section 1206(5) of such title is amended by inserting “, in the case of a disability incurred before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000,” after “determination, and”.

29. 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 317, after line 17), insert the following new section:

SEC. 1206. REPORT ON THE SECURITY SITUATION ON THE KOREAN PENINSULA.

(a) **REPORT.**—Not later than February 1, 2000, the Secretary of Defense shall submit to the appropriate congressional committees a report on the security situation on the Korean peninsula. The report shall be submitted in both classified and unclassified form.

(b) **MATTERS TO BE INCLUDED.**—The Secretary shall include in the report under subsection (a) the following:

(1) A net assessment analysis of the warfighting capabilities of the Combined Forces Command (CFC) of the United States

and the Republic of Korea compared with the armed forces of North Korea.

(2) An assessment of challenges posed by the armed forces of North Korea to the defense of the Republic of Korea and to United States forces deployed to the region.

(3) An assessment of the current status and the future direction of weapons of mass destruction programs and ballistic missile programs of North Korea, including a determination as to whether or not North Korea—

(A) is continuing to pursue a nuclear weapons program;

(B) is seeking equipment and technology with which to enrich uranium; and

(C) is pursuing an offensive biological weapons program.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on International Relations and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

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

At the end of subtitle B of title VII (page 224, after line 24), insert the following new sections:

SEC. 713. ELECTRONIC PROCESSING OF CLAIMS UNDER THE TRICARE PROGRAM.

Section 1095c of title 10, United States Code, as added by section 711, is amended by adding at the end the following new subsection:

“(c) INCENTIVES FOR ELECTRONIC PROCESSING.—The Secretary of Defense shall require that new contracts for managed care support under the TRICARE program provide that the contractor be permitted to provide financial incentives to health care providers who file claims for payment electronically.”.

SEC. 714. STUDY OF RATES FOR PROVISION OF MEDICAL SERVICES; PROPOSAL FOR CERTAIN RATE INCREASES.

Not later than February 1, 2000, the Secretary of Defense shall submit to Congress—

(1) a study on how the maximum allowable rates charged for the 100 most commonly performed medical procedures under the Civilian Health and Medical Program of the Uniformed Services and Medicare compare with usual and customary commercial insurance rates for such procedures in each TRICARE Prime catchment area; and

(2) a proposal for increases of maximum allowable rates charged for medical procedures under the Civilian Health and Medical Program of the Uniformed Services should the study conducted under paragraph (1) find 20 or more rates which are less than or equal to the 50th percentile of the usual and customary commercial insurance rates charged for such procedures.

SEC. 715. REQUIREMENTS FOR PROVISION OF CARE IN GEOGRAPHICALLY SEPARATED UNITS.

(a) **CONTRACTUAL REQUIREMENT.**—The Secretary of Defense shall require that all new contracts for the provision of health care under TRICARE Prime include a requirement that the TRICARE Prime Remote network, to the maximum extent possible, provide health care concurrently to members of the Armed Forces in geographically separated units and their dependents in areas outside the catchment area of a military medical treatment facility.

(b) **REPORT ON IMPLEMENTATION.**—Not later than May 1, 2000, the Secretary shall submit to Congress a report on the extent and success of implementation of the requirement under subsection (a), and where concurrent implementation has not been achieved, the reasons and circumstances that prohibited implementation and a plan to provide TRICARE Prime benefits to those otherwise eligible covered beneficiaries for whom enrollment in a TRICARE Prime network is not feasible.

SEC. 716. IMPROVEMENT OF ACCESS TO HEALTH CARE UNDER THE TRICARE PROGRAM.

(a) **WAIVER OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.**—In the case of a covered beneficiary under chapter 55 of title 10, United States Code, who is a TRICARE eligible beneficiary not enrolled in TRICARE Prime, the Secretary of Defense may not require with regard to authorized health care services (other than mental health services) under any new contract for the provision of health care services under such chapter that the beneficiary—

(1) obtain a nonavailability statement or preauthorization from a military medical treatment facility in order to receive the services from a civilian provider; or

(2) obtain a nonavailability statement for care in specialized treatment facilities outside the 200-mile radius of a military medical treatment facility.

(b) **NOTICE.**—The Secretary may require that the covered beneficiary provide appropriate notice to the primary care manager of the beneficiary.

(c) **EXCEPTIONS.**—Subsection (a) shall not apply if—

(1) the Secretary can demonstrate significant cost avoidance for specific procedures at the affected military treatment facilities;

(2) the Secretary determines that a specific procedure must be maintained at the affected military treatment facility to ensure the proficiency levels of the practitioners at the facility; or

(3) the lack of nonavailability statement data would significantly interfere with TRICARE contract administration.

SEC. 717. REIMBURSEMENT OF CERTAIN COSTS INCURRED BY COVERED BENEFICIARIES WHEN REFERRED FOR CARE OUTSIDE LOCAL CATCHMENT AREA.

The Secretary of Defense shall require that any new contract for the provision of health care services under chapter 55 of title 10, United States Code, shall require that in any case in which a covered beneficiary under such chapter who is enrolled in TRICARE Prime is referred by a network provider or military treatment facil-

ity to a provider or military treatment facility more than 100 miles outside the catchment area of a military treatment facility because a local provider is not available, or in any other respect not within the terms of a new managed care support contract, the beneficiary shall be reimbursed by the network provider or military treatment facility making the referral for the cost of personal automobile mileage, to be paid under standard reimbursement rates for Federal employees, or for the cost of air travel in amounts not to exceed standard contract fares for Federal employees.

SEC. 718. IMPROVEMENT OF REFERRAL PROCESS UNDER TRICARE.

(a) **ELIMINATION OF PREAUTHORIZATION REQUIREMENTS FOR CERTAIN CARE.**—Under regulations prescribed by the Secretary of Defense, and in all new managed care support contracts the Secretary shall eliminate requirements in certain cases under TRICARE Prime that network primary care managers preauthorize covered beneficiaries under chapter 55 of title 10, United States Code, to receive preventative health care services within the managed care support contract network without preauthorization from a primary care manager.

(b) **COVERED SERVICES.**—Should such a covered beneficiary choose to receive care from a provider in the network, the covered beneficiary shall not be required to have a referral from a primary care manager—

(1) for receipt of preventative obstetric or gynecological services by a network obstetrician or gynecologist;

(2) for mammograms performed by a network provider if the beneficiary is a female over the age of 35; or

(3) for provision of preventative specialty urology care from a network urologist if the beneficiary is a male over the age of 60.

(c) **NOTICE.**—The Secretary may require that the covered beneficiary provide appropriate notice to the primary care manager of the beneficiary.

(d) **REGULATIONS.**—The Secretary shall prescribe the regulations required by subsection (a) not later than May 1, 2000 and implement the regulations not later than October 1, 2000.

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

At the end of title VIII (page 246, after line 18), insert the following new section:

SEC. 809. COMPLIANCE WITH BUY AMERICAN ACT.

(a) **COMPLIANCE WITH BUY AMERICAN ACT.**—No funds authorized by this Act may be expended by an entity of the Department of Defense unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a et seq.).

(b) **SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.**—It is the sense of Congress that any entity of the Department of Defense, in expending funds authorized by this Act for the purchase of equipment or products, should purchase only American-made equipment and products.

(c) DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription, or another inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

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

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. ASIA-PACIFIC CENTER FOR SECURITY STUDIES.

(a) WAIVER OF CHARGES.—(1) The Secretary of Defense may waive reimbursement of the costs of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for military officers and civilian officials of foreign nations of the Asia-Pacific region if the Secretary determines that attendance by such persons without reimbursement is in the national security interest of the United States.

(2) In this section, the term "Asia-Pacific Center" means the Department of Defense organization within the United States Pacific Command known as the Asia-Pacific Center for Security Studies.

(b) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.—(1) Subject to paragraph (2), the Secretary of Defense may accept, on behalf of the Asia-Pacific Center, foreign gifts or donations in order to defray the costs of, or enhance the operation of, the Asia-Pacific Center.

(2) The Secretary may not accept a gift or donation under paragraph (1) if the acceptance of the gift or donation would compromise or appear to compromise—

(A) the ability of the Department of Defense, any employee of the Department, or members of the Armed Forces to carry out any responsibility or duty of the Department in a fair and objective manner; or

(B) the integrity of any program of the Department of Defense or of any person involved in such a program.

(3) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether the acceptance of a foreign gift or donation would have a result described in paragraph (2).

(4) Funds accepted by the Secretary under paragraph (1) shall be credited to appropriations available to the Department of Defense for the Asia-Pacific Center. Funds so credited shall be merged with the appropriations to which credited and shall be available to the Asia-Pacific Center for the same purposes and same period as the appropriations with which merged.

(5) If the total amount of funds accepted under paragraph (1) in any fiscal year exceeds \$2,000,000, the Secretary shall notify Congress of the amount of those donations for that fiscal year. Any

such notice shall list each of the contributors of such amounts and the amount of each contribution in that fiscal year.

(6) For purposes of this subsection, a foreign gift or donation is a gift or donation of funds, materials (including research materials), property, or services (including lecture services and faculty services) from a foreign government, a foundation or other charitable organization in a foreign country, or an individual in a foreign country.

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

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. REPORT ON EFFECT OF CONTINUED BALKAN OPERATIONS ON ABILITY OF UNITED STATES TO SUCCESSFULLY MEET OTHER REGIONAL CONTINGENCIES.

(a) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the effect of continued operations by the Armed Forces in the Balkans region on the ability of the United States, through the period covered by the current Future-Years Defense Plan of the Department of Defense, to prosecute to a successful conclusion a major contingency in the Asia-Pacific region or to prosecute to a successful conclusion two nearly simultaneous major theater wars, in accordance with the most recent Quadrennial Defense Review.

(b) **MATTERS TO BE INCLUDED.**—The report under subsection (a) shall set forth the following:

(1) In light of continued Balkan operations, the capabilities and limitations of United States combat, combat support, and combat service support forces (at national, operational, and tactical levels and operating in a joint and coalition environment) to expeditiously respond to, prosecute, and achieve United States strategic objectives in the event of—

(A) a contingency on the Korean peninsula; or

(B) two nearly simultaneous major theater wars.

(2) The confidence level of the Secretary of Defense in United States military capabilities to successfully prosecute a Pacific contingency, and to successfully prosecute two nearly simultaneous major theater wars, while remaining engaged at current or greater force levels in the Balkans, together with the rationale and justification for each such confidence level.

(3) Identification of high-value platforms, systems, capabilities, and skills that—

(A) during a Pacific contingency, would be stressed or broken and at what point such stressing or breaking would occur; and

(B) during two nearly simultaneous major theater wars, would be stressed or broken and at what point such stressing or breaking would occur.

(4) During continued military operations in the Balkans, the effect on the “operations tempo”, and on the “personnel tempo”, of the Armed Forces—

(A) of a Pacific contingency; and

(B) of two nearly simultaneous major theater wars.

(5) During continued military operations in the Balkans, the required type and quantity of high-value platforms, systems, capabilities, and skills to prosecute successfully—

(A) a Pacific contingency; and

(B) two nearly simultaneous major theater wars.

(c) CONSULTATION.—In preparing the report under this section, the Secretary of Defense shall use the resources and expertise of the unified commands, the military departments, the combat support agencies, and the defense components of the intelligence community and shall consult with non-Department elements of the intelligence community, as required, and other such entities within the Department of Defense as the Secretary considers necessary.

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

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. REPORT ON SPACE LAUNCH FAILURES.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the President and the specified congressional committees a report on the factors involved in the three recent failures of the Titan IV space launch vehicle and the systemic and management reforms that the Secretary is implementing to minimize future failures of that vehicle and future launch systems. The report shall be submitted not later than February 15, 2000. The Secretary shall include in the report all information from the reviews of those failures conducted by the Secretary of the Air Force and launch contractors.

(b) MATTERS TO BE INCLUDED.—The report shall include the following information:

(1) An explanation for the failure of a Titan IVA launch vehicle on August 12, 1998, the failure of a Titan IVB launch vehicle on April 9, 1999, and the failure of a Titan IVB launch vehicle on April 30, 1999, as well as any information from civilian launches which may provide information on systemic problems in current Department of Defense launch systems, including, in addition to a detailed technical explanation and summary of financial costs for each such failure, a one-page summary for each such failure indicating any commonality between that failure and other military or civilian launch failures.

(2) A review of management and engineering responsibility for the Titan, Inertial Upper Stage, and Centaur systems, with an explanation of the respective roles of the Government and the private sector in ensuring mission success and identification of the responsible party (Government or private sector) for each major stage in production and launch of the vehicles.

(3) A list of all contractors and subcontractors for each of the Titan, Inertial Upper Stage, and Centaur systems and their re-

sponsibilities and five-year records for meeting program requirements.

(4) A comparison of the practices of the Department of Defense, the National Aeronautics and Space Administration, and the commercial launch industry regarding the management and oversight of the procurement and launch of expendable launch vehicles.

(5) An assessment of whether consolidation in the aerospace industry has affected mission success, including whether cost-saving efforts are having an effect on quality and whether experienced workers are being replaced by less experienced workers for cost-saving purposes.

(6) Recommendations on how Government contracts with launch service companies could be improved to protect the taxpayer, together with the Secretary's assessment of whether the withholding of award and incentive fees is a sufficient incentive to hold contractors to the highest possible quality standards and the Secretary's overall evaluation of the award fee system.

(7) A short summary of what went wrong technically and managerially in each launch failure and what specific steps are being taken by the Department of Defense and space launch contractors to ensure that those errors do not reoccur.

(8) An assessment of the role of the Department of Defense in the management and technical oversight of the launches that failed and whether the Department of Defense, in that role, contributed to the failures.

(9) An assessment of the effect of the launch failures on the schedule for Titan launches, on the schedule for development and first launch of the Evolved Expendable Launch Vehicle, and on the ability of industry to meet Department of Defense requirements.

(10) An assessment of the impact of the launch failures on assured access to space by the United States, and a consideration of means by which access to space by the United States can be better assured.

(11) An assessment of any systemic problems that may exist at the eastern launch range, whether these problems contributed to the launch failures, and what means would be most effective in addressing these problems.

(12) An assessment of the potential benefits and detriments of launch insurance and the impact of such insurance on the estimated net cost of space launches.

(13) A review of the responsibilities of the Department of Defense and industry representatives in the launch process, an examination of the incentives of the Department and industry representatives throughout the launch process, and an assessment of whether the incentives are appropriate to maximize the probability that launches will be timely and successful.

(14) Any other observations and recommendations that the Secretary considers relevant.

(c) INTERIM REPORT.—Not later than December 15, 1999, the Secretary shall submit to the specified congressional committees an interim report on the progress in the preparation of the report re-

quired by this section, including progress with respect to each of the matters required to be included in the report under subsection (b).

(d) SPECIFIED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term “specified congressional committees” means the following:

(1) The Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate.

(2) The Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

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

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. REPORT ON AIRLIFT REQUIREMENTS TO SUPPORT NATIONAL MILITARY STRATEGY.

(a) REPORT REQUIRED.—Not later than June 1, 2000, the Secretary of Defense shall submit to Congress a report, in both classified and unclassified form, describing the airlift requirements necessary to execute the full range of missions called for under the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff under the postures of force engagement anticipated through 2015.

(b) CONTENT OF REPORT.—The report shall address the following:

(1) The identity, size, structure, and capabilities of the airlift requirements necessary for the full range of shaping, preparing, and responding missions demanded under the National Military Strategy.

(2) The required support and infrastructure required to successfully execute the full range of missions required under the National Military Strategy, on the deployment schedules outlined in the plans of the relevant commanders-in-chief from expected and increasingly dispersed postures of engagement.

(3) The anticipated effect of enemy use of weapons of mass destruction, other asymmetrical attacks, expected rates of peacekeeping and other contingency missions, and other similar factors on the mobility force and its required infrastructure and on mobility requirements.

(4) The effect on mobility requirements of new service force structures, such as the Air Force’s Air Expeditionary Force and the Army’s Strike Force, and any foreseeable force structure modifications through 2015.

(5) The need to deploy forces strategically and employ them tactically using the same airlift platform.

(6) The need for an increased airlift platform capable of deploying outsize equipment or large volumes of supplies and equipment.

(7) The anticipated role of host nation, foreign, and coalition airlift support and requirements through 2015.

(8) Alternatives to the current mobility program or required modifications to the 1998 Air Mobility Master Plan update.

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

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. OPERATIONS OF NAVAL ACADEMY DAIRY FARM.

Section 6976 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

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

“(c) LEASE PROCEEDS.—All money received from a lease entered into under subsection (b) shall be retained by the Superintendent of the Naval Academy and shall be available to cover expenses related to the property described in subsection (a), including reimbursing nonappropriated fund instrumentalities of the Naval Academy.”.

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

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. INSPECTOR GENERAL INVESTIGATION OF COMPLIANCE WITH BUY AMERICAN ACT IN PURCHASES OF FREE WEIGHT STRENGTH TRAINING EQUIPMENT.

(a) INVESTIGATION REQUIRED.—The Inspector General of the Department of Defense shall conduct an investigation to determine whether the purchases described in subsection (b) are being made in compliance with the Buy American Act (41 U.S.C. 10a et seq.).

(b) PURCHASES COVERED.—The investigation shall cover purchases made during the three-year period ending on the date of the enactment of this Act of free weights for use in strength training by members of the Armed Forces stationed at defense installations located in the United States (including its territories and possessions).

(c) REPORT.—The Inspector General shall prepare a report for the Secretary of Defense on the investigation. Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress such report, together with such additional comments and recommendations as the Secretary considers appropriate.

(d) DEFINITION.—For purposes of this section, the term “free weights” means dumbbells or solid metallic disks balanced on crossbars, designed to be lifted for strength training or athletic competition.

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

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. PERFORMANCE OF THREAT AND RISK ASSESSMENTS.

Section 1404 of the Defense Against Weapons of Mass Destruction Act of 1999 (title XIV of Public Law 105–261; 50 U.S.C. 2301 note) is amended to read as follows:

“SEC. 1404. THREAT AND RISK ASSESSMENTS.

“(a) THREAT AND RISK ASSESSMENTS.—(1) Assistance to Federal, State, and local agencies provided under the program under section 1402 shall include the performance of assessments of the threat and risk of terrorist employment of weapons of mass destruction against cities and other local areas. Such assessments shall be used by Federal, State, and local agencies to determine the training and equipment requirements under this program and shall be performed as a collaborative effort with State and local agencies.

“(2) The Department of Justice, as lead Federal agency for crisis management in response to terrorism involving weapons of mass destruction, shall, 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, shall conduct a pilot test of any proposed method or model by which such assessments are to be performed. The Attorney General shall conduct the pilot test in coordination with appropriate Federal, State, and local agencies.

“(2) The pilot test shall be performed in cities or local areas selected by the 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 one month after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000.”.

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

At the end of title XI (page 307, after line 13), insert the following new section:

SEC 1104. TEMPORARY AUTHORITY TO PROVIDE EARLY RETIREMENT AND SEPARATION INCENTIVES FOR CERTAIN CIVILIAN EMPLOYEES.

(a) **EARLY RETIREMENT INCENTIVE.**—(1) An employee of the Department of Defense is entitled to an annuity under chapter 83 or 84 of title 5, United States Code, as applicable, if the employee—

(A) has been employed continuously by the Department of Defense for more than 30 days before the date that the Secretary of Defense made the determination under subparagraph (D);

(B) is serving under an appointment that is not time-limited;

(C) is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance;

(D) is separated voluntarily;

(E) has completed 25 years of service or is at least 50 years of age and has completed 20 years of service; and

(F) retires under this subsection before October 1, 2000.

(2) As used in this subsection, the terms “employee” and “annuity” shall have the same meaning as the meaning of those terms as used in chapters 83 and 84 of title 5, United States Code, as applicable.

(b) **VOLUNTARY SEPARATION INCENTIVE.**—(1) The Secretary of Defense may, to restructure the workforce to meet mission needs, correct skill imbalances, or reduce high-grade, managerial, or supervisory positions, offer separation pay to an employee under this subsection subject to such limitations or conditions as the Secretary may require. Such separation pay—

(A) shall be paid, at the option of the employee, in a lump sum or equal installment payments;

(B) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

(ii) \$25,000;

(C) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit;

(D) shall not be taken into account for purposes of determining the amount of any severance pay to which an individual may be entitled under section 5595 of title 5, United States Code, based on any other separation; and

(E) shall terminate, upon reemployment in the Federal Government, during receipt of installment payments.

(2) For purposes of this subsection, the term “employee” means an employee serving under an appointment without time limitation, who has been currently employed for a continuous period of at least 12 months, except that such term does not include—

(A) a reemployed annuitant under subchapter III of chapter 83, chapter 84, or another retirement system for employees of the Government; or

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A).

(c) **ADDITIONAL CONTRIBUTIONS TO RETIREMENT FUND.**—(1) In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, the Department of Defense shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 26 percent of the final basic pay of each employee of the Department of Defense who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) For purposes of this subsection, the term “final basic pay”, with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee’s final rate of basic pay, with appropriate adjustments if the employee last served on other than a full-time basis.

(d) **APPLICABILITY.**—The provisions in this section shall only apply with respect to a civilian employee of the Department of Defense who—

(1) is employed at the military base designated by the Secretary of Defense under subsection (e), or who is identified by the Secretary as part of a competitive area of the civilian personnel service population of such military base, during the period beginning on October 1, 1999, and ending on October 1, 2000;

(2) is one of 300 employees designated by the Secretary of the military department with jurisdiction over the designated base; and

(3) elects to receive an annuity or separation incentive pursuant to such provisions during such period.

(e) **DESIGNATION OF MILITARY BASE.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate a military base to which the provisions of this section shall apply. The base designated by the Secretary shall—

(1) be a base that is undergoing a major workforce restructuring to meet mission needs, correct skill imbalances, or reduce high-grade, managerial, supervisory, or similar positions; and

(2) employ the largest number of scientists and engineers of any other base of the military department that has jurisdiction over the base.

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

At the end of title XI (page 307, after line 13), insert the following new section:

SEC. 1104. EXTENSION OF AUTHORITY TO CONTINUE HEALTH INSURANCE COVERAGE FOR CERTAIN DEPARTMENT OF DEFENSE EMPLOYEES.

(a) **EXTENSION OF AUTHORITY.**—Clauses (i) and (ii) of section 8905a(d)(4)(B) of title 5, United States Code, are amended to read as follows:

“(i) October 1, 2003; or

“(ii) February 1, 2004, if specific notice of such separation was given to such individual before October 1, 2003.”.

(b) OFFSET.—Of the amount authorized to be appropriated in section 301(5) for Defense-wide activities—

(1) \$9,100,000 shall be available to continue health insurance coverage pursuant to the authority provided in section 8905a(d)(4)(B) of title 5, United States Code (as amended by subsection (a)); and

(2) the amount available for the Defense Contract Audit Agency shall be reduced by \$9,100,000.

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

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. 1206. ANNUAL REPORT ON MILITARY POWER OF THE PEOPLE’S REPUBLIC OF CHINA.

(a) ANNUAL REPORT.—The Secretary of Defense shall prepare an annual report, in both classified and unclassified form, on the current and future military strategy and capabilities of the People’s Republic of China. The report shall address the current and probable future course of military-technological development in the People’s Liberation Army and the tenets and probable development of Chinese grand strategy, security strategy, and military strategy, and of military organizations and operational concepts, through 2020.

(b) MATTERS TO BE INCLUDED.—The report shall include analyses and forecasts of the following:

(1) The goals of Chinese grand strategy, security strategy, and military strategy.

(2) Trends in Chinese political grand strategy meant to establish the People’s Republic of China as the leading political power in the Asia-Pacific region and as a political and military presence in other regions of the world.

(3) The size, location, and capabilities of Chinese strategic, land, sea, and air forces.

(4) Developments in Chinese military doctrine, focusing on (but not limited to) efforts to exploit a transformation in military affairs or to conduct preemptive strikes.

(5) Efforts, including technology transfers and espionage, by the People’s Republic of China to develop, acquire, or gain access to information, communication, space, and other advanced technologies that would enhance military capabilities.

(c) SUBMISSION OF REPORT.—The report under this section shall be submitted to Congress not later than March 15 each year.

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

In the table in section 2301(a) (page 339, after line 18), insert an item relating to the Rome Research Site, New York, in the amount

of \$12,800,000, and strike the amount identified as the total in the amount column and insert “\$645,070,000”.

Page 342, line 21, strike “\$1,874,053,000” and insert “\$1,886,853,000”.

Page 343, line 3, strike “\$602,270,000” and insert “\$615,070,000”.

At the end of title XXIII (page 344, after line 10), insert the following new section:

SEC. 2305. PLAN FOR COMPLETION OF PROJECT TO CONSOLIDATE AIR FORCE RESEARCH LABORATORY, ROME RESEARCH SITE, NEW YORK.

(a) **PLAN REQUIRED.**—Not later than January 1, 2000, the Secretary of the Air Force shall submit to Congress a plan for the completion of multi-phase efforts to consolidate research and technology development activities conducted at the Air Force Research Laboratory located at the Rome Research Site at former Griffiss Air Force Base in Rome, New York. The plan shall include details on how the Air Force will complete the multi-phase construction and renovation of the consolidated building 2/3 complex at the Rome Research Site, by January 1, 2005, including the cost of the project and options for financing it.

(b) **RELATION TO STATE CONTRIBUTIONS.**—Nothing in this section shall be construed to limit or expand the authority of the Secretary of a military department to accept funds from a State for the purpose of consolidating military functions within a military installation.

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

At the end of part III of subtitle D of title XXVIII (page 399, after line 7), insert the following new section:

SEC. 2865. LAND CONVEYANCE, MCCLELLAN NUCLEAR RADIATION CENTER, CALIFORNIA.

(a) **CONVEYANCE AUTHORIZED.**—Consistent with applicable laws, including section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620), the Secretary of the Air Force may convey, without consideration, to the Regents of the University of California, acting on behalf of the University of California, Davis (in this section referred to as the “Regents”), all right, title, and interest of the United States in and to the parcel of real property, including improvements thereon, consisting of the McClellan Nuclear Radiation Center, California.

(b) **INSPECTION OF PROPERTY.**—The Secretary shall, at an appropriate time before the conveyance authorized by subsection (a), permit the Regents access to the property to be conveyed for purposes of such investigation of the McClellan Nuclear Radiation Center and the atomic reactor located at the Center as the Regents consider appropriate.

(c) **HOLD HARMLESS.**—(1)(A) The Secretary may not make the conveyance authorized by subsection (a) unless the Regents agree to indemnify and hold harmless the United States for and against the following:

(i) Any and all costs associated with the decontamination and decommissioning of the atomic reactor at the McClellan

Nuclear Radiation Center under requirements that are imposed by the Nuclear Regulatory Commission or any other appropriate Federal or State regulatory agency.

(ii) Any and all injury, damage, or other liability arising from the operation of the atomic reactor after its conveyance under this section.

(B) The Secretary may pay the Regents an amount not to exceed \$17,593,000 as consideration for the agreement under subparagraph (A). Notwithstanding subsection (b) of section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), the Secretary may use amounts appropriated pursuant to the authorization of appropriation in section 2405(a)(7) to make the payment under this subparagraph.

(2) Notwithstanding the agreement under paragraph (1), the Secretary may, as part of the conveyance authorized by subsection (a), enter into an agreement with the Regents under which agreement the United States shall indemnify and hold harmless the University of California for and against any injury, damage, or other liability in connection with the operation of the atomic reactor at the McClellan Nuclear Radiation Center after its conveyance under this section that arises from a defect in the atomic reactor that could not have been discovered in the course of the inspection carried out under subsection (b).

(d) CONTINUING OPERATION OF REACTOR.—Until such time as the property authorized to be conveyed by subsection (a) is conveyed by deed, the Secretary shall take appropriate actions, including the allocation of personnel, funds, and other resources, to ensure the continuing operation of the atomic reactor located at the McClellan Nuclear Radiation Center in accordance with applicable requirements of the Nuclear Regulatory Commission and otherwise in accordance with law.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

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

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

At the end of section 3162 (page 445, after line 17), insert the following:

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—For purposes of this section, the requirement of an agency remittance of an amount equal to 15 percent in paragraph (1) of section 663(d) of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104-208; 110 Stat.

3009–383; 5 U.S.C. 5597 note) shall be deemed to be a requirement of an agency remittance of an amount equal to 26 percent.

45. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCINTYRE OF NORTH CAROLINA, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of title XXXI (page 453, after line 15), insert the following new section:

SEC. 3167. TECHNOLOGY TRANSFER COORDINATION FOR DEPARTMENT OF ENERGY NATIONAL LABORATORIES.

(a) TECHNOLOGY TRANSFER COORDINATION.—Within 90 days after the date of the enactment of this Act, the Secretary of Energy shall ensure, for each national laboratory, the following:

(1) Consistency of technology transfer policies and procedures with respect to patenting, licensing, and commercialization.

(2) That the contractor operating the national laboratory make available to aggrieved private sector entities a range of expedited alternate dispute resolution procedures (including both binding and non-binding procedures) to resolve disputes that arise over patents, licenses, and commercialization activities, with costs and damages to be provided by the contractor to the extent that any such resolution attributes fault to the contractor.

(3) That for any dispute described in paragraph (2), the contractor operating the national laboratory allow the aggrieved private sector entity to select whether to use an expedited alternate dispute resolution procedure and, if so, whether to use a binding or nonbinding procedure, and that the contractor agree to be subject to (and, if applicable, bound by) that selection.

(4) That the contractor operating the national laboratory submit an annual report to the Secretary, as part of the annual performance evaluation of the contractor, on technology transfer and intellectual property successes, current technology transfer and intellectual property disputes involving the laboratory, and progress toward resolving those disputes.

(5) Training to ensure that laboratory personnel responsible for patenting, licensing, and commercialization activities are knowledgeable of the appropriate legal, procedural, and ethical standards.

(b) DEFINITION OF NATIONAL LABORATORY.—As used in this section, the term “national laboratory” means any of the following laboratories:

(1) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(2) The Lawrence Livermore National Laboratory, Livermore, California.

(3) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

46. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WILSON OF NEW MEXICO, OR A DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 452, line 22, strike “subsection (c)” and all that follows through “indicates” on line 24 and insert “subsection (c), notwithstanding Rule 6(e) of the Federal Rules of Criminal Procedure, that the Secretary has received information indicating”.

Page 453, strike lines 7 through line 10 and insert the following:

(c) SPECIFIED COMMITTEES.—The committees referred to in subsection (a) are the following:

(1) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

47. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE WELDON OF FLORIDA, OR A DESIGNEE, DEBATE FOR 10 MINUTES

At the end of subtitle B of title III (page 45, after line 13), insert the following new section:

SEC. 312. OPERATION AND MAINTENANCE OF AIR FORCE SPACE LAUNCH FACILITIES.

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

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

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

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

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

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

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

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

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